

**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**  
Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

**WHATCOM COUNTY COUNCIL**

**COMBINED  
AGENDA PACKET FOR  
OCTOBER 13, 2020**

**INCLUDES INFORMATION  
FOR THE FOLLOWING MEETINGS:**

**COMMITTEE OF THE WHOLE – EXECUTIVE SESSION (8:30 A.M.)**

**FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE (9:10 A.M.)**

**COMMITTEE OF THE WHOLE (11:25 A.M.)**

**COMMITTEE OF THE WHOLE (1 P.M.)**

**PLANNING AND DEVELOPMENT COMMITTEE (2:10 P.M.)**

**PUBLIC WORKS AND HEALTH COMMITTEE (3:20 P.M.)**

**COUNCIL (6 P.M.)**

---

**PARTICIPATE IN VIRTUAL COUNCIL MEETINGS**

**THE COUNCIL IS CURRENTLY HOLDING ALL MEETINGS REMOTELY**

**VIEW MEETING SCHEDULES, AGENDAS, MINUTES, VIDEOS, AND ARCHIVES AT  
[WWW.WHATCOM.LEGISTAR.COM](http://WWW.WHATCOM.LEGISTAR.COM)**

**FOR INSTRUCTIONS ON HOW TO WATCH OR PARTICIPATE IN COMMITTEE AND  
COUNCIL MEETINGS, PLEASE VISIT  
[WWW.WHATCOMCOUNTY.US/3415/PARTICIPATE-IN-VIRTUAL-COUNCIL-MEETINGS](http://WWW.WHATCOMCOUNTY.US/3415/PARTICIPATE-IN-VIRTUAL-COUNCIL-MEETINGS)  
OR CONTACT THE COUNCIL OFFICE AT 360.778.5010**

---

**UPCOMING MEETINGS AND EVENTS:**

**OCTOBER 20, 2020**

**10:30 A.M. – WATER WORK SESSION  
(VIRTUAL MEETING)**

**OCTOBER 27, 2020**

**REGULAR COUNCIL AND COMMITTEE MEETINGS  
(VIRTUAL MEETINGS)**

# **COMMITTEE AGENDAS**

## **COMMITTEE OF THE WHOLE – EXECUTIVE SESSION**

**8:30 a.m. TUESDAY, October 13, 2020 (ENDS NO LATER THAN 9:00 A.M.)**

**Virtual Meeting**

### **Call To Order**

### **Roll Call**

### **Committee Discussion**

1. AB2020-438 Update on negotiations and planning strategy discussion regarding collective bargaining [Discussion of this item may take place in Executive Session (closed to the public) pursuant to RCW 42.30.140(4)(a)]  
**Page 1**

### **Items Added by Revision**

### **Other Business**

### **Adjournment**

---

## **FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE**

**9:10 a.m. TUESDAY, October 13, 2020 (ENDS NO LATER THAN 11:15 A.M.)**

**Virtual Meeting**

### **Call To Order**

### **Roll Call**

### **Special Presentation**

1. AB2020-344 Presentation from Mike Hilley regarding the Whatcom County EMS System  
**Page 2**
2. AB2020-437 Budget update from Deputy Executive Tyler Schroeder  
**Pages 3 - 37**
3. AB2020-327 Report on Criminal Justice Case Management Systems Project  
**Pages 38 - 48**

### **Committee Discussion and Recommendation to Council**

1. AB2020-394 Request authorization for the County Executive to enter into an Interagency Agreement between Whatcom County Flood Control Zone District and Puget Sound Partnership for coordination of the Whatcom County Local Integrating Organization (LIO), in the amount of \$125,000.00 (Council acting as the Whatcom County Flood Control District Board of Supervisors)  
**Pages 49 - 87**
2. AB2020-424 Request permission for the County Executive and the County Council to enter into a Joint Funding Agreement between the Whatcom County Flood Control Zone District (FCZD) and the United States Geological Survey (USGS); (Council acting as the FCZD Board of Supervisors)  
**Pages 88 - 94**
3. AB2020-409 Ordinance increasing community oversight and transparency to establish fair contract negotiations  
**Pages 95 - 97**

### **Council "Consent Agenda" Items**

1. AB2020-423 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Western Washington University to employ eligible students participating in the Federal Off-Campus Work Study Program, at an estimated amount between \$500 to \$2,000 per per student, per quarter  
**Pages 98 - 105**
2. AB2020-420 Request authorization for the County Executive to enter into a contract between Whatcom County and Maul Foster & Alongi, Inc. to update the Comprehensive Solid and Hazardous Waste Management Plan, in the amount of \$113,000  
**Pages 106 - 134**
3. AB2020-425 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Snohomish Health District to provide prevention services for tobacco and vapor devices to Whatcom County residents, in the amount of \$12,500  
**Pages 135 - 147**
4. AB2020-427 Resolution in the matter of the sale of surplus personal property and setting a date for public hearing, pursuant to WCC 1.10  
**Pages 148 - 151**

### **Items Added by Revision**

### **Other Business**

### **Adjournment**

---

COUNCIL COMMITTEE OF THE WHOLE  
11:25 a.m. TUESDAY, October 13, 2020 (ENDS NO LATER THAN 12:15 P.M.)  
Virtual Meeting

### **Call To Order**

### **Roll Call**

### **Special Presentation**

1. AB2020-411 Report and request for a motion by the County Council Committee of the Whole to send final draft Countywide Planning Policy amendments to the cities for review and approval  
**Pages 152 - 159**

### **Committee Discussion**

1. AB2020-219 Discussion and update on strategies and other items related to COVID-19 (Council and Health Board)  
**Page 160**
2. AB2020-345 Discussion of proposed Cherry Point amendments  
**Pages 161 - 272**

### **Items Added by Revision**

### **Other Business**

### **Adjournment**

---

**COUNCIL COMMITTEE OF THE WHOLE**  
**1:00 p.m. TUESDAY, October 13, 2020 (ENDS NO LATER THAN 2:00 P.M.)**  
**Virtual Meeting**

**Call To Order**

**Roll Call**

**Special Presentation**

1. AB2020-422 Presentation on the CPacer Program  
**Page 273**

**Items Added by Revision**

**Other Business**

**Adjournment**

---

**PLANNING AND DEVELOPMENT COMMITTEE**  
**2:10 p.m. TUESDAY, October 13, 2020 (ENDS NO LATER THAN 3:10 P.M.)**  
**Virtual Meeting**

**Call To Order**

**Roll Call**

**Committee Discussion**

1. AB2020-421 Discussion and Council motion to approve the Public Participation Plan for Whatcom County Comprehensive Plan and Development Regulation Amendments  
**Pages 274 - 296**
2. AB2020-414 Discussion regarding proposed ordinance amending Whatcom County Code 24.02, Mobile Home Park Regulations, to create additional housing options within mobile home parks  
**Pages 297 - 303**

**Items Added by Revision**

**Other Business**

**Adjournment**

---

**PUBLIC WORKS AND HEALTH COMMITTEE**  
**3:20 p.m. TUESDAY, October 13, 2020 (ENDS NO LATER THAN 5:00 P.M.)**  
**Virtual Meeting**

**Call To Order**

**Roll Call**

**Committee Discussion**

1. AB2020-419 Discussion relating to the draft Six-Year Capital Improvement Program for Whatcom County Facilities (2021-2026)  
**Pages 304 - 359**

2. AB2020-434 Discussion with Public Works staff regarding the proposed resolution adopting the 2021 Annual Road Construction Program (ACP)  
**Pages 360 - 411**
3. AB2020-439 Discussion regarding a proposed ordinance amending the Whatcom County Code to create a Whatcom County Child and Family Well-Being Task Force  
**Pages 412 - 418**

**Items Added by Revision**

**Other Business**

**Adjournment**

# **COUNCIL AGENDA**

## **REGULAR COUNCIL MEETING**

6:00 p.m. TUESDAY, October 13th, 2020

Virtual Meeting

## **CALL TO ORDER**

## **ROLL CALL**

## **FLAGE SALUTE**

## **ANNOUNCEMENTS**

The Council is currently holding all meetings remotely. View meeting schedules, agendas, minutes, videos, and archives at [www.whatcom.legistar.com](http://www.whatcom.legistar.com). For instructions on how to watch or participate in this meeting, please visit us at [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) or contact the Council Office at 360.778.5010.

## **COUNTY EXECUTIVE'S REPORT**

## **MINUTES CONSENT**

1. MIN2020-093 Water Work Session for September 22, 2020 **Pages 419 - 423**
2. MIN2020-095 Committee of the Whole for September 29, 2020 **Pages 424 - 429**
3. MIN2020-096 Regular County Council for September 29, 2020 **Pages 430 - 452**

## **PUBLIC HEARING**

To participate, see instructions at [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) or contact the Council Office at 360.778.5010.

1. AB2020-390 Ordinance regarding installation of a stop sign on Homesteader Road  
**Pages 453 - 460**
2. AB2020-391 Ordinance to Establish Speed Limits on Marine Drive  
**Pages 461 - 475**
3. AB2020-393 Ordinance amending Whatcom County Code 16.30 Lake Whatcom Stormwater Utility Service Area  
**Pages 476 - 483**

## **OPEN SESSION (20 MINUTES)**

To participate, see instructions at [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) or contact the Council Office at 360.778.5010.

## **CONSENT AGENDA**

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. AB2020-423 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Western Washington University to employ eligible students participating in the Federal Off-Campus Work Study Program, at an estimated amount between \$500 to \$2,000 per per student, per quarter  
**Pages 98 - 105**

2. AB2020-420 Request authorization for the County Executive to enter into a contract between Whatcom County and Maul Foster & Alongi, Inc. to update the Comprehensive Solid and Hazardous Waste Management Plan, in the amount of \$113,000  
**Pages 106 - 134**
3. AB2020-425 Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Snohomish Health District to provide prevention services for tobacco and vapor devices to Whatcom County residents, in the amount of \$12,500  
**Pages 135 - 147**
4. AB2020-427 Resolution in the matter of the sale of surplus personal property and setting a date for public hearing, pursuant to WCC 1.10  
**Pages 148 - 151**

## **OTHER ITEMS**

### **(From Council Finance and Administrative Services Committee)**

1. AB2020-409 Ordinance increasing community oversight and transparency to establish fair contract negotiations  
**Pages 95 - 97**
2. AB2020-394 Request authorization for the County Executive to enter into an Interagency Agreement between Whatcom County Flood Control Zone District and Puget Sound Partnership for coordination of the Whatcom County Local Integrating Organization (LIO), in the amount of \$125,000.00 (Council acting as the Whatcom County Flood Control District Board of Supervisors)  
**Pages 49 - 87**
3. AB2020-424 Request permission for the County Executive and the County Council to enter into a Joint Funding Agreement between the Whatcom County Flood Control Zone District (FCZD) and the United States Geological Survey (USGS); (Council acting as the FCZD Board of Supervisors)  
**Pages 88 - 94**

### **(From Council Planning and Development Committee)**

4. AB2020-421 Discussion and Council motion to approve the Public Participation Plan for Whatcom County Comprehensive Plan and Development Regulation Amendments  
**Pages 274 - 296**

## **COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

1. AB2020-362 Appointment to the Climate Impact Advisory Committee, Applicant(s): Stevan Harrel, Sue Gunn, Hunter Hassig  
**Pages 484 - 502**
2. AB2020-407 Appointment to the Birch Bay Watershed and Aquatic Resources Management Advisory Committee (BBWARM), Applicant(s): Theresa Coe, Michael Allan (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)  
**Pages 503 - 515**

## **EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

Per Whatcom County Code 2.03.070(B), the council must confirm or reject executive appointments within 30 days of submission to the council. County code deems the appointee confirmed if council does not take action within this time.

1. AB2020-429 County Executive requests confirmation of his appointments (per attached list) to the Whatcom County Commission on Salaries for Elected Officials (Salary Commission)  
**Pages 516 - 528**

## **ITEMS ADDED BY REVISION**

### **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. AB2020-430 Ordinance amending the project budget for the Birch Bay Drive and Pedestrian Facility Project Fund, Request No. 6, in the amount of \$841,786  
**Pages 529 - 534**
2. AB2020-433 Ordinance amending the 2020 Whatcom County Budget, request no. 19, in the amount of \$7,904,575  
**Pages 535 - 551**
3. AB2020-373 Ordinance adopting interim zoning regulations for the siting, establishment, and operation of temporary homeless facilities  
**Pages 552 - 569**
4. AB2020-432 Receipt of application for the Drainage Improvement District #6, Supervisor Position 3 - Applicant(s): Thomas Shaffer (Deadline for additional applications for this position is 10:00 a.m. on October 20, 2020)  
**Pages 570 - 572**
5. AB2020-428 Resolution authorizing the sale of surplus personal property pursuant to WCC 1.10  
**Pages 573 - 576**
6. AB2020-435 Resolution adopting the 2021 Annual Road Construction Program (ACP)  
**Pages 577 - 628**

## **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: AB2020-438

---

<b>File ID:</b>	AB2020-438	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	10/06/2020	<b>Entered by:</b>	MKeeley@co.whatcom.wa.us		
<b>Department:</b>	Human Resources Division	<b>File Type:</b>	Discussion		
<b>Assigned to:</b>	Council Committee of the Whole-Executive Session	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: mkeeley@co.whatcom.wa.us

### **TITLE FOR AGENDA ITEM:**

Update on negotiations and planning strategy discussion regarding collective bargaining [Discussion of this item may take place in Executive Session (closed to the public) pursuant to RCW 42.30.140(4)(a)]

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

Strategy planning discussion to be taken with regard to collective bargaining per RCW 42.30.140(4)(a)

---

### **HISTORY OF LEGISLATIVE FILE**

---

Date:	Acting Body:	Action:	Sent To:

---

Attachments:



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-344

---

<b>File ID:</b>	AB2020-344	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	08/12/2020	<b>Entered by:</b>	THelms@co.whatcom.wa.us		
<b>Department:</b>	County Executive's Office	<b>File Type:</b>	Presentation		
<b>Assigned to:</b>	Council Finance and Administrative Services Committee				<b>Final Action:</b>
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: Mhilley@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Presentation from Mike Hilley regarding the Whatcom County EMS System

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

EMS Manager Mike Hilley will present the state of the Whatcom County EMS System to the Whatcom County Council.

---

### HISTORY OF LEGISLATIVE FILE

---

Date:	Acting Body:	Action:	Sent To:
09/29/2020	Council Finance and Administrative Services Committee	PRESENTED	

---

Attachments:



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-437

---

<b>File ID:</b>	AB2020-437	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	10/05/2020	<b>Entered by:</b>	AHaines@co.whatcom.wa.us		
<b>Department:</b>	County Executive's Office	<b>File Type:</b>	Presentation		
<b>Assigned to:</b>	Council Finance and Administrative Services Committee	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: [tschroed@co.whatcom.wa.us](mailto:tschroed@co.whatcom.wa.us)

### TITLE FOR AGENDA ITEM:

Budget update from Deputy Executive Tyler Schroeder

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attachments

---

### HISTORY OF LEGISLATIVE FILE

---

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

---

---

**Attachments:** Budget Update - Revenue Projections 09292020 (002).pdf, Budget Update - Revenue Projections 09292020.pptx, Budget Update 09292020.pdf, Budget Update.pptx



# Biennial Budget 2021-2022 Revenue Projections

# Current Situation

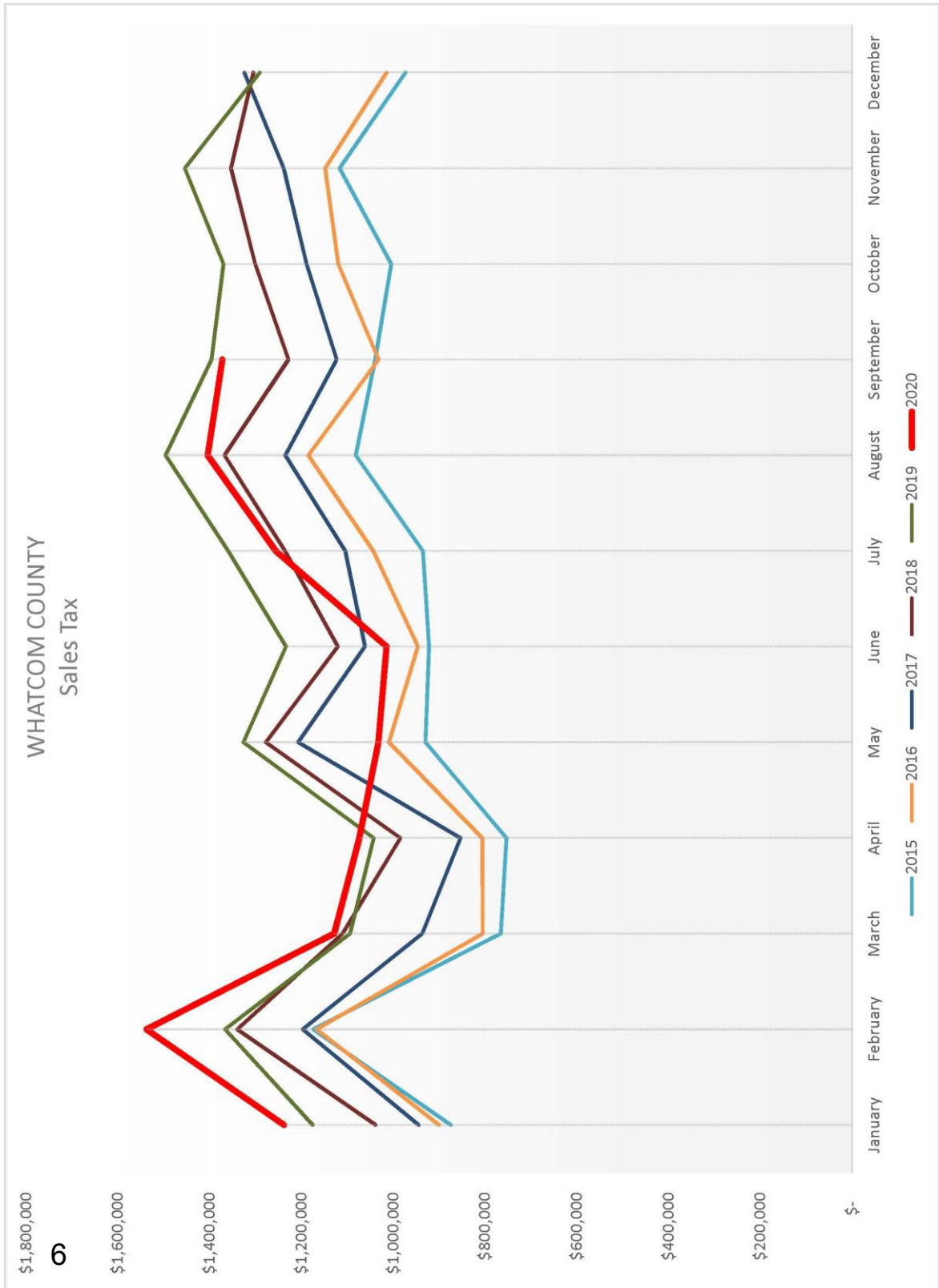
2020 General Fund sales tax receipts down 3.8%, which includes y-o-y increase of 6.4% during the first months of the year and y-o-y decrease of 10.75% during the last five months of “COVID” receipts.

The latest sales tax receipts for July sales were down only 1.7% compared to the previous year.

Property tax receipts in the first half were down 1.7% from the previous year.

Federal stimulus monies are drying up, which could impact current positive trend in sales tax receipts.





# General Fund Projections

2021 General Fund revenues are \$84.6 million, which is an 8% reduction from current 2020 budget.

2021 General Fund expenditures are \$89.5 million which is a 10% reduction from current 2020 budget.

Property Taxes for 2021 are estimated at \$28,760,000.

2021 Sales Taxes are estimated at \$16,735,000 (General and Criminal Justice).



# General Fund Projections

2021 Sales Tax collection is projected to be down -9.24% compared to the 2020 budgeted amounts.

2021 Property Tax collection is projected to be down -1.31% compared to the 2020 budgeted amounts.

2022 projected revenues and expenditures will be analyzed during 2021.

It is anticipated that a mid-biennium adjustment will be needed based on updated revenue projections and service needs.



# General Fund Projections

With a 5% lapse of \$4.5 million we are anticipating an approximate \$500,000 shortfall in 2021.

With a 2020 ending funding balance projected at \$17.6—19.2 million we can carry the shortfall in a balanced manner without additional reductions at this time.

Still finalizing Admin, Tort, Building Maintenance Fee, and Current Expense allocations.

The reduction is mostly accomplished by not funding 21 General Fund frozen positions.



# Frozen positions

The positions affecting the General Fund should save approximately \$1.75 million. Positions frozen include:

- Assessor – 2
- Auditor – 1
- Planning – 3
- Sheriff – 5
- Superior Ct/Clerk – 2
- Jail – 5
- Information Technology – 2
- Finance – 1

Additional department budget reduction plans are available for review but have not been incorporated into the Executive Budget.



# General Fund Numbers

	2019	2020	2021	2022
	Actual	Amended	Budget	Budget
Revenues	95,540,152	92,206,033	84,608,765	85,791,998
Expenditures	(92,109,113)	(99,224,257)	(89,487,427)	(90,992,022)
Net	3,431,039	(7,018,224)	(4,878,662)	(5,200,024)
			(86,454)	(656,144)
				(1,800,000)
			4,478,694	4,582,408
		Shortfall	(486,422)	(3,073,760)

New request  
Trans. to jail  
5% lapse



## Next steps

October 16 – Executive Office submits budget for County consideration

October 16 – November 24 – Council reviews budget and holds public hearings

November 24 – Council considers adoption of 2021-2022 biennium budget





# Biennial Budget 2021-2022 Revenue Projections

# Current Situation

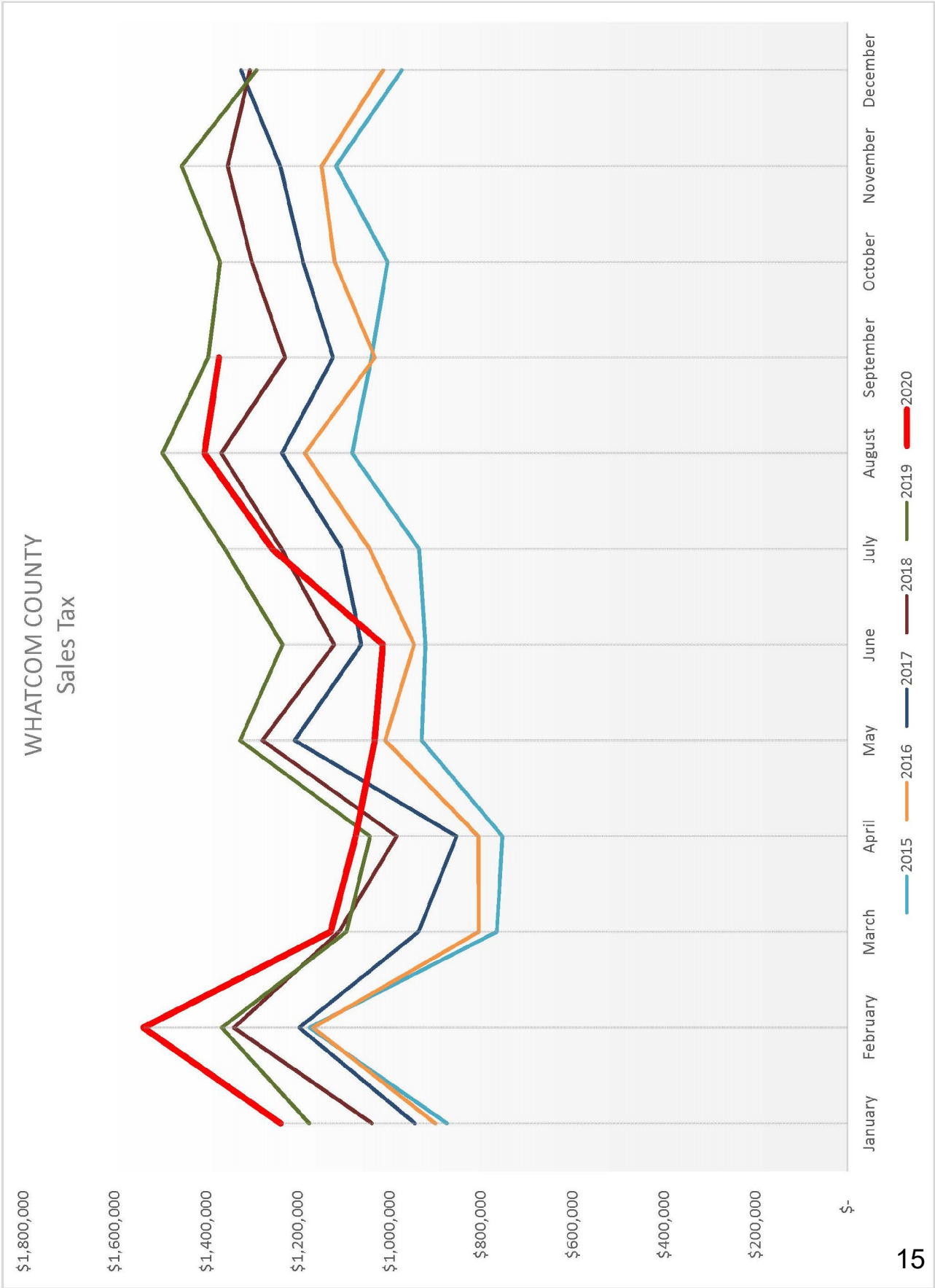
2020 General Fund sales tax receipts down 3.8%, which includes y-o-y increase of 6.4% during the first months of the year and y-o-y decrease of 10.75% during the last five months of "COVID" receipts.

The latest sales tax receipts for July sales were down only 1.7% compared to the previous year.

Property tax receipts in the first half were down 1.7% from the previous year.

Federal stimulus monies are drying up, which could impact current positive trend in sales tax receipts.





# General Fund Projections

2021 General Fund revenues are \$84.6 million, which is an 8% reduction from current 2020 budget.

2021 General Fund expenditures are \$89.5 million which is a 10% reduction from current 2020 budget.

Property Taxes for 2021 are estimated at \$28,760,000.

2021 Sales Taxes are estimated at \$16,735,000 (General and Criminal Justice).



# General Fund Projections

2021 Sales Tax collection is projected to be down -9.24% compared to the 2020 budgeted amounts.

2021 Property Tax collection is projected to be down -1.31% compared to the 2020 budgeted amounts.

2022 projected revenues and expenditures will be analyzed during 2021.

It is anticipated that a mid-biennium adjustment will be needed based on updated revenue projections and service needs.



# General Fund Projections

With a 5% lapse of \$4.5 million we are anticipating an approximate \$500,000 shortfall in 2021.

With a 2020 ending funding balance projected at \$17.6—19.2 million we can carry the shortfall in a balanced manner without additional reductions at this time.

Still finalizing Admin, Tort, Building Maintenance Fee, and Current Expense allocations.

The reduction is mostly accomplished by not funding 21 General Fund frozen positions.



# Frozen positions

The positions affecting the General Fund should save approximately \$1.75 million. Positions frozen include:

- Assessor – 2
- Auditor – 1
- Planning – 3
- Sheriff – 5
- Superior Ct/Clerk – 2
- Jail – 5
- Information Technology – 2
- Finance – 1

Additional department budget reduction plans are available for review but have not been incorporated into the Executive Budget.



20

# Next steps

October 16 – Executive Office submits budget for County consideration

October 16 – November 24 – Council reviews budget and holds public hearings

November 24 – Council considers adoption of 2021 - 2022 biennium budget





# Budget Preview: Projections, Projects and Vision



# COVID Fiscal Impacts in 2020

- Public health measures to contain COVID-19 had economic repercussions which impacted County revenues.
- Retail tax receipts were down as was income from County services, fees and other sources.
- Property tax receipts have remain largely unchanged compared.
- The cumulative negative revenue impacts compared to the 2020 budget are approximately \$4.35 million.
- Additionally, the County's response to COVID has added significant unbudgeted expenses



## 2020 Mitigation Measures

- Employee furloughs from July through Sept 2020 have saved \$1.785 million.
- Reduced expenditures have saved \$650,000.
- Hiring freeze has saved approx. \$750,000.
- Funding from the CARES Act will cover new/unbudgeted expenditures related to COVID-19 response in an amount of approximately \$5 million.



# Grants Received



## CARES Act

Round 1: \$12.3 m

Round 2: \$4.5 m  
(11/30/20)

Round 2 (Health Dept): \$4.5 m  
(12/31/20)

## Community Development Block Grants (CDBG)

Subsistence – \$155K (02/28/21)

Pub Services (subsistence &  
microenterprise) – \$472K (6/30/22)

Microenterprise assistance  
(childcare & small farms) (*unknown  
expiry*)

*Plus many more...*

**Grant total: \$25.8 million**



# Capital Projects

- Facilities Manager Rob Ney presented the report at the September 15 Council meeting on proposed capital projects
- The Administration's objective is to have several 'shovel ready' projects in case there is Federal stimulus for capital works.
- Projected Capital needs of the County are being scoped out until at least 2030.



# Water Settlement Discussions

- Department of Ecology is proposing water adjudication in Nooksack Basin to State Legislature.
- Whatcom County to request funding from Legislature / DOE to support 5-year settlement negotiation plan.
- Administration proposes Senior Manager position for settlement negotiation using Flood Fund money.



# Child & Family Action Plan

- Plan to start the Child & Family services program
- Administration's Proposed Budget will include \$150K for each 2021 and 2022
- Collaboration underway with COB for similar Funding
- The Group plans similar funding non-profits and philanthropist Community
- WCHD to provide leadership to grow this program to become a regular program with state, local and non-profit funds



# Racial Equity Committee / Commission

- Work has started with initial discussions with interest groups and individuals
- Chuckanut Foundation is providing support through end of 2020
- To be based on models of DV Commission / IPRTF
- Plan to install the Commission by mid-2021
- Funds needed during formation work





# Budget Preview: Projections, Projects and Vision



# COVID Fiscal Impacts in 2020

- Public health measures to contain COVID-19 had economic repercussions which impacted County revenues.
- Retail tax receipts were down as was income from County services, fees and other sources.
- Property tax receipts have remain largely unchanged compared.
- The cumulative negative revenue impacts compared to the 2020 budget are approximately \$4.35 million.
- Additionally, the County's response to COVID has added significant unbudgeted expenses



# 2020 Mitigation Measures

- Employee furloughs from July through Sept 2020 have saved \$1.785 million.
- Reduced expenditures have saved \$650,000.
- Hiring freeze has saved approx. \$750,000.
- Funding from the CARES Act will cover new/unbudgeted expenditures related to COVID-19 response in an amount of approximately \$5 million.



# Grants Received



## CARES Act

Round 1: \$12.3 m

Round 2: \$4.5 m

(11/30/20)

Round 2 (Health Dept): \$4.5 m

(12/31/20)

## Community Development Block Grants (CDBG)

Subsistence – \$155K (02/28/21)

Pub Services (subsistence &  
microenterprise) – \$472K (6/30/22)

Microenterprise assistance  
(childcare & small farms) (unknown  
expiry)

Plus many more...

**Grant total: \$25.8 million**



# Capital Projects

- Facilities Manager Rob Ney presented the report at the September 15 Council meeting on proposed capital projects
- The Administration's objective is to have several 'shovel ready' projects in case there is Federal stimulus for capital works.
- Projected Capital needs of the County are being scoped out until at least 2030.



# Water Settlement Discussions

- Department of Ecology is proposing water adjudication in Nooksack Basin to State Legislature.
- Whatcom County to request funding from Legislature / DOE to support 5-year settlement negotiation plan.
- Administration proposes Senior Manager position for settlement negotiation using Flood Fund money.



# Child & Family Action Plan

- Plan to start the Child & Family services program
- Administration's Proposed Budget will include \$150K for each 2021 and 2022
- Collaboration underway with COB for similar Funding
- The Group plans similar funding non-profits and philanthropist Community
- WCHD to provide leadership to grow this program to become a regular program with state, local and non-profit funds



# Racial Equity Committee / Commission

- Work has started with initial discussions with interest groups and individuals
- Chuckanut Foundation is providing support through end of 2020
- To be based on models of DV Commission / IPRTF
- Plan to install the Commission by mid-2021
- Funds needed during formation work





# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-327

---

<b>File ID:</b>	AB2020-327	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	07/24/2020	<b>Entered by:</b>	PRice@co.whatcom.wa.us		
<b>Department:</b>	Information Technology Division	<b>File Type:</b>	Report		
<b>Assigned to:</b>	Council Finance and Administrative Services Committee	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: price@co.whatcom.wa.us

### **TITLE FOR AGENDA ITEM:**

Report on Criminal Justice Case Management Systems Project

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

An update will be provided on efforts to replace end-of-life case management software systems in Juvenile Court, Prosecutor's Office and Public Defender's Office.

---

### **HISTORY OF LEGISLATIVE FILE**

---

Date:	Acting Body:	Action:	Sent To:
09/15/2020	Council Finance and Administrative Services Committee	WITHDRAWN	

---

**Attachments:** AGENDA REVISION NOTICE FOR 9.15.2020

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  
Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

## WHATCOM COUNTY COUNCIL

# AGENDA REVISION NOTICE FOR SEPTEMBER 15, 2020

**The following item has been added to Finance and Administrative Services Committee and Council:**

**AB2020-385** Report and request for a motion of support from the Whatcom County Council in acknowledgement and support of distributing these CARES Act dollars to our very valuable businesses as recommended by the countywide business review team comprised of representatives from Whatcom County, City of Bellingham, and Small Cities, Port of Bellingham Regional Economic Partnership, WWU small Business Development Center, Whatcom Community Foundation and Bellingham Regional Chamber of Commerce (paperwork attached)

**The following item has been removed from Finance and Administrative Service Committee:**

**AB2020-327** Report on Criminal Justice Case Management Systems Project



## **MEMORANDUM**

**TO:** Whatcom County Council Members

**FROM:** Satpal Singh Sidhu, County Executive  
Tyler Schroder, Deputy Executive

**DATE:** September 10, 2020

**SUBJECT:** Whatcom ReStart – Business Grant Allocations (CARES Act)

---

Since the inception of the Governor's State of Emergency Proclamation on February 29, 2020, Whatcom County has been working hard to respond to the crisis due to the outbreak of novel coronavirus (COVID-19). Public Health and Safety measures included the Stay Home – Stay Healthy order which extended and deepened the adverse financial impact already felt by businesses in Whatcom County.

With this burgeoning crisis, the Feds adopted the Coronavirus Aid, Relief and Economic Security Act (CARES Act) which appropriates funding for specified uses to states and certain local governments. On June 16, 2020 the County Council adopted Ordinance 2020-035 which appropriates \$12,391,500 dollars received from the Federal CARES Act Fund. Countywide there is more than \$16,300,000 dollars from the CARES Act to support government and community services.

Thanks to countywide collaboration, the Whatcom ReStart grant program was established to deploy \$3,400,000 of CARES Act funding through business grants; with \$2,600,000 allocated to support the businesses in Whatcom County. After final review of the program the jurisdictions increased their contributions to accommodate more allocations. The purpose of the program is to support local business impacted by COVID-19 in order to further economic recovery and support working families.

Following a comprehensive review of 628 applications for the Whatcom ReStart business grant, 269 top-tier applicants were identified for funding. The maximum grant amount was \$15,000. Whatcom County and the cities of Bellingham, Lynden, Ferndale, Sumas, Everson, Nooksack and Blaine all contributed CARES Act funds to the grant program and each played an integral role in identifying the top applicants in their respective jurisdictions.

The Whatcom ReStart program accepted applications from July 16 to July 31, 2020. A total of 628 applications were received. The application scoring criteria included three basic assessment categories: Adaptivity/Business Strength, Impact/Need and Community Contribution. The application review was delegated to local grant review committees to ensure local insight and involvement in the process.

A full list of the recipients and the amounts awarded will be made available on the Whatcom ReStart webpage and are listed in the table below.

We are seeking a motion of support from the Whatcom County Council in acknowledgement and support of distributing these CARES Act dollars to our very valuable businesses as recommended by the countywide Whatcom ReStart review team comprised of representatives from Whatcom County, City of Bellingham, Small Cities, Port of Bellingham Regional Economic Partnership, WWU Small Business Development Center, Whatcom Community Foundation, and Bellingham Regional Chamber of Commerce.

**WHATCOM RESTART – CARES ACT  
BUSINESS GRANT AWARDS**

<b>Business</b>	<b>Industry</b>	<b>County Funded</b>	<b>City Funded</b>
<b>BLAINE</b>			<b>Blaine</b>
Chada LLC	Restaurant	\$14,543.50	
Mobile Exchange, Inc	Exchange Service	\$14,543.50	
Orion Holdings	Retail	\$8,000	
Semiahmoo Marina Condo	Gas/Retail	\$14,543.50	
Peace Arch Café	Restaurant	\$14,543.50	
Crazy Daze #9	Retail	\$14,543.50	
Blaine Senior Center	Health	\$14,543.50	
Blaine Chamber	Professional		\$9,260
	<b>BLAINE TOTALS</b>	<b>\$95,260.00</b>	<b>\$9,260</b>
<b>EVERSON</b>			<b>Everson</b>
Red's Barber	Personal Services		\$5,000
WCC Promotions	Events		\$15,000
HIS Corporations	Restaurant		\$15,000
Good to Go Meat Pie	Restaurant		\$15,000
Alsum Trading Company	Retail		\$5,000
Silver Grouping	Restaurant	\$15,000	
Flores and Son Trucking	Transportation	\$5,000	
	<b>EVERSON TOTALS</b>	<b>\$20,000</b>	<b>\$55,000</b>
<b>FERNDALE</b>			<b>Ferndale</b>
Flow Motions, LLC	Personal Service		\$15,000
DownTim Taps	Restaurant		\$15,000
Mainstreet Grill	Restaurant		\$15,000
Clary M Jensen	Retail		\$15,000
Gym Star Sports Center	Gym		\$15,000
Fringe Brewing	Restaurant		\$15,000
Jack Francis Foods	Food Service		\$10,000
Memorable Events and Catering	Food Service	\$14,000	
Leader Bloc LLC	Restaurant	\$12,800	
Bellingham Professional Office	Professional Service	\$10,800	
Crave Catering	Food Service	\$10,000	
GLB North	Fishery	\$9,793.49	
Satori Massage	Personal Service	\$9,032.21	
Apple Pediatric Dentistry	Health	\$8,500	
Tacos Guadalajara	Restaurant	\$8,400	
Dun-rite Cleaning	Personal Service	\$8,000	
Roni Sue Peluso	Retail	\$6,400	
Apropos Hospitality Group	Food Service	\$5,000	
Take Aim Independ. Living Solutions	Health	\$3,000	
Manthey Momentum Sports	Recreation	\$3,000	
Juan & Family Auto Sales	Retail	\$2,630	
Northwest Glass	Retail	\$2,600	
Master Remodeling	Construction	\$2,400	
Friendly Foot	Manufacturing	\$2,400	

**WHATCOM RESTART – CARES ACT  
BUSINESS GRANT AWARDS**

<b>Business</b>	<b>Industry</b>	<b>County Funded</b>	<b>City Funded</b>
<b>FERNDALE Continued</b>			
Peace Arch Therapeutic Massage	Personal Services	\$2,400	
Anda Photography	Marketing	\$2,200	
Creative Signs & Design	Marketing	\$2,200	
David McAnany Maintenance	Maintenance	\$2,100	
Juan Boat Service	Maintenance	\$2,051.30	
Premier Cleaning Service	Personal Service	\$1,800	
	<b>FERNDALE TOTALS</b>	<b>\$131,507</b>	<b>\$100,000</b>
<b>LYNDEN</b>			<b>Lynden</b>
Lynden Skateway Inc.	Entertainment		\$15,000
Cheeks Jeans, LLC	Retail		\$15,000
Heartfelt Massage	Personal Service		\$12,000
Lynden Pioneers	Restaurant		\$15,000
Ross Healthcare, Inc.	Healthcare		\$15,000
Creative Design	Personal Service		\$7,000
Gregory J. Helgath, Inc. PS	Healthcare		\$10,000
The Nuthouse Grill, LLC	Restaurant		\$10,000
Advantage Sports/Soccer City	Recreation	\$9,000	
Broma Technologies, LLC	Manufacturing	\$9,000	
Lynden Fro-Yo, LLC	Restaurant	\$9,000	
The Homestead Club, Inc.	Fitness	\$9,000	
Nah, Not a Hobby, LC	Retail	\$9,000	
Style Solo, LLC	Retail	\$10,000	
Perfect Smile Orthodontics	Healthcare	\$2,500	
Lynden Book Shop, Inc.	Retail	\$5,000	
The Little Red Wagon, Inc.	Retail	\$5,000	
ForeFront Hospitality, LLC	Hospitality	\$10,000	
Timmer Enterprises, LLC	Restaurant	\$7,500	
RAS Manufacturing, Inc	Manufacturing	\$7,500	
MJ Management, LLC	Recreation	\$7,500	
Hats Off T-Shirts & Engraving, Inc.	Retail	\$7,500	
Management Recruiters of Lynden	Professional Service	\$7,500	
Northwest WA Fair Assoc.	Entertainment	\$7,500	
Simply Enjoy Photography	Marketing	\$3,000	
Geoffrey T Tupper, DDS	Healthcare	\$7,500	
Whatcom IT, Inc.	Entertainment	\$3,500	
Jakes Restaurant, LLC	Restaurant	\$7,500	
Jeema Corporation	Restaurant	\$7,500	
Pacific Supplies & Maintenance	Healthcare	\$2,500	
Sound Landscaping, Inc.	Personal Services	\$2,800	
Norwest Networks, Inc	Technology	\$2,792	
The Thirsty Badger, Inc.	Restaurant	\$2,792	
	<b>Lynden Totals</b>	<b>\$162,384</b>	<b>\$99,000</b>

**WHATCOM RESTART – CARES ACT  
BUSINESS GRANT AWARDS**

<b>Business</b>	<b>Industry</b>	<b>County Funded</b>	<b>City Funded</b>
<b>NOOKSACK</b>			<b>Nooksack</b>
Nicks' Kitchen	Restaurant		\$15,000
Everson Denstry	Professional Services		\$15,000
	<b>Nooksack Totals</b>		<b>\$30,000</b>
<b>SUMAS</b>			<b>Sumas</b>
Ship Happens Freight	Postal Box		\$13,000
Bob's Burger & Brew	Restaurant		\$15,000
Cherry Street Market	Retail		\$15,000
WoW Hair Salon	Personal Services	\$11,958.35	
Nicole Sandolva Postma	Photography	\$2,500	
Mazdaz International, Inc.	Photography	\$13,000	
Sumas River Farms, LLC	Agriculture	\$6,538.65	
	<b>Sumas Totals</b>	<b>\$33,997</b>	<b>\$43,000</b>
<b>UNINCORPORATED - COUNTY</b>			
Animals as Natural Therapy	Medical	\$15,000	
Auntie Pam's Country Store	Retail	\$15,000	
Bellewood Acres, Inc.	Agriculture	\$15,000	
Three c's Farm	Agriculture	\$15,000	
Alm Hill Gardens, LLC	Agriculture	\$15,000	
Birch Bay Ventures	Restaurant	\$12,000	
Glynns Shamrock Pub	Restaurant	\$10,000	
F/V The Grizzley	Fisheries	\$14,200	
COurban US, LLC	Education	\$10,000	
Freshore, LLC	Restaurant	\$15,000	
Chrla Wilder	Agriculture	\$10,000	
Fat-Cat Fish LLC	Manufacturing	\$15,000	
Kinfolk and Fodder, LLC	Restaurant	\$15,000	
KJ Cruz, Inc.	Retail	\$9,500	
Gritworks Athletics, LLC	Gym Personal Training	\$10,000	
IluvIt,, LLC	Gym Personal Training	\$15,000	
Moon Valley Natural Product, LLC	Agriculture	\$15,000	
Northwest Therapeutic Riding Ctr	Health	\$15,000	
North Fork Pizza & Brewing, Inc.	Restaurant	\$15,000	
Oh Snap! Event Photo Booth	Marketing	\$10,000	
Pacific Cleaning Services & Supply	Personal Service	\$10,000	
Sage and Sky Farm, LLC	Agriculture	\$15,000	
Pier Café & Bistro	Restaurant	\$15,000	
Shuksan Golf, Inc.	Restaurant	\$15,000	
Raven's Repast, LLC	Restaurant	\$15,000	
Pleasant Valley's Farmers Market	Agriculture	\$5,000	
Slippery, LLC	Retail	\$15,000	
WGR Airport, LLC	Restaurant	\$15,000	
Springtime Farm, LLC	Agriculture	\$15,000	

**WHATCOM RESTART – CARES ACT  
BUSINESS GRANT AWARDS**

<b>Business</b>	<b>Industry</b>	<b>County Funded</b>	<b>City Funded</b>
<b>UNINCORPORATED-COUNTY</b>			
Vick Enterprises, Inc.	Retail	\$15,000	
The Country Club, LLC	Restaurant	\$15,000	
South Sound Refrigeration Heating	Construction	\$10,000	
Swansen's Carpet Cleaning & emerg	Personal Service	\$6,000	
	<b>County Totals</b>	<b>\$431,726</b>	
<b>BELLINGHAM</b>			<b>Bellingham</b>
AB Crepes, Inc	Restaurant		\$15,000
Allied Arts of Whatcom County	Marketing		\$15,000
Antler Baking co.	Restaurant		\$15,000
BAAY	Education		\$15,000
Be Good Corp	Entertainment		\$15,000
B'ham Bay Running Company, LLC	Retail		\$8,000
Bellingham Cider Company	Restaurant		\$15,000
Bellingham Farmer's Market	Marketing		\$15,000
Bellinghistory- Good Time Girls	Entertainment		\$5,000
Best Buds Gaming Lounge	Entertainment		\$15,000
Bison Bookbinding & Letterpress	Marketing		\$15,000
Blue Eyed Charlotte	Restaurant		\$15,000
Cafeblue, LLC	Restaurant		\$10,000
Caffe Adagio, LLC	Restaurant		\$15,000
Catherine A. Lee	Retail		\$15,000
Culture Café, LLC	Restaurant		\$15,000
Everything in Sight Optical, LLC	Healthcare		\$15,000
Fairhaven Village Inn, LLC	Hotel – Lodging		\$15,000
Forget Me Not Salon Spa	Personal Service		\$6,000
Fringe Boutique, LLC	Retail		\$10,000
Galloway's Cocktail Bar, LLC	Restaurant		\$15,000
Good Earth Pottery, LLC	Retail		\$15,000
Gregory Theisen	Restaurant		\$15,000
Habitat for Humanity	Professional		\$15,000
Heliotrope Hotel, LLC	Hotel-Lodging		\$15,000
KCA and Associates	Professional Services		\$5,000
Leaf and Ladle, LLC	Restaurant		\$15,000
Left Coast Enterprises, Inc.	Restaurant		\$15,000
Leopold Properties, LLC	Restaurant		\$10,000
Little Lucky Enterprises	Restaurant		\$15,000
Makeworth Market, LLC	Restaurant		\$15,000
Max Higbee Community Recreation	Entertainment		\$15,000
Mt. Baker Media House	Entertainment		\$5,000
NEKO Bellingham, LLC	Restaurant		\$15,000
Old Fairhaven Association	Marketing		\$15,000
OVN LLC	Restaurant		\$15,000
Paws for A Beer	Restaurant		\$13,500

**WHATCOM RESTART – CARES ACT  
BUSINESS GRANT AWARDS**

<b>Business</b>	<b>Industry</b>	<b>County Funded</b>	<b>City Funded</b>
<b>BELLINGHAM - Continued</b>			
Pickford Film Center	Entertainment		\$15,000
Posh Upscale	Retail		\$10,500
Power Yoga	Recreation		\$15,000
Pro Marketing Works	Marketing		\$15,000
Pure Fitness Martial Arts	Recreation		\$15,000
Ralf's Bakery Bavarian Originals LLC	Restaurant		\$15,000
RCG Holdings LLC	Entertainment		\$15,000
Real McCoy Teas	Manufacturing		\$15,000
Redlight, LLC	Restaurant		\$15,000
Sendelbach, Inc.	Restaurant		\$15,000
Stones Throw Brewery	Restaurant		\$15,000
The Gardenroom Fairhaven	Retail		\$15,000
The Majestic	Entertainment		\$11,000
Spice Hut Corporation	Retail		\$6,136
The Shakedown	Entertainment	\$15,000	
Thousand Acre Cider House	Restaurant	\$15,000	
Three Oms Yoga, LLC	Recreation	\$15,000	
Two Thimbles Quilt Shop	Retail	\$10,000	
VanEpps, Inc.	Restaurant	\$15,000	
Veritas Media, LLC	Marketing	\$15,000	
Whatcom Art Guild	Marketing	\$15,000	
Whatcom Museum Foundation	Education	\$15,000	
Whimsey	Retail	\$12,000	
122 West Brewing Co., LLC	Restaurant	\$15,000	
Advanced Combustion Systems, Inc.	Manufacturing	\$15,000	
Alexandra Thea Hart	Personal Services	\$2,935	
Ashley S. goddard, Lac, PS	Healthcare	\$5,000	
Ayurvedic Health Ctr Wellness	Healthcare	\$15,000	
Barkley Bob's LLC	Restaurant	\$15,000	
Bellingham Baseball Club	Recreation	\$15,000	
Bellingham Massage Works	Personal Services	\$15,000	
Bellingham Mixed Martial Arts	Recreation	\$10,000	
Burnish Clay Studio	Entertainment	\$15,000	
Busy Bs Barbershop & Salon	Personal Services	\$15,000	
Calypso Kitchen	Restaurant	\$15,000	
Cascadia newspaper Company LLC	Media	\$15,000	
Cascadia Physical Therapy	Healthcare	\$15,000	
Claire Mannino Psychotherapy PS	Healthcare	\$7,500	
Core Performance LLC	Recreation - Fitness	\$15,000	
Crowns by Design	Healthcare	\$15,000	
Custom Concrete Contracting, Inc	Construction	\$15,000	
Dynamic Fitness Solutions	Recreation -Fitness	\$15,000	
Ensemble Enterprises, Inc.	Personal Services	\$5,000	

**WHATCOM RESTART – CARES ACT  
BUSINESS GRANT AWARDS**

<b>Business</b>	<b>Industry</b>	<b>County Funded</b>	<b>City Funded</b>
<b>BELLINGHAM - Continued</b>			
Euro Tailor	Retail	\$5,000	
Evolve Chocolate & Café	Restaurant	\$15,000	
Explorer's Club Brewery LLC	Restaurant	\$15,000	
Franchise LLC	Recreation – Fitness	\$15,000	
Frank Repanich DDS PS	Healthcare	\$8,000	
Glitt3r Lyfe	Marketing	\$5,000	
Go Natural Foods, LLC	Retail	\$10,000	
Gordon Plumbing & Mechanical	Construction	\$15,000	
GR Baron and Company	Professional	\$15,000	
Grain and Shine LLC	Manufacturing	\$15,000	
Heating Green	Manufacturing	\$15,000	
Ilka Hadlock	Marketing	\$15,000	
Jennifer Reid, LMP, LLC	Personal Services	\$1,000	
JFA Drywall LLC	Construction	\$9,000	
JLE Ventures LLC	Retail	\$15,000	
Jo Bird Jewelry	Retail	\$11,650	
Joy of Pilates	Recreation – Fitness	\$10,000	
Kumar Passion Services, Inc	Restaurant	\$7,500	
Kumar Prem Services	Restaurant	\$7,500	
Lauren BeyerThe Sandwich Odyssey	Restaurant	\$15,000	
Lettered Streets Coffeehouse, LLC	Restaurant	\$10,000	
Liet Unlimited, LLC	Retail	\$10,000	
Limitless Law, LLC	Professional Services	\$15,000	
Lombardi's in Bellingham LLC	Restaurant	\$15,000	
Lotus Leaf Acupuncture	Health Wellness	\$5,000	
Love in the Name of Christ	Professional	\$7,375	
M & R Investments	Entertainment-Facility	\$15,000	
Montessori Peace Centers	Education	\$15,000	
Nail Care	Personal Services	\$10,000	
Nail Tech	Personal Services	\$10,000	
Nelson's Market	Retail-Grocery-Café	\$15,000	
North Coast Gymnastics	Recreation	\$15,000	
Northwest Navigation Co., Inc.	Recreation	\$10,000	
NTG Fabrication, Inc.	Manufacturing	\$15,000	
Ohana Pacific, Inc.	Healthcare	\$15,000	
Pacific NW Autism	Healthcare	\$15,000	
Patada Retail Consulting, Inc.	Retail	\$15,000	
Penneycandy, Inc.	Restaurant	\$15,000	
Performance Physical Therapy, PS	Healthcare	\$15,000	
Personalized Health Solutions	Recreation	\$15,000	
Polliwogs Learning Pond	Education	\$10,000	
Price Cutter Cleaners	Personal Service	\$15,000	
Pro Fitness NW	Recreation	\$12,000	

**WHATCOM RESTART – CARES ACT  
BUSINESS GRANT AWARDS**

<b>Business</b>	<b>Industry</b>	<b>County Funded</b>	<b>City Funded</b>
<b>BELLINGHAM - Continued</b>			
Prostock Athletic Supply	Retail	\$10,000	
Rainmaker Products, LLC	Professional Services	\$15,000	
Rebound of Whatcom County	Professional Services	\$15,000	
Red Boots Design	Marketing	\$15,000	
Rolfing Bellingham	Wellness	\$5,000	
Safety Signs, Inc.	Marketing/Retail	\$15,000	
Scott Electric, Inc.	Construction	\$15,000	
She Leads Me, LLC	Professional	\$5,000	
Sluys Enterprises, LLC	Education	\$5,000	
Smart Advertising Solutions, Inc.	Marketing	\$15,000	
Stemma Brewing Co	Restaurant	\$15,000	
The Eureka Room	Entertainment	\$4,200	
The Fireside Martini and Wine Bar	Restaurant	\$10,000	
The Grind, LLC	Fitness	\$5,000	
The Jazz Project	Entertainment	\$5,000	
The Salvation Army	Retail	\$15,000	
Thx You Soo Much, LLC	Retail	\$15,000	
Unique Technique Dance	Recreation	\$10,000	
Veritas Massage Studio LLC	Wellness	\$15,000	
Vessel Zodiac Corporation	Education	\$15,000	
Wee Ones Reruns	Retail	\$15,000	
West Coast Pops, LLC	Retail	\$15,000	
WGR Barkley, LLC	Restaurant	\$15,000	
Whatcom Dispute Resolution Ctr	Professional Services	\$15,000	
Wild Whatcom	Education	\$10,000	
	<b>Bellingham Total</b>	<b>\$1,195,660.</b>	<b>\$685,136.</b>



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-394

---

<b>File ID:</b>	AB2020-394	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/28/2020	<b>Entered by:</b>	BBushaw@co.whatcom.wa.us		
<b>Department:</b>	Public Works Department	<b>File Type:</b>	Contract (FCZDBS)		
<b>Assigned to:</b>	Council Finance and Administrative Services Committee			<b>Final Action:</b>	
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: sdraper@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to enter into an Interagency Agreement between Whatcom County Flood Control Zone District and Puget Sound Partnership for coordination of the Whatcom County Local Integrating Organization (LIO), in the amount of \$125,000.00 (Council acting as the Whatcom County Flood Control District Board of Supervisors)

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

The WRIA 1 Watershed Management Board acts as Local Integrating Organization (LIO) for water resources programs in the Whatcom County region. The WRIA 1 Watershed Management team met on August 12, 2020 and approved the draft FFY 2021 LIO Coordination Scope of Work for the Whatcom County Flood Control Zone District as fiscal agent, acting on behalf of the WRIA 1 Watershed Management Board, for negotiating a contract with the Puget Sound Partnership. This agreement provides funds for tasks related to 1) organize, support, administer, facilitate, and coordinate a Local Integrating Organization 2) advance implementation of the 2018-2022 action agenda and development of the 2022-2026 action agenda 3) performance management 4) support adaptive management of LIO Ecosystem Recovery Plans, and 5) tailor LIO Coordination to support unique vision and goals of LIO

---

### HISTORY OF LEGISLATIVE FILE

---

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

---

---

**Attachments:**     Memo, Interagency Agreement (FCZDBOS)

**WHATCOM COUNTY  
PUBLIC WORKS DEPARTMENT**

**Jon Hutchings  
Director**



**NATURAL RESOURCES**

322 N. Commercial, Suite 110  
Bellingham, WA 98225  
Telephone: (360) 778-6230  
FAX: (360) 778-6231  
[www.whatcomcounty.us](http://www.whatcomcounty.us)

**MEMORANDUM**

**TO:** The Honorable Satpal Singh Sidhu, County Executive for the Whatcom County Flood Control Zone District Board of Supervisors

**THROUGH:** Jon Hutchings, Public Works Director *jh*

**FROM:** Gary Stoyka, Natural Resources Manager *gs*  
Austin Rose, Planner I

**DATE:** September 21, 2020

**RE:** Interagency Agreement #2021-11: Whatcom County LIO – FFY2021 Funding

---

Please find enclosed for your review and signature two (2) originals of Interagency Agreement # 2021-11: Whatcom County LIO – FFY2021 Funding between the State of Washington Puget Sound Partnership (PSP) and the Whatcom County Flood Control Zone District to coordinate the Whatcom County Local Integrating Organization (LIO).

**Requested Action**

Public Works respectfully requests that the County Executive for the Whatcom County Flood Control Zone District Board of Supervisors approve and sign the attached grant agreement as the fiscal agent for the Whatcom County LIO.

**Background and Purpose**

The WRIA 1 Watershed Management Board acts as Local Integrating Organization (LIO) for water resources programs in the Whatcom County region. The WRIA 1 Management Team met on August 12, 2020 and approved the draft FFY 2021 LIO Coordination Scope of Work for the Whatcom County Flood Control Zone District as fiscal agent, acting on behalf of the WRIA 1 Watershed Management Board, for negotiating a contract with the Puget Sound Partnership. This agreement provides funds for tasks related to 1) organize, support, administer, facilitate, and coordinate a Local Integrating Organization, 2) advance implementation of the 2018-2022 action agenda and development of the 2022-2026 action agenda 3) performance management, 4) support adaptive management of LIO Ecosystem Recovery Plans, and 5) tailor LIO Coordination to support unique vision and goals of LIO.

Tasks 1-4 are very similar to the past two LIO coordination grants. The inclusion of the new task (Task 5) includes a one-year increase in funding of \$50,000, for the LIO to tailor coordination to support the LIO's vision and goals for the LIO. This funding will provide seed money to local Near Team Actions (NTAs), support local outreach networking, and help address barriers to implementation.

**Funding Amount and Source**

This grant agreement with the Puget Sound Partnership provides \$125,000 to complete tasks as outlined in the scope of work. Please contact Gary Stoyka at extension 6218 or Austin Rose at 6286 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:	Public Works
Division/Program: (i.e. Dept. Division and Program)	Natural Resources/Whatcom LIO 907010
Contract or Grant Administrator:	Gary Stoyka/Austin Rose
Contractor's / Agency Name:	Puget Sound Partnership
<p>Is this a New Contract? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If not, is this an Amendment or Renewal to an Existing Contract? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>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? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, grantor agency contract number(s): 2021-11 CFDA#: 66.456</p> <p>Is this contract grant funded? 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 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, RFP and Bid number(s): _____ Cost Center: 169121</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): \$ 125,000</p> <p>This Amendment Amount: \$ _____</p> <p>Total Amended Amount: \$ _____</p>	<p>Council approval required for; all property leases, contracts or bid awards <b>exceeding \$40,000</b>, and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, <b>except when:</b></p> <ol style="list-style-type: none"> <li>1. Exercising an option contained in a contract previously approved by the council.</li> <li>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.</li> <li>3. Bid or award is for supplies.</li> <li>4. Equipment is included in Exhibit "B" of the Budget Ordinance</li> <li>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.</li> </ol>
<p>Summary of Scope: This grant agreement provides funds for the coordination of the Whatcom Local Integrating Organization.</p>	
Term of Contract: One year	Expiration Date: September 30, 2021

Contract Routing:	1. Prepared by: Austin Rose	Date: 09/21/20
	2. Attorney signoff: Christopher Quinn	Date: 9/29/20
	3. AS Finance reviewed: M Caldwell	Date: 9/21/20
	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: _____



## Interagency Agreement

Agreement Number: 2021-11

Title: Whatcom County LIO-FFY2021 Funding

This agreement is made and entered into pursuant to the Interlocal Cooperation Act, RCW 39.34, by and between the state of Washington, Puget Sound Partnership (PSP), and the below named agency, hereinafter referred to as "CONTRACTOR."

### CONTRACTOR INFORMATION

**Whatcom County Flood Control Zone Dist.**  
**322 N. Commercial ST., Suite 110**  
**Bellingham, WA 98225**

### Project Manager

**Gary Stoyka**  
[gstoyka@co.whatcom.wa.us](mailto:gstoyka@co.whatcom.wa.us)  
**(360) 676-6876**

**UBI: 600358208**  
**EIN: 91-6001383**  
**DUNS:**  
**0060044641**  
**Type:**

**Fiscal: Randy Rydel**  
[rrydel@co.whatcom.wa.us](mailto:rrydel@co.whatcom.wa.us)

### PSP INFORMATION

**PUGET SOUND PARTNERSHIP**  
**326 EAST D STREET**  
**TACOMA, WA 98421-1801**

### Project Manager

**Kristin Hayman**  
[Kristin.hayman@psp.wa.gov](mailto:Kristin.hayman@psp.wa.gov)  
**(360) 480-0475**

### PURPOSE

The purpose of this agreement is to provide financial support for the coordination of the Whatcom County Local Integrating Organization (LIO).

### STATEMENT OF WORK

The CONTRACTOR shall furnish the necessary personnel, equipment, material and/or service(s) and otherwise do all things necessary for or incidental to the performance of the work set forth in Exhibit B attached and incorporated herein.

In the event that the CONTRACTOR is a Sub-Recipient (grantee), Exhibit B shall describe the activities of the Sub-Recipient that are eligible for reimbursement under the award or sub-award.

### PERIOD OF PERFORMANCE

The period of performance under this agreement will be from October 1, 2020, regardless of the signing date of the contract by both parties, through **September 30, 2021**. **No work shall commence under this agreement prior to October 1, 2020.**

### COMPENSATION AND PAYMENT

Compensation for the work provided in accordance with this agreement has been established under the terms of RCW 39.34.130. The parties have estimated that the cost of accomplishing the work herein will not exceed **One hundred twenty-five thousand dollars (\$125,000)**. Payment for satisfactory performance of the work shall not exceed this amount unless the parties mutually agree to a higher amount prior to the commencement of any work which will cause the maximum payment to be exceeded. CONTRACTOR'S compensation for services rendered shall be in accordance with the Budget & Billing Procedures attached as Exhibit C.

In the event that the CONTRACTOR is a Sub-Recipient, the total amount of the award or sub-award for reimbursable activities shall not exceed the above amount, also in accordance with the Budget & Billing Procedures attached as Exhibit C.

### FEDERAL FUNDING INFORMATION

This Contract includes federal funding ☒ Yes ☐ No

CONTRACTOR is a Sub-Recipient for purposes of this agreement ☒ Yes ☐ No

<b>CFDA #</b>	<b>CFDA Title</b>	<b>Federal Grant Award Number</b>	<b>Federal Grant Award Name</b>	<b>Federal Agency Name</b>
66.456	National Estuary Program	CE-01J65401	Puget Sound Partnership National Estuary Program	Environmental Protection Agency

#### TERMS AND CONDITIONS

All rights and obligations of the parties to this contract shall be subject to and governed by the Terms and Conditions contained in the following exhibits, herein incorporated by reference. The contents of this Agreement include:

1. This contract cover sheet
2. Exhibit A – General Terms and Conditions
3. Exhibit B – Statement of Work
4. Exhibit C – Budget & Billing Procedures
5. Exhibit D - Lobbying Certification
6. Exhibit E – Sub-Recipient Federal Requirements
  - Attachment 1- Federal Assurances Form 424B (Rev 4-2012)
  - Attachment 2- Federal Funding Accountability and Transparency Act Data Collection (FFATA form)

#### ORDER OF PRECEDENCE

In the event of an inconsistency in this agreement, the inconsistency shall be resolved by giving precedence in the following order:

1. Applicable Federal and State of Washington Statutes and regulations
2. This Agreement/Contract, including Exhibit A, General Terms and Conditions
3. Exhibit B, Statement of Work and Exhibit C, Budget & Billing Procedures
4. Any other Exhibit or provision, term or material incorporated herein by reference or otherwise incorporated

#### ENTIRE AGREEMENT

This agreement, including referenced exhibits and any other provision, term or material expressly incorporated by reference, represents all the terms and conditions agreed upon by the parties. No other statements or representations, written or oral, shall be deemed a part hereof.

#### APPROVAL

This agreement shall be subject to the written approval of the AGENCY'S authorized representative and shall not be binding until so approved. The agreement may be altered, amended, or waived only by a written amendment executed by both parties.

This agreement is executed by the persons signing below, who warrant they have the authority to execute the agreement.

**Whatcom County**

**Puget Sound Partnership**

See Attached Page 2a

\_\_\_\_\_  
Date

\_\_\_\_\_  
Brent Barnes  
Chief Operating Officer

\_\_\_\_\_  
Date

**Recommended for Approval:**

**Approved as to form:**

**Approved:**

55

APPROVED AS TO FORM:

/s Jonathan Thompson  
Assistant Attorney General

December 5, 2013  
Date

**EXHIBIT A -  
GENERAL TERMS AND CONDITIONS**

**Title: Whatcom County LIO – FFY2021 Funding**

**1. DEFINITIONS**

As used throughout this contract, the following terms shall have the meaning set forth below:

- A. "AGENCY" means the Puget Sound Partnership (PSP) of the State of Washington, any division, section, office, unit or other entity of the AGENCY, or any of the officers or other officials lawfully representing that AGENCY.
- B. "AGENT" means the Director, and/or the delegate authorized in writing to act on the Director's behalf.
- C. "CONTRACTOR" means that firm, provider, organization, individual or other entity performing service(s) under this contract, and shall include all employees of the CONTRACTOR.
- D. "DEBARMENT" means an action taken by a Federal agency or official to exclude a person or business entity from participating in transactions involving certain federal funds.
- E. "EPA" means U.S. Environmental Protection Agency.
- F. "SUBCONTRACTOR" means one not in the employment of the CONTRACTOR, who is performing all or part of those services under this contract under a separate contract with the CONTRACTOR. The terms "SUBCONTRACTOR" and "SUBCONTRACTORS" means SUBCONTRACTOR(s) in any tier.
- G. "SUB-RECIPIENT" means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. Guidance on distinguishing between a subrecipient and a contractor is provided in 2 CFR §200.330. Subrecipient and contractor determinations.

**2. AMERICANS WITH DISABILITIES ACT (ADA)**

If the contract includes federal funding, the CONTRACTOR must comply with Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with disabilities by entities receiving Federal financial assistance. The CONTRACTOR may also be required to 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.

**3. ADVANCE PAYMENTS PROHIBITED**

No payments in advance of or in anticipation of goods or services to be provided under this contract shall be made by the AGENCY.

**4. AMENDMENT**

This Agreement 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.

**5. ASSIGNMENT**

The work to be provided under this Agreement, and any claim arising under this Agreement, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

**6. ASSURANCES**

The parties agree that all activity pursuant to this Agreement shall be in accordance with all applicable federal, state and local laws, rules, and regulations as they currently exist or as amended.

## **7. CONFIDENTIALITY**

Confidential information: The CONTRACTOR shall not use or disclose any information concerning the AGENCY, or information that may be classified as confidential, for any purpose not directly connected with the administration of this contract, except with prior written consent of the AGENCY, or as may be required by law. Each party will utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties. However, the parties acknowledge that state and local agencies are subject to chapter 42.56 RCW, the Public Records Act.

Personal Information (one form of confidential information): Personal information including, but not limited to, "Protected Health Information," collected, used, or acquired in connection with this contract shall be protected against unauthorized use, disclosure, modification or loss. CONTRACTOR shall ensure its directors, officers, employees, subcontractors or agents use personal information solely for the purposes of accomplishing the services set forth herein. CONTRACTOR and its subcontractors agree not to release, divulge, publish, transfer, sell or otherwise make known to unauthorized persons personal information without the express written consent of the agency or as otherwise required by law. Any breach of this provision may result in termination of the contract and the demand for return of all personal information. The CONTRACTOR agrees to indemnify and hold harmless the AGENCY for any damages related to the CONTRACTOR'S unauthorized use of personal information.

## **8. CREDIT AND ACKNOWLEDGEMENT**

Reports, documents, signage, videos, or other media, developed as part of projects funded by EPA funded Agreements shall display both the EPA and Puget Sound Partnership logos and the following credit line: "This project has been funded wholly or in part by the United States Environmental Protection Agency under Assistance Agreement CE-01J65401. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use."

## **9. DEBARMENT AND SUSPENSION**

CONTRACTOR, by signature to this Contract, certifies that CONTRACTOR is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from participating in transactions (Debarred). CONTRACTOR shall comply with applicable federal agency debarment and suspension rules adopted pursuant to Office of Management and Budget guidance at 2 CFR Part 180, such as 2 CFR Part 1532 for the Environmental Protection Agency, which implement Executive Order 12549. CONTRACTOR acknowledges that failing to disclose the information required at 2 CFR 180.335 may result in the delay or negation of this contract, or pursuance of legal remedies, including suspension and debarment.

CONTRACTOR shall not award subcontracts or subawards to persons (individuals or organizations) listed on the Excluded Parties List located at [www.sam.gov/](http://www.sam.gov/). CONTRACTOR agrees to include the above requirements in all subcontracts into which it enters. The CONTRACTOR shall immediately notify AGENCY if, during the term of this Contract, CONTRACTOR becomes debarred. AGENCY may immediately terminate this Contract by providing CONTRACTOR written notice if CONTRACTOR becomes Debarred during the term hereof.

## **10. DISALLOWED COSTS**

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

## **11. DISPUTES**

In the event that CONTRACTOR is a state agency and a dispute arises under this Agreement, either of the parties may request intervention by the Governor, as provided by chapter 43.17.330 RCW, in which event the Governor's process will control.

In the event that a dispute arises under this Agreement, and the CONTRACTOR is not a state agency, it shall be determined by a Dispute Board in the following manner: Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional

member to the Dispute Board. The Dispute Board shall evaluate the facts, Agreement terms, applicable statutes and rules, and make a determination of the dispute. The determination of the Dispute Board shall be final and binding on both parties.

The cost of resolution will be borne as allocated by the Dispute Board or the Governor.

## **12. DUPLICATION OF BILLED COSTS**

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

## **13. GOVERNING LAW AND VENUE**

This Agreement shall be construed and interpreted in accordance with the laws of the State of Washington and the venue of any action brought under this Agreement shall be in Superior Court for Thurston County.

## **14. HOTEL MOTEL FIRE SAFETY ACT**

The Hotel and Motel Fire Safety Act of 1990 (Public Law 101-391) establishes a number of fire safety standards which must be met for hotels and motels. Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a if any portion of this contract will be paid with federal funds, CONTRACTOR agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended. CONTRACTOR may search the Hotel-Motel National Master List at: <http://www.usfa.dhs.gov/applications/hotel> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

If necessary, the head of the Federal agency may waive this prohibition in the public interest.

## **15. INDEPENDENT CAPACITY**

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

## **16. INTELLECTUAL PROPERTY RIGHTS**

Unless otherwise provided, all materials produced under this contract shall be considered "works for hire" as defined by the U.S. Copyright Act 17 U.S.C. § 101, et seq., and shall be owned by the AGENCY. Where federal funding is involved, the awarding federal agency may have a proprietary interest in patent rights to any inventions that are developed by the CONTRACTOR as provided in 35 U.S.C. §§ 200-212 and 37 CFR part 401 and retains a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.

CONTRACTOR acknowledges that in accordance with 40 CFR 30.36 and 31.34, EPA has the rights to reproduce, publish, use, and authorize others to use copyrighted works or other data developed under this assistance agreement for Federal purposes.

Examples of a Federal purpose include but are not limited to: (1) Use by EPA and other Federal employees for official Government purposes; (2) Use by Federal contractors performing specific tasks for the Government; (3) Publication in EPA documents provided the document does not disclose trade secrets (e.g. software codes) and the work is properly attributed to the recipient through citation or otherwise; (4) Reproduction of documents for inclusion in Federal depositories; (5) Use by State, tribal and local governments that carry out delegated Federal environmental programs as "co-regulators" or act as official partners with EPA to carry out a national environmental program within their jurisdiction and; (6) Limited use by other grantees to carry out Federal grants provided the use is consistent with the terms of EPA's authorization to the other grantee to use the copyrighted works or other data.

Under Item 6, the grantee acknowledges that EPA may authorize another grantee(s) to use the copyrighted works or other data developed under this grant as a result of:

- the selection of another grantee by EPA to perform a project that will involve the use of the copyrighted works or other data or:
- termination or expiration of this agreement.

In addition, EPA may authorize another grantee to use copyrighted works or other data developed with Agency funds provided under this grant to perform another grant when such use promotes efficient and effective use of Federal grant funds.

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.

In the event the materials are not considered "works for hire" under the U.S. Copyright laws CONTRACTOR shall grant AGENCY, and any federal entity which provided federal funds used in this contract, retain a royalty-free, nonexclusive and irrevocable license to reproduce, publish, recover or otherwise use the material(s) or property and to authorize others to use the same for federal, state or local government purposes.

Material which CONTRACTOR uses to perform the contract but is not created for or paid for by AGENCY is not "work made for hire"; however, CONTRACTOR shall grant the AGENCY a nonexclusive, royalty-free, irrevocable license (with rights to sublicense others) in such materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display, provided that such license shall be limited to the extent which CONTRACTOR has a right to grant such a license to use this material for AGENCY internal purposes at no charge to AGENCY. The CONTRACTOR warrants and represents that CONTRACTOR has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to the AGENCY. The AGENCY shall receive prompt written notice of each notice or claim of infringement received by the CONTRACTOR with respect to any material delivered under this contract. The AGENCY shall have the right to modify or remove any restrictive markings placed upon the material by the CONTRACTOR.

#### **17. INTERNATIONAL TRAVEL (including Canada) – FOR FEDERAL FUNDED AGREEMENTS ONLY**

All International Travel must be approved by the Office of International and Tribal Affairs (OITA) BEFORE travel occurs. Even a brief trip to a foreign country, for example to attend a conference, requires OITA approval. Please contact your EPA Project Officer as soon as possible if travel is planned out of the country, including Canada and/or Mexico, so that they can obtain appropriate approvals from EPA Headquarters. If you have questions, please contact your EPA Project Officer listed on the front page of the Award Document

#### **18. LIGHT REFRESHMENTS and/or MEALS**

Unless the event(s) and all of its components are described in the approved work plan, the recipient agrees to obtain prior approval from EPA for the use of grant funds for light refreshments and/or meals served at meetings, conferences, training workshops, and outreach activities (events). The recipient must send requests for approval to the EPA Project Officer and include:

- 1) An estimated budget and description for the light refreshments, meals, and/or beverages to be served at the event(s);
- 2) A description of the purpose, agenda, location, length and timing for the event; and,
- 3) An estimated number of participants in the event and a description of their roles.

Cost for light refreshments and meals for recipient staff meetings and similar day-to-day activities are not allowable under EPA assistance agreements.

#### **19. LOBBYING PROHIBITED**

- a. By signing this contract, CONTRACTOR agrees to comply with Title 40 CFR Part 34, New Restrictions on Lobbying, 31 U.S.C. § 1352, and 40 CFR Part 30 if applicable. CONTRACTOR

shall include the language of this provision in subcontracts that exceed \$100,000 of federal funds and require all subcontractors to certify and disclose accordingly.

- b. No Federal appropriated funds shall be paid by or on behalf of the CONTRACTOR to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- c. If this contract includes federal funds exceeding \$100,000, CONTRACTOR shall sign and submit to AGENCY Exhibit D, Attachment 2, PSP Certification Regarding Lobbying (based on EPA Form 6600-06 (Rev. 06/2008)). If CONTRACTOR signed and submitted the PSP Certification Regarding Lobbying form during the procurement process for this contract it is not necessary to resubmit the certification.
- d. If CONTRACTOR expends non-federal funds in any amount to lobby as detailed in a., above, CONTRACTOR shall complete and submit to Standard Form LLL (Rev. 4/2012), Disclosure of Lobbying Activity. The form can be found at:  
[http://www.epa.gov/ogd/AppKit/form/sfillin\\_sec.pdf](http://www.epa.gov/ogd/AppKit/form/sfillin_sec.pdf).

## 20. LOBBYING AND LITIGATION

### a. All recipients

- i. The chief executive officer of this recipient agency shall ensure that no grant funds awarded under this assistance agreement are used to engage in lobbying of the Federal Government or in litigation against the U.S. unless authorized under existing law. The recipient shall abide by the Cost Principles available at 2 CFR 200 which generally prohibits the use of federal grant funds for litigation against the U.S. or for lobbying or other political activities.
- ii. The recipient agrees to comply with Title 40 CFR Part 34, New Restrictions on Lobbying. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.
- iii. In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.
- iv. Contracts awarded by a recipient shall contain, when applicable, the anti-lobbying provision as stipulated in the Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.
- v. Pursuant to Section 18 of the Lobbying Disclosure Act, the recipient affirms that it is not a nonprofit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986; or that it is a nonprofit organization described in Section 501(c)(4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act. Nonprofit organizations exempt from taxation under section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities are ineligible for EPA subawards.

## 21. NONDISCRIMINATION and DISADVANTAGED BUSINESS ENTERPRISES

In accordance with 40 CFR 33.106 and its Appendix A, the CONTRACTOR shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies.

## **22. PAYMENT TO CONSULTANTS**

EPA will limit its participation in salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipients' contractors or subcontractors shall be limited to the maximum daily rate for Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

Subagreements with firms for services which are awarded using the procurement requirements in 40 CFR Parts 30 or 31, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction and control of the individual who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR 30.27(b) or 40 CFR 31.369j), as applicable, for additional information.

As of January 1, 2020, the limit is \$654.71 per day \$81.83 per hour.  
(Calculations: 2020 Level IV Executive Schedule annual pay = \$170,800 / 2087 = \$81.83 per hour or \$654.71 per day).

## **23. PROJECT APPROVAL**

The quality, extent and character of any and all work, deliverables and/or services to be performed under this agreement by the CONTRACTOR shall be subject to the review and approval of the AGENCY through the Project Manager or other designated official. In the event that the AGENCY determines, that any work, deliverable, and/or service performed by the CONTRACTOR is unsatisfactory, the AGENCY may withhold reimbursement for the unsatisfactory work performed by the CONTRACTOR or require that the CONTRACTOR remediate their work product to get it to the satisfaction of the AGENCY. The Parties may agree in the Statement of Work to specific approval, acceptance, and/or remediation terms. If the Statement of Work is silent on this topic, the Disputes provision, above, will govern the resolution process.

## **24. RECORDS MAINTENANCE**

The parties to this Agreement shall each maintain books, records, documents and other evidence that sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the service(s) described herein. CONTRACTOR 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 contract, shall be subject at all reasonable times to inspection, review or audit by the AGENCY, personnel duly authorized by the AGENCY, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement. If this contract exceeds \$100,000 and any portion of the funding source is federal, the federal funding agency, the Comptroller General of the United States, or any duly authorized representatives shall have access to books documents, papers, and records of CONTRACTOR directly pertinent to this contract for purpose of making audits, examination, excerpts and transcriptions (40 CFR 30.48(d)).

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.

## **25. RECYCLED PAPER**

In accordance with Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962) any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth. Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchases of specific products

containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

In accordance with the policies set forth in EPA Order 1000.25 and Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management (January 24, 2007), Sub-Recipient agrees to use recycled paper and double sided printing for all reports which are prepared as part of this Agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

## **26. RESPONSIBILITIES OF THE PARTIES**

Each party to this Agreement hereby assumes responsibility for claims and/or damages to persons and/or property resulting from any act or omissions on the part of itself, its employees, its officers, and its agents. Neither party assumes any responsibility to the other party for the consequences of any claim, act, or omission of any person, agency, firm, or corporation not a part to this Agreement.

## **27. SEVERABILITY**

If any term or condition of this Agreement is held invalid, such invalidity shall not affect the validity of the other terms or conditions of this Agreement.

## **28. STATE GRANT CYBERSECURITY**

- (a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State law cybersecurity requirements.
- (b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure.
- (2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange.

## **29. SUBCONTRACTING**

Neither the CONTRACTOR nor any SUBCONTRACTOR shall enter into subcontracts for any of the work contemplated under this contract without obtaining prior written approval of the AGENCY. In no event shall the existence of the subcontract operate to release or reduce the liability of the contractor to the agency for any breach in the performance of the contractor's duties. This clause does not include contracts of employment between the contractor and personnel assigned to work under this contract.

Additionally, the CONTRACTOR is responsible for ensuring that all terms, conditions, assurances and certifications set forth in this agreement are carried forward to any subcontracts

## **30. TERMINATION DUE TO FUNDING**

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this contract and prior to normal completion, the AGENCY may terminate the contract under the "Termination for Convenience" clause, without the ten-day notice requirement, subject to renegotiation at the AGENCY'S discretion under those new funding limitations and conditions.

## **31. TERMINATION FOR CAUSE**

If for any cause either party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either party violates any of these terms and conditions, the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given the opportunity to correct the violation or failure within 15 working days. If the failure or violation is not corrected, this Agreement may be terminated immediately by written notice of the aggrieved party to the other.

### **32. TERMINATION FOR CONVENIENCE**

Either party may terminate this Agreement upon 30 calendar days' prior written notification to the other party. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

### **33. TREATMENT OF ASSETS**

- a. Title to all property furnished by the AGENCY shall remain in the AGENCY. Title to all property furnished by the CONTRACTOR, for the cost of which the CONTRACTOR is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the AGENCY upon delivery of such property by the CONTRACTOR. Title to other property, the cost of which is reimbursable to the CONTRACTOR under this contract, shall pass to and vest in the AGENCY upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the AGENCY in whole or in part, whichever first occurs.
- b. Any property of the AGENCY furnished to the CONTRACTOR shall, unless otherwise provided herein or approved by the AGENCY, be used only for the performance of this contract.
- c. The CONTRACTOR shall be responsible for any loss or damage to property of the AGENCY that results from the negligence of the CONTRACTOR or which results from the failure on the part of the CONTRACTOR to maintain and administer that property in accordance with sound management practices.
- d. If any AGENCY property is lost, destroyed or damaged, the CONTRACTOR shall immediately notify the AGENCY and shall take all reasonable steps to protect the property from further damage.
- e. The CONTRACTOR shall surrender to the AGENCY all property of the AGENCY prior to settlement upon completion, termination or cancellation of this contract.
- f. All reference to the CONTRACTOR under this clause shall also include CONTRACTOR'S employees, agents or SUBCONTRACTORS.

### **34. 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 Agreement unless stated to be such in writing and signed by personnel authorized to bind each of the parties.

**EXHIBIT B -  
STATEMENT OF WORK**

**Title: Whatcom County LIO-FFY2021 Funding**

Task 1: Organize, Support, Administer, Facilitate, and Coordinate a Local Integrating Organization

The local integrating organization (LIO) is responsible for organizing and supporting a committee of representatives to discuss and make recommendations related to Action Agenda planning, local ecosystem recovery planning, and LIO Plan implementation interests. The Partnership will support the LIO through Ecosystem Recovery Team liaison participation at LIO meetings as the Partnership budget allows. The LIO shall maintain sufficient administration, facilitation, and coordination capacity to support the ongoing goals and objectives of a LIO.

- Subtask 1.01    Maintain a local point of contact for the LIO.
- Subtask 1.02    Serve as an agent for local engagement and coordination in the LIO.
- Subtask 1.03/1.04    Administer the Whatcom LIO including arranging LIO meetings, preparing agendas, meeting summaries, briefing papers and other supporting materials and facilitating meetings. Complete other tasks as identified by the WRIA 1 Watershed Management Board or Management Team needed to support the LIO functions. LIO meetings include the WRIA 1 Watershed Management Board, WRIA 1 Management Team, Steering Committee, and joint Staff Teams. These meetings are the framework for developing, vetting, and/or approving outcomes of tasks outlined in the LIO scope of work. This is also the framework for coordinating LIO positions/response/feedback to the regional Puget Sound committees and Boards.
- Subtask 1.05    Update name, organizational affiliation, contact information, and committee(s) role of each LIO member in MiradiShare. Notify ER Team liaison, and update member roster when there is a change to participation.
- Subtask 1.06    Maintain publicly-available information about the LIO, including notice of meetings, agendas, summary notes, and/or opportunities for content review. Maintain up to date LIO information on a public website.
- Subtask 1.07    Participate in regional meetings, including:
- Participate in quarterly (4) 4-6 hour in-person LIO coordinator meetings. Possible dates for the LIO Coordinators in-person (or virtual) meetings are:
    - October 20, 2020 (Tuesday)  
*Partnership may adjust the following dates to better align with Ecosystem Coordination Board (ECB) dates. Meetings will fall on a Tuesday.*
    - February xx, 2021 (Tuesday)
    - May xx, 2021 (Tuesday)
    - August xx, 2021 (Tuesday)
  - Participate in up to eight hours of additional conference calls or web-

- Subtask 1.08    Coordinate with the salmon recovery lead entity(ies).
- Integrate LE topics into the WRIA 1 Management Team and WRIA 1 Watershed Management Board meeting agendas as appropriate.
- Subtask 1.09    Prepare and participate on behalf of the LIO at a Partnership Board or Council meeting (s).
- Attend ECB meetings as applicable when relevant to the LIO priorities.
- Subtask 1.10    Assist LIO in the process to nominate the LIO's Ecosystem Coordination Board (ECB) representative and alternate ECB representative. Coordinate with Partnership ER Team liaison to communicate nomination to Partnership via letter or email.
- Subtask 1.11    Attend two Partnership workshops that support goals of overall LIO program. Topics may include building influential bodies, building local forums for accountability, speaking with decision makers, expanding network of recovery and protection organizations, and building capacity. *Coordinators should plan for two single day events (ex. 9:30-2:30) in a centralized location of Puget Sound (ex. Edmonds).*<sup>1</sup>

Task 2: Advance Implementation of the 2018-2022 Action Agenda and Development of the 2022-2026 Action Agenda

LIOs serve an important role in coordinating the identification and implementation of local priorities identified in the Puget Sound Action Agenda. Work under this task is related to advancing Puget Sound recovery through local implementation of Regional Priorities and near-term actions (NTAs) that exist in the approved LIO Plan and the 2018 – 2022 Action Agenda. Work under this task is also related to contributing local knowledge, priorities, and needs to inform development of the 2022 Action Agenda.

- Subtask 2.01    Coordinate and catalyze implementation of the 2018-2022 Action Agenda through support of NTAs.

*All the following activities required:*

- Coordinate presentations/status updates from NTA owners on NTA progress to full LIO membership
- Share progress on NTAs relevant to the LIO using Puget Sound Info Action Agenda Tracker download (see deliverable for details).
  - *Purpose: LIO may choose to discuss how to support NTAs that are off-track, or experiencing a barrier. LIOs may also choose to discuss the successes of certain NTAs.*

---

<sup>1</sup> Due to ever-evolving response to global health crisis, workshops may be held virtually.  
AGREEMENT NO. #2021-11

- Offer support to local NTA owners by sharing funding opportunities with NTA owners and assist NTA owners in identification of funding opportunities, as requested and as time allows.
- Offer support to local NTA owners by coordinating Partnership letters of support for NTAs for non-NEP funding sources. Offer support to coordinate requests for a Whatcom LIO letter of support including assistance in understanding LIO requirements for obtaining letters of support. If regional NTA owners request an LIO letter of support, discuss and determine LIOs support of the regional NTA (see next bullet)
- Offer local support to implementation of local NTAs by identifying PS Info Action Agenda Tracker funded NTAs, initiating dialogue between the LIO and NTA owner, and communicating and coordinating on elements of interest to the LIO.
- Offer local support to implementation of regional NTAs by: identifying via PS Info Action Agenda Tracker the funded regional NTAs of significance to LIO geography; determining which, if any, are of priority to LIO, and of those that are priority, initiate a dialogue between LIO and NTA owner, beginning with communicating a description of how and what NTA elements are of interest or need to the LIO.

Subtask 2.02      Coordinate and execute a process to identify and recommend an NTA(s) for direct funding by the Strategic Initiative Leads (SIL), if applicable. Provide LIO Coordinator feedback on SIL shortlists, as requested.

Subtask 2.03      Prior to each Ecosystem Coordination Board meeting, engage the LIO ECB representative regarding issues and preferences of the LIO. Encourage ECB representative engagement in Action Agenda discussions held at ECB meetings. Please review [ECB-LIO Expectations document](#) for details.

Subtask 2.04      Engage with the Partnership and Strategic Initiative Lead baseline conversations around the development and execution of the 2022 Action Agenda. Coordinate local area content for 2022 Action Agenda inclusion.

- Provide feedback and input related to the vision for the 2022-2026 Action Agenda
- Encourage LIO committee participation and/or participate as coordinator in LIO committee conversations with the Partnership and the SILs to identify local priorities, programs, and action for inclusion in the 2022-2026 Action Agenda.<sup>2</sup>
- Coordinate LIO comments and/or provide LIO coordinator comments on draft regional products related to 2022 Action Agenda development. These may include: draft LIO Plan synthesis products, draft Implementation Strategies, draft priorities, draft strategies, and draft outcomes.
- Lead or assist in drafting of local area content for the 2022-2026 Action

---

<sup>2</sup> Note- The details of how the collaboration around priorities, outcomes, and local context are still evolving. Please stay engaged in these conversations in summer 2020, and adjust the budget as necessary.

### Task 3: Performance Management

The LIO shall report on progress toward sub-tasks and deliverables through a quarterly progress report provided to the Partnership by the following dates: **January 15 (Fri); April 15 (Thurs); July 15 (Thur); Sept 30 (Thur)**. The LIO shall provide **monthly** invoices with brief explanations of activities two weeks after the end of each month (final invoice and progress report due on September 30, 2021). These reports (progress reports and invoices) will be used by the Partnership for the Financial Ecosystem Assessment Tracking system (FEATs), NEPORT, NEP Atlas, other reporting needs, and to show how LIOs are advancing their plan locally and regionally.

#### *Required for FFY 2021 funding:*

- Subtask 3.01    Send contract progress reports by Task (1-5) on a **quarterly** basis (**January 15 (Fri); April 15 (Thurs); July 15 (Thur); Sept 30 (Thur)**) to the Partnership using the Partnership-provided reporting formats (*i.e. progress report template*).
- Subtask 3.02    Send billing summary by Task (1-5) and proof of expenditure for grant activities on a **monthly** basis (on or before the 15<sup>th</sup> of each month) to the Partnership using the Partnership-provided reporting formats (*i.e. the "Paypack" document*).
- Subtask 3.03    Support local NTA owners in tracking implementation status on a 6-month basis and financial data (funding needed, secured, and expended) and progress measures on an annual basis using PS Info. *Note: NTA owner is responsible for providing this information. If an NTA owner is not responsive, and if needed, assist Partnership in outreach to NTA owner.*
- Subtask 3.04    Develop and distribute LIO Plan progress report to the LIO committees and the Partnership 2x a year.

### Task 4: Support Adaptive Management of LIO Ecosystem Recovery Plans

The LIO shall manage revisions and communicate LIO Plan content in coordination with local and regional partners. Adaptively managing and strategically communicating the LIO Plan engenders confidence in local and regional decision makers that there are well defined problems in Puget Sound at the LIO scale; that LIOs know what to do to address them; the LIO knows which partners to engage and for what purpose; and that LIO work is well integrated into an overall strategy for Puget Sound Recovery. The Plan serves as a longer term strategic framework from which the Partnership and other partners can produce a variety of products associated with planning and communicating Puget Sound recovery goals, strategies, outcomes, barriers and solutions. Examples of these products include Implementation Strategies and a variety of LIO Plan synthesis products.

- Subtask 4.01    Update and adaptively manage LIO Plan.
  - Update the LIO plan using Miradi in response to conversations and workshops held as part of 2022 Action Agenda Development (See subtask 2.04).
  - Work with relevant committees or boards for approval of LIO Plan updates.
  - In response to needs and requests of LIO committees, update

Title: Whatcom County LIO-FFY2021 Funding  
and/or further develop LIO Plan, or create a plan to do so in  
future FFY years. This should work in coordination with subtask  
3.04. (ex. consider and integrate climate impacts and climate  
adaptation and resilience-focused strategies)

- Keep LIO Plan Miradi files up to date (e.g., goals, objectives, results chains).
- Incorporate content (ex. adopted by reference) from adaptively managed or updated salmon recovery chapters into LIO Plan.

Subtask 4.02    Review materials and provide feedback and/or input on needed materials for [Puget Sound Info platform](#).

- PS Info will have both a local area page and a LIO organization page. The Partnership will work closely with LIO coordinator to ensure that these pages are accurate and up to date.

#### Task 5: Tailor LIO coordination to Support Unique Vision and Goals of LIO

The Partnership is eager to invest and empower LIOs for the continued development and implementation of the Action Agenda and LIO Plans. Ultimately, ecosystem recovery goes beyond near-term actions and is addressed in ongoing programs and other avenues of local and regional influence in decision making. Sustainable ecosystem recovery and protection requires a socio-political and cultural shift that incorporates the value of ecosystem services. LIOs are powerful networks that recognize the local nuance of these elements and are the heart of driving the changes necessary to pursue them. This subtask enables LIOs to pursue the individual goals and vision that are unique to their LIO.

**The LIO will choose two or more** additional “tailored enhanced” subtasks for advancement of the LIO Plan in their geography. This section includes tasks that fulfill the following principles:

- Supports an individual LIO’s vision and effort for meaningful engagement in Puget Sound Recovery system including the Action Agenda.
- Supports greater coordination and efficiency and does not simply increase process
- Supports the integration of salmon recovery priorities
- Aligns with Action Agenda and the implementation strategies

All travel reimbursements and stipends must adhere to Washington OFM policies on travel<sup>3</sup>. They must also adhere to the EPA general terms and conditions of the grant<sup>4</sup>

#### Subtask 5.03    **Provide Seed Money to NTAs**

Provide seed money to near-term action (NTA) owner(s) to catalyze implementation via capacity of one or more unfunded 2018-2022 NTA’s.

*A minimum of \$5,000 and a maximum of \$30,000 can be applied to this subtask. Funds allocated to subtask 5.03 must cover (1) the administrative costs required to identify and select NTAs to receive seed money, (2) the administrative costs associated with allocating funds to NTA owners, and (3) the amount of money allocated to NTA owners. If separate subcontract is required, copy should be provided to the Partnership by the LIO*

<sup>3</sup> OFM travel policies and resources: <https://ofm.wa.gov/sites/default/files/public/legacy/policy/10.htm>  
<https://ofm.wa.gov/accounting/administrative-accounting-resources/travel>

<sup>4</sup> EPA General terms and conditions: [https://www.epa.gov/sites/production/files/2019-05/documents/fv\\_2019\\_epa\\_general\\_terms\\_and\\_conditions\\_effective\\_october\\_1\\_2018\\_or\\_later.pdf](https://www.epa.gov/sites/production/files/2019-05/documents/fv_2019_epa_general_terms_and_conditions_effective_october_1_2018_or_later.pdf)

*fiscal agent.*

- Catalyze implementation includes capacity to:
  - Complete feasibility and preliminary design
  - Complete inventories and/or assessments
  - Complete planning strategy
  - Secure partnership agreements, memorandums, or other pre-requisite work necessary
  - Complete outreach activities
- Work with NTA owners, LIO, and ER Team liaison to identify NTAs that are ready to use seed money to catalyze implementation of an NTA. For all NTAs that are being considered for seed money, determine required amount of seed money
- Facilitate the LIO's selection of one or more 2018 NTAs of highest priority to the LIO using the same criteria established for directed funding process. Document selection process to the Partnership.
- Work with selected NTA owners to allocate funds according to the selections made by the LIO. Copy of subcontract should be provided to the Partnership. Document final product with the Partnership. Sub contract will need to be completed no later than September 30, 2021.

**Subtask 5.04    Reactivate or support Local Outreach Network (ex ECONet)**

Support or Reactivate the local ecosystem recovery outreach network. This task is intended to target the Education, Communication, and Outreach Network (ECO Net) within the LIO area or the pre-existing equivalent and to advance and catalyze implementation of LIO Plan priority public engagement, awareness raising, incentive, and/or compliance projects and programs within the LIO (including NTAs).

*Any bulleted item may occur independently without the others. If separate subcontract is required, copy should be provided to the Partnership by the LIO fiscal agent.*

- Fund capacity for LIO Coordinator or LIO staff member to participate in planning and implementing a local outreach network/ECO Net and LIO partner symposium, outreach event, or forum (not to exceed \$10,000), with the purpose of gathering all partners in the LIO area (including local outreach network partners, LEs, LIO partners) who are implementing behavior change projects or programs to share successes, discuss challenges or barriers, and to provide networking and collaboration opportunities.

**Subtask 5.05    Contribute to Barriers Removal**

- Prioritize barriers to recovery within the LIO, consulting with LIO Plan and/or Continuous Improvement opportunities list. *(Complete within first quarter)*. For all LIO priority barriers, determine if the barrier is specific to the LIO's geographic area or impeding recovery work throughout Puget Sound. Update the LIO Plan to reflect barriers identified. Add any new barriers identified to the Continuous Improvement opportunities list.
- Lead removal or reduction of LIO priority barrier.

**SEE BELOW FOR SCHEDULE AND DELIVERABLES**

Schedule and Deliverables

The following table translates the subtasks identified previously into the deliverables and timeline for which the Fiscal Agent will be responsible for from October 1, 2020 – September 30, 2021. Summaries of progress towards subtasks are to be included in quarterly progress reports, and deliverables are to be provided to the Partnership within two weeks of the end of each reporting period in which they were completed, as noted in the table.

**Table 1: Summary of LIO Coordination Grant Scope of Work Deliverables and Budget for October 2020 – September 2021.**

DRAFT Deliverables	Reporting Period FFY 2020 Funding			
	Oct – Dec 2020	Jan – Mar 2021	Apr – Jun 2021	Jul – Sep 2021
<b>Task 1: Organize, Support, Administer, Facilitate, and Coordinate a Local Integrating Organization- \$24,112</b>				
Subtask 1.03/1.04 <ul style="list-style-type: none"> <li>Submit LIO committee meeting materials including agendas and other meeting materials (via Box contract folder).</li> <li>Develop and distribute summary meeting notes and materials to committees and the Partnership (via Box contract folder or links to LIO website).</li> </ul>	X	X	X	X
Subtask 1.05 Updated Miradi file that has updated name and organizational affiliation of each LIO member. Notify ERC of change or list in quarterly progress reports.	X	X	X	X
Subtask 1.06 Provide link to LIO publicly-available website to the Partnership and describe updates to the website in quarterly progress reports.	X	X	X	X
Subtask 1.07 Attendance at meeting as reflected on the attendance sheets and summaries written by Partnership staff	X	X	X	X
Subtask 1.08 Describe current state of coordination with salmon recovery lead entity in first quarterly progress report. As relevant, describe and provide any materials related to LIO and LE efforts toward closer coordination in subsequent progress reports.	X	As appli cable	As appli cable	As applic able
Subtask 1.09 <ul style="list-style-type: none"> <li>Provide copies of relevant memos and/or summary notes as part of participation in Board or Council meeting (via Box contract folder)</li> </ul>	As applicable			
Subtask 1.10 Communicate ECB nomination to Partnership via letter or email, and upload copy of such email or letter in Box contract folder	As applicable			
Subtask 1.11 Attendance at workshops as reflected on the attendance sheets and summaries written by Partnership staff	X		X	

<b>Task 2: Advance Implementation of the 2018-2022 Action Agenda and Development of the 2022-2026 Action Agenda - \$28,946</b>				
<p>Subtask 2.01</p> <p>Upload all deliverables to Box contract folder with quarterly progress reports:</p> <p>Provide description in quarterly progress report:</p> <ul style="list-style-type: none"> <li>• A list of funding opportunities shared with NTA owners</li> <li>• Describe if any NTA of significance to the LIO was funded (using PS Info) and if so, state which one(s), and what was done by the NTA owner initiate dialogue with the LIO and/or efforts by the LIO to initiate dialogue with the owner, efforts to coordinate with the LIO, and any lessons, challenges or successes from this coordination.</li> </ul> <p>Upload copies to Box contract folder:</p> <ul style="list-style-type: none"> <li>• File download of LIO NTA status report from PS Info (2x year). This will be a single click download from the local LIO organization PS Info page.</li> <li>• LIO letters of support for local and/or regional NTAs</li> <li>• Upload NTA presentations that were made to LIO committees/boards</li> </ul>	X	X	X	X
<p>Subtask 2.02</p> <ul style="list-style-type: none"> <li>• Notify the Partnership of the NTA recommended for direct funding (via direct email or cc'd along with email to SILs)</li> <li>• Notify the Partnership of the LIO feedback on shortlist to SILs (via direct email or cc'd along with email to SILs)</li> </ul>	As applicable			
<p>Subtask 2.03</p> <p>In quarterly progress report, briefly describe discussion with Action Area rep and any challenges or successes associated with this coordination.</p>	X	X	X	X
<p>Subtask 2.04</p> <ul style="list-style-type: none"> <li>• Upload to Box contract folder final LIO materials associated with Action Agenda Development</li> <li>• Attendance at workshops as reflected on the attendance sheets and summaries written by Partnership staff</li> <li>• In quarterly progress reports, describe tasks and actions associated with subtask 2.04</li> </ul>	As applicable			
<b>Task 3: Performance Management - \$7175.37</b>				
<p>Subtask 3.01</p> <ul style="list-style-type: none"> <li>• Send progress reports by task and associated deliverables on a <b>quarterly</b> basis (January 15, 2021; April 15, 2021; July 15, 2021; and September 30, 2021) to the Partnership using the Partnership-provided reporting formats (<i>i.e. progress report template</i>).</li> </ul>	X	X	X	X
<p>Subtask 3.02</p> <ul style="list-style-type: none"> <li>• Send billing summary by task, and proof of expenditure for grant activities <b>monthly</b> to the Partnership using the Partnership – provided reporting formats (<i>i.e. the "Paypack" document</i>) (<i>Final billing invoice due October 2020</i>)</li> </ul>	X	X	X	X

<b>Subtask 3.04</b> <ul style="list-style-type: none"> <li>• Upload LIO Plan progress report to Box contract folder, distribute the progress report to committee/board via email or during meetings with the proposed discussion questions for future LIO meetings (see 'purpose' description under subtask 3.04).</li> <li>• The progress report for the LIO Plan should consist of two documents- LIO may choose to provide more materials as appropriate:               <ol style="list-style-type: none"> <li>1) PS Info NTA status report that will be a fast and easy download. Partnership to provide instructions on how to create this download, and</li> <li>2) MiradiShare LIO Plan single click export. Partnership to provide instructions on how to create this export</li> </ol> </li> </ul>				
<b>Task 4: Support Adaptive Management of LIO Ecosystem Recovery Plans - \$18,980</b>				
<b>Subtask 4.01</b> <ul style="list-style-type: none"> <li>• Provide description of priority adaptive management activities for 2020-2021 and beyond in quarterly progress report</li> <li>• Track, update and report changes (including reason for change) to the Partnership on the LIO Ecosystem Recovery Plan and project file in Miradi (i.e. briefly note if changes were made in Miradi in quarterly progress report).</li> </ul>	X	X	X	X
<b>Subtask 4.02</b> <ul style="list-style-type: none"> <li>• In quarterly progress report, briefly describe is any PS Info materials were reviewed</li> </ul>	X	X	X	X
<b>Task 5: Tailor LIO coordination to Support Unique Vision and Goals of LIO - \$45,786.63</b>				
<b>Subtask 5.03: Provide Seed Money to NTAs</b> <ul style="list-style-type: none"> <li>• Upload any subcontract associated with this subtask</li> <li>• In quarterly progress reports, provide status of the subcontract to ensure full spend down by Sept. 30, 2021.</li> <li>• In quarterly progress report, describe efforts to support this subtask.</li> <li>• Upload description of NTA selection process to contract Box folder.</li> <li>• Upload final subcontract deliverables associated with sub-contract to contract Box folder.</li> </ul>	X	X	X	X
<b>Subtask 5.04: Support Local Outreach Network (WWIN)</b> <ul style="list-style-type: none"> <li>• Upload final materials to Contract Box folder related to symposium, events, and/or forums</li> </ul>	X	X	X	X
<b>Subtask 5.05: Contribute to Barriers Removal</b> <ul style="list-style-type: none"> <li>• In quarterly progress report, provide detailed description of work toward subtask and upload any materials (ex. A3 document) associated to the contract Box folder.</li> </ul>	X	X	X	X
<b>Total Budget</b>	<b>\$ 125, 000</b>			

PROGRAM SPECIFIC REQUIREMENTS/NARRATIVE

**Staffing Requirements:** The PSP Executive Director or designee must approve project personnel changes.

## EXHIBIT C - Budget & Billing Procedures

### Title: Whatcom County LIO-FFY2021 Funding

CONTRACT: 2021-11														
PROJECT TITLE: Whatcom County LIO														
				TASK 1		TASK 2		TASK 3		TASK 4		TASK 5		TOTAL
				Organize, Support, Administer, Facilitate, and Coordinate a Local Integrating Organization		Advance Implementation of the 2019-2022 Action Agenda and Development of the 2023-2036 Action Agenda		Performance Management		Support Adaptive Management of LIO Ecosystem Recovery Plans		Tailor LIO coordination to Support Unique Vision and Goals of LIO		
	Job Classification	UNIT	RATE	UNITS	COST	UNITS	COST	UNITS	COST	UNITS	COST	UNITS	COST	UNITS COST
SALARY COST	Planner I	HR	\$34.78	0	\$ -	0	\$ -	50	\$ 1,739.00	0	\$ -	20	\$ 695.60	70 \$ 2,434.60
	Planner I (wages starting Aug 2021)	HR	\$36.14	0	\$ -	0	\$ -	30	\$ 1,084.20	0	\$ -	30	\$ 1,084.20	60 \$ 2,168.40
TOTAL SALARY					\$ -		\$ -	80	\$ 2,823.20		\$ -	60	\$ 1,779.80	140 \$ 4,603.00
BENEFITS	Planner I	HR	74%		\$ -		\$ -		\$ 1,286.86		\$ -		\$ 514.74	\$ 1,801.60
	Planner I (wages starting Aug 2021)	HR	74%		\$ -		\$ -		\$ 802.31		\$ -		\$ 802.31	\$ 1,604.62
TOTAL BENEFITS					\$ -		\$ -		\$ 2,089.17		\$ -		\$ 1,317.06	0 \$ 3,406.22
SUPPLIES			\$ -		\$ -		\$ -		\$ -		\$ -		\$ 813.78	\$ 813.78
			\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	\$ -
TOTAL SUPPLIES					\$ -		\$ -		\$ -		\$ -		\$ 813.78	\$ 813.78
SUBCONTRACTS			\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	\$ -
PLACEHOLDER CONTRACT FOR SEED MONEY (S 03)			\$ -		\$ -		\$ -		\$ -		\$ -		\$ 30,000.00	\$ 30,000.00
PLACEHOLDER CONTRACT FOR ADDRESSING BARRIER (S 05)			\$ -		\$ -		\$ -		\$ -		\$ -		\$ 6,562.00	\$ 6,562.00
Consultant			\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	\$ -
Salaries, Benefits			\$ -		\$ 23,652.00		\$ 28,782.00		\$ 2,263.00		\$ 18,980.00		\$ 5,314.00	\$ 78,971.00
Travel	Mileage R/T (\$5.75 per)		\$ -		\$ 460.00		\$ 184.00		\$ -		\$ -		\$ -	\$ 644.00
Supplies/Graphics			\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	\$ -
TOTAL SUBCONTRACTORS					\$ 24,112.00		\$ 29,946.00		\$ 2,263.00		\$ 18,980.00		\$ 41,878.60	\$ 119,177.00
TOTAL COSTS					\$ 24,112.00		\$ 29,946.00		\$ 7,175.37		\$ 18,980.00		\$ 45,786.47	\$ 129,000.00

### BILLING PROCEDURES

The AGENCY shall reimburse the CONTRACTOR upon review and approval of work performed under the scope of this agreement and receipt of properly completed reimbursement requests.

THE AGENCY will pay for work and expenses that occurred within the period of performance. The AGENCY reserves the right to withhold 10% of the payment under each reimbursement request until satisfactory completion of the project.

Payment may be withheld if required work, services, progress reports and/or deliverables are not submitted to the satisfaction of the AGENCY.

The AGENCY may terminate the agreement or withhold payments claimed by the CONTRACTOR for services rendered if the CONTRACTOR fails to comply with any term or condition of this contract.

The AGENCY will pay indirect costs as approved in the budget. The CONTRACTOR may be required to submit a copy of their current federally approved indirect cost rate.

The CONTRACTOR shall receive reimbursement for travel and other expenses as identified below or as authorized in advance by the AGENCY as reimbursable. Such expenses may include airfare (economy or coach class only), other transportation expenses, lodging and subsistence necessary during periods of required travel at the current state reimbursement rates (<http://www.ofm.wa.gov/resources/travel.asp>).

If the CONTRACTOR expends more than the amount of the AGENCY funding in this agreement in anticipation of receiving additional funds from the AGENCY, it does so at its own risk. The AGENCY is not legally obligated to reimburse the CONTRACTOR for costs incurred in excess of the AGENCY's approved budget.

The CONTRACTOR must submit a monthly invoice voucher or equivalent document to the AGENCY by the 20th of each month for the previous month's billing (e.g. March invoice to be submitted by April 20th) *UNLESS* the agreement has been identified as a "deliverable-based" contract with specific due date or special conditions that has been approved by the PSP Project Manager. Contractors must submit invoices within 30 days after the month of completion of deliverables to the PSP Project Manager for "deliverable-based" contracts. Payment for approved goods and/or services will be made by check, warrant or electronic fund transfer (EFT) within 30 days of receipt of the invoice. The CONTRACTOR must submit invoices for all work done within a fiscal year 30 days after the end of the fiscal year. Invoices shall be paid within 30 days after the final invoice has been submitted. Payment for approved goods and/or services will be made by check, warrant or electronic fund transfer (EFT) within 30 days of receipt of the invoice. The CONTRACTOR must submit invoices for all work done within a fiscal year 30 days after the end of the fiscal year. Invoices shall be paid within 30 days after the final invoice has been submitted.

**BILLING CONDITIONS:**

All Contractors/LIOs must submit any budget changes to PSP for sufficient processing time of any amendment execution between PSP and the Contractor/LIO. If information provided does not allow for sufficient processing time, PSP will not adjust or pay for any invoices or billing over the 10% of the total amount listed for each task or subtask even if the added total amounts for those tasks/subtasks does not exceed the total budget.

**BILLING DETAIL**

Each invoice voucher or equivalent document submitted to the AGENCY by the CONTRACTOR must include all necessary information for the AGENCY to verify all expenditures. At a minimum, the CONTRACTOR shall specify the following:

1. The PSP contract/agreement number.
2. The time-period during which the services were performed.
3. A description of purchases, work and services performed.
4. Total invoice amount.
5. Expenditure detail based on the approved budget. Supporting documentation must include the same level of detail as the approved budget, such as:
  - a. Task Number
  - b. Budget category (personnel, goods/services, subcontractors)
  - c. Number of hours billed, if applicable and
  - d. Hourly rate, if applicable.
6. A receipt must accompany any single expense in the amount of \$50.00 or more.
7. If match is required:
  - a. match requirement met during the billing period, and
  - b. cumulative match requirement met
8. A progress report describing the deliverables completed during the reimbursement request period.

The AGENCY shall not process payments if the CONTRACTOR fails to submit the required documentation.

Submit reimbursement requests to:  
*Puget Sound Partnership  
Fiscal Unit  
326 East D Street  
Tacoma, WA 98421-1801*

*Requests may be submitted electronically to [pspfiscal@psp.wa.gov](mailto:pspfiscal@psp.wa.gov)*

Payment shall be considered timely if made by the AGENCY within thirty (30) calendar days after receipt of properly completed reimbursement request.

**Exhibit D**PSP Agreement # 2021-11**CERTIFICATION REGARDING LOBBYING**  
**CERTIFICATION FOR CONTRACTS, GRANTS,**  
**LOANS AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

---

Typed Name & Title of Authorized Representative

---

Signature and Date of Authorized Representative

PSP form (rev 8/2013) based on EPA form 5500-06 (Rev. 06/2008) Previous editions are obsolete

## **EXHIBIT E**

### **Puget Sound Partnership SUB-RECIPIENT FEDERAL REQUIREMENTS**

**Title: Whatcom County LIO – FFY 2021 Funding**

#### **1. INTRODUCTION**

This Exhibit E contains provisions that are not listed on OMB Standard Form 424B (Rev 4-2012). These provisions apply only to Sub-recipients.

#### **2. AUDIT REQUIREMENTS**

Sub-recipient CONTRACTOR shall meet the provisions in Office of Management and Budget (OMB) Guidance, Subpart F, §200.501 (Audit Requirements), if the CONTRACTOR expends \$750,000 or more in total Federal funds in a fiscal year. The \$750,000 threshold for each year is a cumulative total of all federal funding from all sources. The CONTRACTOR shall forward a copy of the audit along with the RECIPIENT'S response and the final corrective action plan to AGENCY within ninety (90) days of the date of the audit report. For complete information on how to accomplish the single audit submissions, visit the Federal Audit Clearinghouse Web site: <http://harvester.census.gov/facweb/>

#### **3. COST PRINCIPLES/INDIRECT COSTS FOR STATE AGENCIES**

GRANT RECIPIENT agrees to comply with the cost principles of 2 CFR 200 Subpart E as appropriate to the award.

In addition to the US Environmental Protection Agency's General Terms and Conditions "Indirect Cost Rate Agreements", if the recipient does not have a previously established indirect cost rate, it agrees to prepare and submit its indirect cost rate proposal in accordance with 2 CFR 200 Appendix VII.

#### **4. CIVIL RIGHTS OBLIGATIONS**

This term and condition incorporates by reference the signed assurance provided by the recipient's authorized representative on Standard Form 424B. These assurances and this term and condition obligate the recipient to comply fully with applicable civil rights statutes and implementing EPA regulations.

#### **5. CYBERSECURITY CONDITION**

The subrecipient(s) must comply with the recipient's requirements (section (b) (1) – EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure) if the subrecipients network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange.

#### **6. NON DISCRIMINATION AND DISADVANTAGED, MBE, WBE BUSINESS ENTERPRISES ADDITIONAL REQUIREMENTS**

CONTRACTOR agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority, and Women's Business Enterprises in procurement, contained in 40 CFR, Part

33. CONTRACTOR shall include the following provision in all subcontracts involving use of federal funds:

In accordance with 40 CFR 33.106 and its Appendix A, the CONTRACTOR shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor administration shall carry out applicable requirements of 40 CFR part 33 in the award of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies.

## **7. DRUG FREE WORKPLACE**

CONTRACTOR (Sub-Recipient) shall make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 2 CFR Part 1536 Subpart B. Additionally, in accordance with these regulations, the recipient organization shall identify all known workplaces under its federal award and keep this information on file during the performance of the award.

CONTRACTORS who are individuals must comply with the drug-free provisions set forth in Title 2 CFR Part 1536 Subpart C.

The consequences for violating this condition are detailed under Title 2 CFR Part 1536 Subpart E. Recipient can access the Code of Federal Regulations (CFR) Title 2 Part 1536 at:

<http://ecfr.gpoaccess.gov>.

## **8. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) REPORTING REQUIREMENTS**

- a. In order to comply with the FFATA, the Sub-Recipient shall complete the FFATA Data Collection Form (FFATA Data Collection Form, Exhibit E, and Attachment 2) and return it to the AGENCY. The AGENCY will report basic agreement information, including the required DUNS number, for all federally-funded agreements at [www.fsr.gov](http://www.fsr.gov). This information will be made available to the public at [www.usaspending.gov](http://www.usaspending.gov). Sub-Recipients who do not have a DUNS number can find guidance at [www.grants.gov](http://www.grants.gov). Please note that AGENCY will not pay any invoices until it has received the completed FFATA Data Collection Form.
- b. To comply with the act and be eligible to enter into this contract, your organization must have a Data Universal Numbering System (DUNS®) number. A DUNS® number provides a method to verify data about your organization. If you do not already have one, you may receive a DUNS® number free of charge by contacting Dun and Bradstreet at [www.dnb.com](http://www.dnb.com).
- c. Any sub-recipient that meets each of the below criteria must also report compensation for its five top executives, using AGENCY's Federal Funding Accountability and Transparency Act (FFATA) Data Collection Form if the sub-recipient meets the following criteria:
  - Receives more than \$25,000 in federal funds under this award.
  - Receives more than 80 percent of its annual gross revenues from federal funds.
  - Receives more than \$25,000,000 in annual federal funds.
  - The public does not have access to this information about the compensation of the senior executives of your organization through periodic reports filed under section 13(A) or 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78m(a), 78(d) or section 6104 of the Internal Revenue Code of 1986.

See [www.fsr.gov](http://www.fsr.gov) for details of this requirement. If your organization falls into this above category, you must report the required information to AGENCY.

## **9. INTERNATIONAL TRAVEL (Including Canada)**

All International Travel must be approved by the US Environmental Protection Agency's, Office of International and Tribal Affairs (OITA) BEFORE travel occurs. Even a brief trip to a foreign country, for example to attend a conference, requires OITA approval. Please contact your Partnership Project manager as soon as possible if travel is planned out of the country, including Canada and/or Mexico, so that they can submit a request to the EPA Project Officer if they approve of such travel.

## **10. LEP (Limited English Proficiency) Title VI**

As a recipient of EPA financial assistance, you are required by Title VI of the Civil Rights Act to provide meaningful access to LEP individuals. In implementing that requirement, the Sub-recipient agrees to use as a guide the Office of Civil Rights (OCR) document entitled "*Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.*" The guidance can be found at

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004\\_register&docid=fr25jn04-79.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004_register&docid=fr25jn04-79.pdf)

In accepting this contract, the recipient acknowledges it has an affirmative obligation to implement effective Title VI compliance programs and ensure that its actions do not involve discriminatory treatment and do not have discriminatory effects even when facially neutral. The recipient must be prepared to demonstrate to EPA/PSP that such compliance programs exist and are being implemented or to otherwise demonstrate how it is meeting its Title VI obligations. For example, if CONTRACTOR's responsibilities under this contract include gathering public input on an environmental issue, CONTRACTOR's communication with the public should attempt to minimize barriers that interfere with the ability of LEP persons to meaningfully participate.

## **11. MANAGEMENT FEES**

Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this CONTRACT. Management fees or similar charges may not be used to improve or expand the project funded under this Agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

## **12. PEER REVIEW**

The results of this project may affect management decisions relating to Puget Sound. Prior to finalizing any significant technical products the Principal Investigator (PI) of this project must solicit advice, review, and feedback from a technical review or advisory group consisting of relevant subject matter specialists. A record of comments and a brief description of how respective comments are addressed by the PI will be provided to the Project Monitor prior to releasing any final reports or products resulting from the funded study.

## **13. REIMBURSEMENT LIMITATION**

If CONTRACTOR expends more than the amount of the Environmental Protection Agency (EPA) funding in this agreement in anticipation of receiving additional funds from EPA, it does so at its own risk. EPA is not legally obligated to reimburse PSP, nor its sub-recipients, for costs incurred in excess of the EPA approved budget.

#### **14. SEMI-ANNUAL AND ANNUAL PERFORMANCE REPORTS**

The Sub-recipient shall submit performance reports during the life of the project, as specified in the statement of work or work plan developed under this contract.

In addition to the periodic performance reports, the recipient shall submit a final performance report, which is due 90 calendar days after the expiration or termination of the award, or as specified in the work plan or statement of work. The report shall be submitted to the PSP Project Officer and may be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period. After completion of the project, the PSP Project Officer may waive the requirement for a final performance report if the PSP Project Officer deems such a report is inappropriate or unnecessary.

#### **15. SIX GOOD FAITH EFFORTS, 40 CFR, PART 33, SUBPART C**

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, service and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local Government recipients, this will include placing DBEs on solicitation lists and soliciting whenever they are potential sources.
- b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraph (a) through (e) of this section.

#### **16. SUB-AWARDS**

If CONTRACTOR (Sub-Recipient) makes sub-awards under this contract, CONTRACTOR is responsible for selecting its sub-awardees and, if applicable, for conducting sub-award competitions. CONTRACTOR agrees to:

- a. Establish all sub-award agreements in writing;
- b. Maintain primary responsibility for ensuring successful completion of the approved project (Sub-Recipient cannot delegate or transfer this responsibility to a sub-awardee);

- c. Ensure that any sub-awards comply with the standards in Section 210(a)-(d) of OMB Circular A-133, and are not used to acquire commercial goods or services for the sub-awardee;
- d. Ensure that any sub-awards to 501(c)(4) organizations do not involve lobbying activities;
- e. Monitor the performance of sub-awardees, and ensure sub-awardees comply with all applicable regulations, statutes, and terms and conditions which flow down in the sub-award;
- f. Obtain AGENCY's consent before making a sub-award to a foreign or international organization, or a sub-award to be performed in a foreign country; and
- g. Obtain approval from AGENCY for any new sub-award work that is not outlined in the approved work plan in accordance with 40 CFR Parts 30.25 and 31.30, as applicable.

**17. TRAFFICKING IN PERSONS AND TRAFFICKING VICTIM PROTECTION ACT OF 2000 (TVPA) AS AMENDED IN 22 U.S.C. 7104(g)**

This provision applies only to a Sub-Recipient, and all sub-awardees of Sub-Recipient, if any. See page one (1) of this contract for determination of whether CONTRACTOR is a sub-recipient. Sub-Recipient shall include the following statement in all sub-awards made to any private entity under this Agreement.

"You as the Sub-Recipient, your employees, sub-awardees under this award, and sub-awardees' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or sub-awards under this Award."

Sub-Recipient, and all sub-awardees of Sub-Recipient must inform AGENCY immediately of any information you receive from any source alleging a violation of this prohibition during the award term.

Federal agency funding this agreement may unilaterally terminate, without penalty, the funding award if this prohibition is violated, Section 106 of the Trafficking Victims Protection Act of 2000, as amended.

**18. UNLIQUIDATED OBLIGATIONS (ULO)**

Sub-recipients, and all sub-awardees of Sub-Recipients, if any, should manage their agreement and subaward funding in ways that reduce the length of time that federal funds obligated and committed to subaward projects are unspent (not yet drawn down through disbursements to sub-recipients and sub-awardees).

**ASSURANCES - NON-CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681- 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE <div></div>
APPLICANT ORGANIZATION <div></div>	DATE SUBMITTED <div></div>

Standard Form 424B (Rev. 7-97) Back



#### 424B (Rev 4-2012) Federal Funding Accountability and Transparency Act Data Collection Form

This award is supported by Federal Funds that require compliance with the Federal Funding Accountability and Transparency Act. The purpose of the Transparency Act is to make information available online so the public can see how Federal Funds are spent. To comply with the act and be eligible to receive this award, your organization must have a Data Universal Numbering System (DUNS®) number. If you do not already have one, you may receive a DUNS® number free of charge by contacting Dun and Bradstreet at [www.dnb.com](http://www.dnb.com). The Puget Sound Partnership (PSP) also encourages registration with the System for Award Management (SAM) to reduce data entry by both PSP and your organization. You may register with SAM Free of Charge at [www.sam.gov](http://www.sam.gov). Information about your organization and this grant will be reported by PSP to the Federal government as required by P.L 109-282. This information will then be made available to the public by the Federal Government on [www.USASpending.gov](http://www.USASpending.gov).

#### Subrecipient

1. Legal Name <i>Whatcom County</i>	2. Duns Number <i>060044641</i>
3. Principle Place of Performance <i>311 Grand Ave</i>	
3a. City <i>Bellingham</i>	3b. State <i>WA</i>
3c. Zip +4 <i>98225</i>	3d. Country <i>USA</i>
4. Are you registered in SAM? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, skip to signature block. Sign, Date & Return	
5. In the preceding fiscal year, did your organization:	
a. Receive 80% or more of annual gross revenue from Federal contracts, subcontracts, grants, loans, subgrants, loans and/or cooperative agreements, AND	
b. \$25,000 or more in annual gross revenues from Federal contracts, subcontracts, grants, loans, subgrants, loans and/or cooperative agreements, AND	
c. Receives more than \$25,000,000 in annual federal funds.	
d. The public does not have access to this information about the compensation of the senior executives of your organization through periodic reports filed under section 13(A) or 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78m(a), 78(d) or section 6104 of the Internal Revenue Code of 1986.	
<input type="checkbox"/> No – skip to signature block. Sign, Date, & Return	
<input type="checkbox"/> Yes – you must report the names and total compensation of the top 5 highly compensated officials of your organization	
Name of Official	Total Compensation
1.	\$ Annually
2.	\$ Annually
3.	\$ Annually
4.	\$ Annually
5.	\$ Annually
NOTE: Total compensation for the purposes of this requirement generally means the cash and non-cash value earned by the executive during the past fiscal year and includes salary and bonus; awards of stock; stock options and stock appreciation rights; and other compensation such as severance and termination payments, and value of life insurance paid on behalf of the employee, and as otherwise provided by FFATA and applicable OMB guidance.	
By signing this document, the Authorized Representative attests to this information	
Signature of Authorized Representative <i>[Signature]</i>	Date <i>9/28/20</i>
Printed Name of Authorized Representative <i>Randy Rydel</i>	



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-424

---

<b>File ID:</b>	AB2020-424	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/29/2020	<b>Entered by:</b>	LCumming@co.whatcom.wa.us		
<b>Department:</b>	Public Works Department	<b>File Type:</b>	Contract (FCZDBS)		
<b>Assigned to:</b>	Council Finance and Administrative Services Committee	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: [Click here to enter text.](#)

### **TITLE FOR AGENDA ITEM:**

Request permission for the County Executive and the County Council to enter into a Joint Funding Agreement between the Whatcom County Flood Control Zone District (FCZD) and the United States Geological Survey (USGS); (Council acting as the FCZD Board of Supervisors)

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

This Joint Funding Agreement is for collection of stream-gaging data on a real-time basis for early flood warning and flood response, and covers the six early warning gages on the Nooksack River and its upper forks, plus the Jones Creek gage and the Everson overflow gage at Main Street

---

### **HISTORY OF LEGISLATIVE FILE**

---

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

---

---

**Attachments:** Memo, Contract (FCZDBOS)



## M E M O R A N D U M

**TO:** The Honorable Members of the Whatcom County Flood Control Zone District Board of Supervisors

**THROUGH:** Jon Hutchings, Public Works Director

**FROM:** Paula J. Harris, P.E., River and Flood Manager *PJH*  
Gary Stoyka, Natural Resources Program Manager *GS*

**DATE:** September 23, 2020

**RE:** Joint Funding Agreement with United States Geological Survey

---

Enclosed are two (2) originals of a Joint Funding Agreement between the Whatcom County Flood Control Zone District (FCZD) and the United States Geological Survey (USGS) for your review and signature.

▪ **Background and Purpose**

The FCZD has worked cooperatively with the USGS for a number of years to collect stream-gaging data on a real-time basis for early flood warning and flood response. Financing of this program is provided on a cost-share basis through the USGS Cooperative Program. This Joint Funding Agreement covers the six early warning gages on the Nooksack River and its upper forks, plus the Jones Creek gage and the Everson overflow gage at Main Street. The Jones Creek gaging station was installed in 2009 to provide advance warning for the Acme Fire District (AFD) in responding to a debris flow event on Jones Creek. The Everson Overflow gaging station was installed in 2012 in cooperation with the City of Abbotsford, BC to help monitor and plan flood response for overflows at Everson during large flood events.

▪ **Funding Amount and Source**

The proposed Joint Funding Agreement is for a total amount of \$120,197 of which \$16,080 will be funded by the USGS including \$7,357 through Cooperative Matching Funds and \$8,723 through its Federal Priority Streamgage Program. The FCZD will provide \$104,117, including \$98,116 from FCZD fund and \$6,001 from the Acme/VanZandt Subzone fund. The City of Abbotsford will reimburse the FCZD \$4,413 in accordance with the existing Interlocal Agreement for the Everson Overflow gaging station, thereby bringing the total FCZD contribution to this agreement to \$99,704.

▪ **Differences from Previous Contract**

This year's costs are approximately 0.4% higher than the cost of similar services provided last year.

Please contact Paula Harris at extension 6285 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:	Public Works
Division/Program: (i.e. Dept. Division and Program)	River and Flood/907540
Contract or Grant Administrator:	Paula J. Harris
Contractor's / Agency Name:	United States Geological Survey

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?    Contract  
 Yes ☐    No ☒    If yes, RFP and Bid number(s): \_\_\_\_\_ Cost Center: 169110 & 169230

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): \$ 120,197 This Amendment Amount: \$ _____ Total Amended Amount: \$ 120,197	Council approval required for; all property leases, contracts or bid awards <b>exceeding \$40,000</b> , and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, <b>except when</b> : 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 annual Joint Funding Agreement with the USGS funds the ongoing operation and maintenance of the County's six stream gages within the Nooksack River early flood warning system; a stream gage at the Nooksack River Everson Overflow; and a stream gage on Jones Creek in Acme, WA for early flood warning and flood response.*

Term of Contract: Fixed Amount	Expiration Date: September 30, 2021
--------------------------------	-------------------------------------

Contract Routing:	1. Prepared by: <u>Lonni Cummings /Paula Harris</u>	Date: <u>9/23/2020</u>
	2. Attorney signoff: <u>Christopher Quinn</u>	Date: <u>9/24/2020</u>
	3. AS Finance reviewed: <u>Bbennett</u>	Date: <u>9/28/2020</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: _____

Form 9-1366  
(May 2018)

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations

Customer #: 6000000721  
Agreement #: 21YGJFA04200  
Project #: YG00H1U  
TIN #: 91-6001383

Fixed Cost Agreement YES[ X ] NO[ ]

THIS AGREEMENT is entered into as of the **October 1, 2020**, by the U.S. GEOLOGICAL SURVEY, Washington Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the **Whatcom County Flood Control Zone District**, party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperations a **fixed-price agreement for the operation and maintenance of the cooperative streamgaging program between the USGS and Whatcom County Flood Control Zone District**, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) **\$7,357** by the party of the first part during the period  
**October 1, 2020 to September 30, 2021**
- (b) **\$104,117** by the party of the second part during the period  
**October 1, 2020 to September 30, 2021**
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of: \$8,723  
  
Description of the USGS regional/national program: USGS Federal Priority Streamgage Program
- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program, and if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties. The Parties acknowledge that scientific information and data developed as a result of the Scope of Work (SOW) are subject to applicable USGS review, approval, and release requirements, which are available on the USGS Fundamental Science Practices

website (<https://www.usgs.gov/about/organization/science-support/science-quality-and-integrity/fundamental-science-practices>).

**Form 9-1366  
(May 2018)**

**U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations**

**Customer #: 6000000721  
Agreement #: 21YGJFA04200  
Project #: YG00H1U  
TIN #: 91-6001383**

9. Billing for this agreement will be rendered **quarterly**. Invoices not paid within 60 days from the billing date will bear Interest, Penalties, and Administrative cost at the annual rate pursuant the Debt Collection Act of 1982, (codified at 31 U.S.C. § 3717) established by the U.S. Treasury.

**USGS Technical Point of Contact**

Name: Mark Mastin  
Supervisory Hydrologist  
Address: 934 Broadway Suite 300  
Tacoma, WA 98402  
Telephone: (253) 552-1609  
Fax: (253) 552-1581  
Email: mcmastin@usgs.gov

**Customer Technical Point of Contact**

Name: Paula Harris  
Manager, River and Flood Division  
Address: Whatcom County Public Works  
Department 322 N Commercial Street,  
Suite 210  
Bellingham, WA 98225-4042  
Telephone: 360-778-6285  
Fax:  
Email: pharris@co.whatcom.wa.us

**U.S. Geological Survey  
United States  
Department of Interior**

**Whatcom County Public Works**

**CYNTHIA**  
By **BARTON**  
Name: Cynthia Barton, Ph.D, L.H.G., L.G.  
Title: Center Director

**Signature**  
Digitally signed by  
CYNTHIA BARTON  
Date: 2020.08.03  
07:10:20 -0700 Date: **07/24/2020**

**Signatures**

By See Attached Date: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Satpal Singh Sidhu, Whatcom County Executive                      Date \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF WHATCOM )

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, 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 \_\_\_\_\_

Approved As To Form Only:

Christopher Quinn by e 9.24.2020  
Christopher Quinn Date  
Civil Deputy Prosecutor

USGS Station No.	Station Name	Whatcom County Public Works Dept.	USGS Federal Priority Streamgaging Program	USGS Cooperative Matching Funds	Total	Remarks
NORTHWEST WASHINGTON FIELD OFFICE (FERNDAL), 360-312-8155 x2001						
<b>12205000</b>	<b>North Fork Nooksack River below Cascade Creek near Glacier</b>					
	Streamflow discharge with priority real-time data transmission	\$15,288		\$7,357	\$22,645	
<b>12208000</b>	<b>Middle Fork Nooksack River near Deming</b>					
	Streamflow discharge with priority real-time data transmission	\$3,420				The remainder of this gage is \$3,420 funded by the City of Bellingham.
<b>12210000</b>	<b>South Fork Nooksack River at Saxon Bridge</b>					
	Streamflow discharge with priority real-time data transmission	\$16,198	\$6,447		\$22,645	
<b>12210220</b>	<b>Jones Creek at Acme</b>					
	Stage (unpublished) with real-time data transmission, Oct.-June	\$3,938			\$3,938	
	Precipitation (unpublished), Oct.-June	\$2,063			\$2,063	
<b>12210700</b>	<b>Nooksack River at North Cedarville</b>					
	Streamflow discharge with priority real-time data transmission	\$13,033			\$13,033	The remainder of this gage is funded by the Washington State Dept. of Ecology and USGS.
	Precipitation and air temperature (unpublished)	\$2,750			\$2,750	
<b>12211195</b>	<b>Nooksack River Overflow at Highway 544 at Everson</b>					
	Stage (published) with real-time data transmission (Oct.-Mar.)	\$4,413			\$4,413	
<b>12211200</b>	<b>Nooksack River at Everson</b>					
	Streamflow discharge with priority real-time data transmission	\$22,645			\$22,645	
<b>12213100</b>	<b>Nooksack River at Ferndale</b>					
	Streamflow discharge with priority real-time data transmission	\$20,369	\$2,276		\$22,645	
<b>FY21 TOTAL</b>		<b>\$104,117</b>	<b>\$8,723</b>	<b>\$7,357</b>	<b>\$120,197</b>	



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-409

---

<b>File ID:</b>	AB2020-409	<b>Version:</b>	1	<b>Status:</b>	Introduced
<b>File Created:</b>	09/22/2020	<b>Entered by:</b>	DBrown@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Ordinance		
<b>Assigned to:</b>	Council Finance and Administrative Services Committee	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: TByrd@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Ordinance increasing community oversight and transparency to establish fair contract negotiations

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This ordinance requires that the County conduct collective bargaining contract negotiations in a manner viewable by the public in real time and sets rules for negotiation observers and distribution of meeting notices and materials.

---

### HISTORY OF LEGISLATIVE FILE

---

Date:	Acting Body:	Action:	Sent To:
09/29/2020	Council	INTRODUCED	Council Finance and Administrative Services Committee

---

**Attachments:** Proposed Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**INCREASING COMMUNITY OVERSIGHT AND TRANSPARENCY TO ESTABLISH FAIR  
CONTRACT NEGOTIATIONS**

**WHEREAS**, a transparent government is a top priority for Whatcom County; and

**WHEREAS**, the open public meetings act (OPMA) was passed by citizen initiative in 1971; and

**WHEREAS**, the legislative declaration of the Open Public Meetings Act (RCW 42.30.010) states in part:

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

**WHEREAS**, taxpayers have started a national and local movement with the desire to have fair and open contract negotiations; and

**WHEREAS**, both taxpayers and employees deserve to be informed how they are being represented during collective bargaining negotiations; and

**WHEREAS**, taxpayers seek to remove barriers to effective misconduct investigations and civilian oversight;

**WHEREAS**, the appearance of secret deal-making will be eliminated by allowing public oversight to collective bargaining negotiations; and

**WHEREAS**, the OPMA exempts collective bargaining negotiations (RCW 42.30.140), but does not compel such negotiations to be conducted secretly; and

**WHEREAS**, the OPMA does not prohibit local governments from conducting collective bargaining negotiations more transparently than required by state law;

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that from this day forward, Whatcom County shall conduct all collective bargaining contract negotiations in a manner that is viewable by the public in real time; either in person or on video; and

**BE IT FURTHER ORDAINED**, members of the public observing collective bargaining negotiations shall not be permitted to participate in or comment during the negotiations; and

**BE IT FURTHER ORDAINED**, Whatcom County shall provide public notice of all collective bargaining negotiations in accordance with the OPMA (RCW 42.30.060 – 42.30.080); and

1       **BE IT FURTHER ORDAINED**, Whatcom County shall post on its website, within two  
2 business days, copies of any bargaining proposals it provides to or receives from unions  
3 during collective bargaining negotiations; and  
4

5       **BE IT FURTHER ORDAINED**, Whatcom County bargaining representatives shall be  
6 permitted to meet privately to discuss negotiation strategy, goals, and methods, and shall  
7 be permitted to meet privately with union representatives if solely discussing issues  
8 pertaining to specific Whatcom County personnel; and  
9

10       **BE IT FURTHER ORDAINED**, this Ordinance does not apply to meetings related to  
11 any activity conducted pursuant to the enforcement of a collective bargaining agreement  
12 after it has been negotiated and executed, including, but not limited to, grievance  
13 proceedings, and  
14

15       **BE IT FINALLY ORDAINED**, that Whatcom County send a copy of this resolution to  
16 the County Executive, to all employees, to all union representatives, and all other deemed  
17 appropriate County Officials.  
18

19       **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.  
20

21  
22  
23 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

24  
25  
26 \_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
(Current Chair's Name), Council Chair

27  
28  
29 WHATCOM COUNTY EXECUTIVE  
30 APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

31  
32 \_\_\_\_\_  
33  
34 Civil Deputy Prosecutor

\_\_\_\_\_  
(Current Executive's Name),  
County Executive

(    ) Approved        (    ) Denied

Date Signed: \_\_\_\_\_  
40  
41



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-423

---

<b>File ID:</b>	AB2020-423	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/29/2020	<b>Entered by:</b>	JThomson@co.whatcom.wa.us		
<b>Department:</b>	Health Department	<b>File Type:</b>	Interlocal		
<b>Assigned to:</b>	Council Finance and Administrative Services Committee	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: CHollins@co.whatcom.wa.us

### **TITLE FOR AGENDA ITEM:**

Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Western Washington University to employ eligible students participating in the Federal Off-Campus Work Study Program, at an estimated amount between \$500 to \$2,000 per per student, per quarter

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

See attachments

---

### **HISTORY OF LEGISLATIVE FILE**

---

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

---

---

**Attachments:** Memo, Contract



## **MEMORANDUM**

**TO:** Satpal Sidhu, County Executive

**FROM:** Erika Lautenbach, Director

**RE:** Western Washington University – Off-Campus Work Study Program

**DATE:** September 29, 2020

---

Attached is a contract between Whatcom County and Western Washington University for your review and signature.

- **Background and Purpose**

The Off-Campus Work Study Program at Western Washington University (WWU) allows students with demonstrated financial need to receive work experience in their projected career field. The Health Department intends to employ eligible students in the program who meet the criteria for COVID-19 related job descriptions posted by Whatcom County.

- **Funding Amount and Source**

Whatcom County will receive a 75% reimbursement of each student's total compensation; total wages are estimated at \$18.85/hour. WWU awards students \$6,000/year or \$2,000/quarter through the end of the academic year. In 2020, Whatcom County's portion (25%) will be funded by the COVID-19 Box in the Virus (BITV) grant and in 2021 by the Epidemiology and Laboratory Capacity for Infectious Disease (ELC) grant passed through the Washington State Department of Health Consolidated Contract (Whatcom County Contract #201801023). These funds are included in the 2020 budget and will be included in the 2021 budget. Council approval is required per RCW 39.34.030(2) for agreements between public agencies.

Please contact Kathleen Roy at extension #6007 if you have any questions regarding this agreement.

Encl.



<b>WHATCOM COUNTY CONTRACT INFORMATION SHEET</b>		Whatcom County Contract No. _____	
Originating Department:		85 Health	
Division/Program: (i.e. Dept. Division and Program)		8560 Communicable Disease / 856010 Communicable Disease Admin	
Contract or Grant Administrator:		Cindy Hollinsworth	
Contractor's / Agency Name:		Western Washington University	
Is this a New Contract? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If not, is this an Amendment or Renewal to an Existing Contract? If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Does contract require Council Approval? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		If No, include WCC: _____	
Already approved? Council Approved Date: _____		(Exclusions see: Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)	
Is this a grant agreement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If yes, grantor agency contract number(s): _____	CFDA#: _____	93.323 / 21.019 / 97.036
Is this contract grant funded? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If yes, Whatcom County grant contract number(s): _____	201801023	
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: _____	660410
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):  Varies depending on number of students employed and number of hours worked.		Council approval required for; all property leases, contracts or bid awards <b>exceeding \$40,000</b> , and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, <b>except when:</b> 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: This contract provides funding for employment of Federal Off-Campus Work Study Students from Western Washington University.			
Term of Contract:	10 Months		Expiration Date: 06/15/2021
Contract Routing:	1. Prepared by: JT		Date: 09/24/2020
	2. Health Budget Approval:		Date:
	3. Attorney signoff: RB		Date: 09/28/2020
	4. AS Finance reviewed: M Caldwell		Date: 09/29/2020
	5. IT reviewed (if IT related):		Date:
	6. Contractor approved:		Date:
	7. Submitted to Exec.:		Date:
	8. Council approved (if necessary):		Date:
	9. Executive signed:		Date:
	10. Original to Council:		Date:

Western Washington University  
**Federal Work Study (FWS)**  
**Contract**

Name of Agency: \_\_\_\_\_

Agency Representative: \_\_\_\_\_

This Contract is entered into between Western Washington University, hereinafter called the Institution and  
\_\_\_\_\_ herein after called the Employer.

Date: \_\_\_\_\_

- First: This Contract supersedes any and all prior FWS Contracts entered into between the Institution and the Employer regarding the operation of a work study program under the provisions of the FWS.
- Second: All terms used herein shall be interpreted in accordance with any definition thereof contained in the Federal statutes and regulations (Title 34, Code of Federal Regulations, Part 675) governing the Federal College Work Study Program, and this Contract, in its entirety, shall be construed so as to effectuate the purpose of that Program.
- Third: The Institution shall control and direct the FWS in accordance with Institutional and Federal regulations.
- Fourth: Employer Responsibilities: General

The Employer agrees to:

1. Utilize the services of students referred to it by the Institution who are eligible to participate in the Federal Work Study program and who are qualified and acceptable to the Employer. A detailed job description and the rate of pay for each position must be set forth on the approved Job Description. Any subsequent changes in job descriptions must be agreed upon by the Institution before they become effective.
2. Comply with all appropriate federal, state, and local laws.
3. Employ students to perform only work which will not:
  - a. Result in displacement of regular employees, impair existing contracts for services, or fill positions which are vacant because regular employees are involved in a labor dispute,
  - b. Be sectarian-related, or
  - c. Involve any partisan or non-partisan political activity; or lobbying on the Federal level.
4. Ensure that the work performed by the Federal Work Study student will bear relationship to the student's formal academic program and/or career interest.
5. Pay each student an hourly rate, which is at least equal to the entry-level rate for comparable positions within the employing organization.
6. Supervise in a reasonable manner the work performed by the student(s).
7. Maintain a daily written record of the hours worked by each student.
8. Regulate the number of hours worked to ensure that no student works more than an average of 19 hours per week over the period of enrollment for which the student has received an award, or a maximum of 40 hours per week during break periods, unless the Institution has specified that the student work fewer hours per week, in which case the Employer will regulate the hours accordingly.

9. Notify the Institution of any changes affecting the student's employment.
10. Provide the Institution, upon request, information substantiating its eligibility as an Employer, information on its employee classification/compensation plan, and/or a current financial statement confirming its fiscal solvency.
11. Be the employer of record and accept all normal and legal employer responsibilities including job-related injuries.

Fifth: Employer Payroll and Reimbursement Responsibilities

The Employer further agrees to:

1. Pay directly to employed students their total compensation less appropriate deductions at least once a month, at a rate of pay at least equal to the entry level salary (starting hourly rate or wage) of comparable positions within the employing organization.
2. Bear the costs of employee benefits, including all payments due as an employer's contribution under the State Worker's Compensation laws, Federal Social Security laws, and other applicable laws.
3. Bear the full cost of any commission, bonus, or other special compensation paid the student in addition to the agreed-upon hourly rate of pay.
4. Claim reimbursement only for wages:
  - (a) That do not represent hours of work in excess of the maximum number of hours subject to reimbursement under this Contract;
  - (b) Certified under oath as paid to students certified as eligible by the institution; and
  - (c) For hours actually worked by student.
5. Submit all payroll information required by the Institution on the appropriate form at least once per month or within 15 days of the pay period whichever is earlier.
6. Submit all vouchers to Western Washington University by June 21, 2021 as required by the Institution for all compensation earned or paid up to and including the last day of eligible employment, June 15, 2021, regardless of the timing of the Employer's regular payroll period.
7. Waive and forfeit all claims for reimbursement of compensation earned or paid to students but not reported or submitted to the Institution as required under Sections (5) and (6) above of the Contract.

Sixth: The institution agrees to:

1. Determine which students meet the eligibility requirements for employment under the Federal Work Study Program.
2. Refer to the Employer only those students eligible for the program who appear to be qualified for employment, in accordance with the rules and regulations by which the Federal Work Study Program is administered.
3. Reimburse the Employer to the maximum amount of 75% of the student's work study financial aid award. The reimbursement applies to the total reimbursable payroll paid to students under this Contract. Said reimbursement to be made within 30 days following receipt of the Employer's properly completed payroll Information.
4. Notify the Employer of any student who may become ineligible.
5. Review, upon request of the student(s), the terms of this Contract including the Job Description form or its equivalent as amended, if appropriate.

Seventh: Both parties agree:

1. The total reimbursable payroll shall consist of the hourly rate of compensation paid a student multiplied by the number of reimbursable hours of work performed by a student. The maximum number of reimbursable hours of work may not average more than 19 hours per week over the period of enrollment for which the student has received a Federal Work Study award or exceed a maximum of 40 hours per week during break periods. The institution may specify that a student works fewer hours per week than the maximum.
2. Complaints by either the employee or Employer regarding lack of compliance with this Contract should be referred to the appropriate office at the Institution for settlement.
3. This Contract shall be subject to the availability of funds granted to the Institution for this program.
4. This Contract may be amended upon mutual written consent of the Employer and the Institution.
5. This Contract may be terminated by either party if there is failure by the other party to comply with its provisions.
6. This Contract will remain in effect until the end of the academic year, **June 30, 2021**.

**The completed FWS contract substitutes for submission of IRS Form W-9**

I certify that:

1. The number shown on this form is my correct taxpayer identification number and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.
3. I am a U.S. person (includes a U.S. resident alien).
4. If business is an individual sole proprietor or limited liability sole proprietor, provide the individual's Name and Social Security Number here:

Name: \_\_\_\_\_

SSN: \_\_\_\_\_

Certification Instructions: You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For Mortgage interest paid, acquisition or abandonment of secure property, cancellation of debt, contributions to an individual retirement arrangement (IRA) and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (For further instructions contact IRS).

IN WITNESS HEREOF, the parties hereto have executed this Contract the day and year first above written.

BY:

EMPLOYER INFORMATION:

\_\_\_\_\_  
Signature of Employer Representative

\_\_\_\_\_  
Name of Employing Agency/Organization

\_\_\_\_\_  
Name of Employer Representative

\_\_\_\_\_  
Address

**IRS Tax Type:**

\_\_\_\_\_  
City, State, Zip Code

- |     |                                     |                                       |
|-----|-------------------------------------|---------------------------------------|
| 1.  | <input type="checkbox"/>            | Individual or Sole Proprietor         |
| 2.  | <input type="checkbox"/>            | Partnership                           |
| 3.  | <input type="checkbox"/>            | Corporation                           |
| 4.  | <input type="checkbox"/>            | S-Corp                                |
| 5.  | <input type="checkbox"/>            | Limited Liability Company-Corporation |
| 6.  | <input type="checkbox"/>            | Limited Liability Company-Partnership |
| 7.  | <input type="checkbox"/>            | Limited Liability Company-S-Corp      |
| 8.  | <input type="checkbox"/>            | Non-Profit Organization               |
| 9.  | <input type="checkbox"/>            | Volunteer                             |
| 10. | <input type="checkbox"/>            | Board/Committee Member                |
| 11. | <input checked="" type="checkbox"/> | Local Government                      |
| 12. | <input type="checkbox"/>            | State Government                      |
| 13. | <input type="checkbox"/>            | Federal Government (including tribal) |
| 14. | <input type="checkbox"/>            | Tax-Exempt Organization               |
| 15. | <input type="checkbox"/>            | Exempt Payee                          |
| 16. | <input type="checkbox"/>            | Trust/Estate                          |

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-Mail

\_\_\_\_\_  
Website

☐ Public      ☐ Non-Profit      ☐ For-Profit

\_\_\_\_\_  
Federal ID Number

\_\_\_\_\_  
Uniform Business Identification Number (UBI)

\_\_\_\_\_  
Mailing address to which reimbursement should be sent,  
if different from above

Please return completed Contract, Job Description, & Business Profile to:

**Student Employment Center  
Financial Aid Department  
Western Washington University  
516 High Street; Old Main 245  
Bellingham, WA 98225-9049**

\*\*\*\*\*

**For University Use Only**

\_\_\_\_\_  
Signature of University Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of University Representative

\_\_\_\_\_  
Title

DEPARTMENT APPROVAL

Approved by email CH/JT  
Cindy Hollinsworth,  
Communicable Disease & Epidemiology Manager

09/28/2020  
Date

WHATCOM COUNTY

\_\_\_\_\_  
SATPAL SIDHU  
County Executive

STATE OF WASHINGTON     )  
  )  
COUNTY OF WHATCOM     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me personally appeared Satpal Sidhu, to me known to be the Executive of Whatcom County 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 Bellingham.

My Commission expires: \_\_\_\_\_

APPROVED AS TO FORM

Approved by email RB/JT                      09/28/2020  
Royce Buckingham, Prosecuting Attorney     Date



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-420

---

<b>File ID:</b>	AB2020-420	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/25/2020	<b>Entered by:</b>	JThomson@co.whatcom.wa.us		
<b>Department:</b>	Health Department	<b>File Type:</b>	Contract		
<b>Assigned to:</b>	Council Finance and Administrative Services Committee	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: JHegedus@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to enter into a contract between Whatcom County and Maul Foster & Alongi, Inc. to update the Comprehensive Solid and Hazardous Waste Management Plan, in the amount of \$113,000

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attachments

---

### HISTORY OF LEGISLATIVE FILE

---

<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
--------------	---------------------	----------------	-----------------

---

---

**Attachments:** Memo, Contract



## **MEMORANDUM**

**TO:** Satpal Sidhu, County Executive

**FROM:** Erika Lautenbach, Director

**RE:** Maul Foster & Alongi, Inc. – Comprehensive Solid and Hazardous Waste Management Plan

**DATE:** September 25, 2020

---

Attached is a contract between Whatcom County and Maul Foster & Alongi, Inc. for your review and signature.

- **Background and Purpose**

As per RCW70.A.205.040, *Comprehensive Solid Waste Management Plan*, the 2016 *Whatcom County Comprehensive Solid and Hazardous Waste Management Plan* is required to be updated every five years, and is due in 2021. The current plan was updated in 2016 by Maul Foster & Alongi, Inc., who is again the sole and successful bidder for this contract as a result of RFP 20-11.

- **Funding Amount and Source**

Funding for this contract in an amount not to exceed \$113,000 is provided by the Solid Waste Fund. These funds are included in the 2020 budget. Council approval is required as funding exceeds \$40,000.

Please contact Kathleen Roy at extension #6007 if you have any questions regarding this agreement.

Encl.



<b>WHATCOM COUNTY CONTRACT INFORMATION SHEET</b>		Whatcom County Contract No. _____	
Originating Department:		85 Health	
Division/Program: (i.e. Dept. Division and Program)		8540 Environmental Health / 854085 Solid Waste	
Contract or Grant Administrator:		Kathleen Roy	
Contractor's / Agency Name:		Maul Foster & Alongi, Inc.	
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"/>
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: _____
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?	If yes, grantor agency contract number(s):		CFDA#: _____
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Is this contract grant funded?	If yes, Whatcom County grant contract number(s):		
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Is this contract the result of a RFP or Bid process?	If yes, RFP and Bid number(s):		Contract Cost Center: 140100
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	20-11		
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 checked="" type="checkbox"/> Professional services agreement for certified/licensed professional.			
<input type="checkbox"/> Contract work is for less than \$100,000.		<input type="checkbox"/> Contract for Commercial off the shelf items (COTS).	
<input type="checkbox"/> Contract work is for less than 120 days.		<input type="checkbox"/> Work related subcontract less than \$25,000.	
<input type="checkbox"/> Interlocal Agreement (between Governments).		<input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.	
Contract Amount:(sum of original contract amount and any prior amendments):		Council approval required for; all property leases, contracts or bid awards <b>exceeding \$40,000</b> , and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, <b>except when:</b>	
\$	113,000	1. Exercising an option contained in a contract previously approved by the council.	
This Amendment Amount:		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.	
Total Amended Amount:		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: This contract provides funding to update the Comprehensive Solid and Hazardous Waste Management Plan, as required by the Washington State Department of Ecology.			
Term of Contract:	14.5 Months	Expiration Date:	12/31/2021
Contract Routing:	1. Prepared by:	JT	Date: 09/08/2020
	2. Health Budget Approval:	JG	Date: 09/18/2020
	3. Attorney signoff:	RB	Date: 09/21/2020
	4. AS Finance reviewed:	M Caldwell	Date: 09/25/2020
	5. IT reviewed (if IT related):		Date: _____
	6. Contractor approved:		Date: _____
	7. Submitted to Exec.:		Date: _____
	8. Council approved (if necessary):		Date: _____
	9. Executive signed:		Date: _____
	10. Original to Council:		Date: _____

**CONTRACT FOR SERVICES**  
**Between Whatcom County and Maul Foster & Alongi, Inc.**

Maul Foster & Alongi, Inc., 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 13,  
Exhibit A (Scope of Work), pp. 14 to 16,  
Exhibit B (Compensation), p. 17,  
Exhibit C (Certificate of Insurance).

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 14<sup>th</sup> day of October, 2020 and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31<sup>st</sup> day of December, 2021.

The general purpose or objective of this Agreement is to **update the Comprehensive Solid and Hazardous Waste Management Plan**, 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 \$113,000. 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.

Each person signing this Contract represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Contract.

**IN WITNESS WHEREOF**, the parties have executed this Agreement this \_\_\_\_ day of \_\_\_\_\_, 2020.

**CONTRACTOR:**

Each signatory below to this Contract warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the contract and to bind the party thereto.

Maul Foster & Alongi, Inc.

\_\_\_\_\_  
Ted Wall, PE – Vice President  
[twall@maulfoster.com](mailto:twall@maulfoster.com)

**WHATCOM COUNTY:**  
**Recommended for Approval:**

\_\_\_\_\_  
John Wolpers, Environmental Health Manager                      Date

\_\_\_\_\_  
Erika Lautenbach, Director                      Date

**Approved as to form:**

\_\_\_\_\_  
Royce Buckingham, Prosecuting Attorney                      Date

**Approved:**  
Accepted for Whatcom County:

By: \_\_\_\_\_  
Satpal Singh Sidhu, Whatcom County Executive

**CONTRACTOR INFORMATION:**

**Maul Foster & Alongi, Inc.**  
3140 NE Broadway Street  
Portland, OR 97232  
971-544-2139  
[twall@maulfoster.com](mailto:twall@maulfoster.com)

## 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:**

The County may terminate the Agreement in whole or in part whenever the County determines, in its sole discretion, that such termination is in the interests of the County. Whenever the Agreement is terminated in accordance with this paragraph, the Contractor shall be entitled to payment for actual work performed at unit contract prices for completed items of work. An equitable adjustment in the contract price for partially completed items of work will be made, but such adjustment shall not include provision for loss of anticipated profit on deleted or uncompleted work. Termination of this Agreement by the County at any time during the term, whether for default or convenience, shall not constitute breach of contract by the County.

### ***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:

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:

In the event the County's Administrative Officer determines that the Contractor has failed to perform any obligation under this Agreement within the times set forth in this Agreement, then the County may withhold from amounts otherwise due and payable to Contractor the amount determined by the County as necessary to cure the default, until the Administrative Officer determines that such failure to perform has been cured. Withholding under this clause shall not be deemed a breach entitling Contractor to termination or damages, provided that the County promptly gives notice in writing to the Contractor of the nature of the default or failure to perform, and in no case more than 10 days after it determines to withhold amounts otherwise due. A determination of the Administrative Officer set forth in a notice to the Contractor of the action required and/or the amount required to cure any alleged failure to perform shall be deemed conclusive, except to the extent that the Contractor acts within the times and in strict accord with the provisions of the Disputes clause of this Agreement. The County may act in accordance with any determination of the Administrative Officer which has become conclusive under this clause, without prejudice to any other remedy under the Agreement, to take all or any of the following actions: (1) cure any failure or default, (2) to pay any amount so required to be paid and to charge the same to the account of the Contractor, (3) to set off any amount so paid or incurred from amounts due or to become due the Contractor. In the event the Contractor obtains relief upon a claim under the Disputes clause, no penalty or damages shall accrue to Contractor by reason of good faith withholding by the County under this clause.

23.1 Labor Standards:

The Contractor agrees to comply with all applicable state and federal requirements, including but not limited to those pertaining to payment of wages and working conditions, in accordance with RCW 39.12.040, the Prevailing Wage Act; the Americans with Disabilities Act of 1990; the Davis-Bacon Act; and the Contract Work Hours and Safety Standards Act providing for weekly payment of prevailing wages, minimum overtime pay, and providing that no laborer or mechanic shall be required to work in surroundings or under conditions which are unsanitary, hazardous, or dangerous to health and safety as determined by regulations promulgated by the Federal Secretary of Labor and the State of Washington.

**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 and Public Records Act:

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. If the Contractor creates any copyrightable materials or invents any patentable property, the Contractor may copyright or patent the same, but the County retains a royalty-free, nonexclusive and irrevocable license to reproduce, publish, recover, or otherwise use the materials or property and to authorize other governments to use the same for state or local governmental purposes. Contractor further agrees to make research, notes, and other work products produced in the performance of this Agreement available to the County upon request.

Ownership. Any and all data, writings, programs, public records, reports, analyses, documents, photographs, pamphlets, plans, specifications, surveys, films or any other materials created, prepared, produced, constructed, assembled, made, performed or otherwise produced by the Contractor or the Contractor's subcontractors or consultants for delivery to the County under this Contract shall be the sole and absolute property of the County. Such property shall constitute "work made for hire" as defined by the U.S. Copyright Act of 1976, 17 U.S.C. § 101, and the ownership of the copyright and any other intellectual property rights in such property shall vest in the County at the time of its creation. Ownership of the intellectual property includes the right to copyright, patent, and register, and the ability to transfer these rights. Material which the Contractor uses to perform this Contract but is not created, prepared, constructed, assembled, made, performed or otherwise produced for or paid for by the County is owned by the Contractor and is not "work made for hire" within the terms of this Agreement.

Public Records Act. This Contract and all records associated with this Contract shall be available for inspection and copying by the public where required by the Public Records Act, Chapter 42.56 RCW (the "Act"). To the extent that public records then in the custody of the Contractor are needed for the County to respond to a request under the Act, as determined by the County, the Contractor agrees to make them promptly available to the County at no cost to the County. If the Contractor considers any portion of any record provided to the County under this Agreement, whether in electronic or hard copy form, to be protected from disclosure under law, the Contractor shall clearly identify any specific information that it claims to be confidential or proprietary. If the County receives a request under the Act to inspect or copy the information so identified by the Contractor and the County determines that release of the information is required by the Act or otherwise appropriate, the County's sole obligations shall be to notify the Contractor (a) of the request and (b) of the date that such information will be released to the requester unless the Contractor obtains a court order to enjoin that disclosure pursuant to RCW 42.56.540. If the Contractor fails to timely obtain a court order enjoining disclosure, the County will release the requested information on the date specified.

The County has, and by this section assumes, no obligation on behalf of the Contractor to claim any exemption from

disclosure under the Act. The County shall not be liable to the Contractor for releasing records not clearly identified by the Contractor as confidential or proprietary. The County shall not be liable to the Contractor for any records that the County releases in compliance with this section or in compliance with an order of a court of competent jurisdiction.

The Contractor shall be liable to the requester for any and all fees, costs, penalties or damages imposed or alleged as a result of the Contractor's failure to provide adequate or timely records.

This provision and the obligations it establishes shall remain in effect after the expiration of this contract.

31.2 Patent/Copyright Infringement:

Contractor will defend and indemnify the County from any claimed action, cause or demand brought against the County, to the extent such action is based on the claim that information supplied by the Contractor infringes any patent or copyright. The Contractor will pay those costs and damages attributable to any such claims that are finally awarded against the County in any action. Such defense and payments are conditioned upon the following:

A. The Contractor shall be notified promptly in writing by the County of any notice of such claim.

B. Contractor shall have the right, hereunder, at its option and expense, to obtain for the County the right to continue using the information, in the event such claim of infringement, is made, provided no reduction in performance or loss results to 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.

33.1 Right to Review:

This contract is subject to review by any Federal, State or County auditor. The County or its designee shall have the right to review and monitor the financial and service components of this program by whatever means are deemed expedient by the Administrative Officer or by the County Auditor's Office. Such review may occur with or without notice and may include, but is not limited to, on-site inspection by County agents or employees, inspection of all records or other materials which the County deems pertinent to the Agreement and its performance, and any and all communications with or evaluations by service recipients under this Agreement. The Contractor shall preserve and maintain all financial records and records relating to the performance of work under this Agreement for three (3) years after contract termination, and shall make them available for such review, within Whatcom County, State of Washington, upon request. Contractor also agrees to notify the Administrative Officer in advance of any inspections, audits, or program review by any individual, agency, or governmental unit whose purpose is to review the services provided within the terms of this Agreement. If no advance notice is given to the Contractor, then the Contractor agrees to notify the Administrative Officer as soon as it is practical.

34.1 Insurance: Commercial General Liability & Business Auto Liability

The Contractor shall, at its own expense, obtain and continuously maintain the following insurance coverage for the duration of this contract, which shall include insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, subcontractors or employees. All insurers providing such insurance shall have an A.M. Best Rating of not less than A- (or otherwise be acceptable to the County) and be licensed to do business in the State of Washington and admitted by the Washington State Insurance Commissioner. Coverage limits shall be the minimum limits identified in this Contract or the coverage limits provided or available under the policies maintained by the Contractor without regard to this Contract, whichever are greater.

**1. Commercial General Liability**

Property Damage	\$500,000.00, per occurrence
General Liability & bodily injury	\$1,000,000.00, per occurrence
Annual Aggregate	\$2,000,000.00

At least as broad as ISO form CG 00 01 or the equivalent, which coverage shall include personal injury, bodily injury and property damage for Premises Operations, Products and Completed Operations, Personal/Advertising Injury, Contractual Liability, Independent Contractor Liability, medical payments and Stop Gap/Employer's Liability. Coverage shall not exclude or contain sub-limits less than the minimum limits required, unless approved in writing by the County.

## **2. Business Automobile Liability**

\$1,000,000.00 Minimum, per occurrence  
\$2,000,000.00 Minimum, Annual Aggregate

Contractor shall provide auto liability for owned, non-owned and hired autos using ISO Business Auto Coverage form CA 00 01 or the exact equivalent with a limit of no less than \$1,000,000.00 per accident. If Contractor owns no vehicles this requirement may be met through a non-owned auto Endorsement to the CGL policy.

## **3. Additional Insurance Requirements and Provisions**

- a. All insurance policies shall provide coverage on an occurrence basis.
- b. Additional Insureds. Whatcom County, its departments, elected and appointed officials, employees, agents and volunteers shall be included as additional insureds on Contractor's and Contractor's subcontractors' insurance policies by way of endorsement for the full available limits of insurance required in this contract or maintained by the Contractor and subcontractor, whichever is greater.
- c. Primary and Non-contributory Insurance. Contractor shall provide primary insurance coverage and the County's insurance shall be non-contributory. Any insurance, self-insured retention, deductible, risk retention or insurance pooling maintained or participated in by the County shall be excess and non-contributory to Contractor's insurance.
- d. Waiver of Subrogation. The insurance policy shall provide a waiver of subrogation with respect to each insurance policy maintained under this Contract. When required by an insurer, or if a policy condition does not permit Contractor to enter into a pre-loss agreement to waive subrogation without an endorsement, then Contractor agrees to notify the insurer and obtain such endorsement. This requirement shall not apply to any policy which includes a condition expressly prohibiting waiver of subrogation by the insured or which voids coverage should the Contractor enter into such a waiver of subrogation on a pre-loss basis.
- e. Review of and Revision of Policy Provisions. Upon request, the Contractor shall provide a full and complete certified copy of all requested insurance policies to the County. The County reserves the right, but not the obligation, to revise any insurance requirement, including but not limited to limits, coverages and endorsements, or to reject any insurance policies which fail to meet the requirements of this Contract. Additionally, the County reserves the right, but not the obligation, to review and reject any proposed insurer providing coverage based upon the insurer's financial condition or licensing status in Washington.
- f. Verification of Coverage/Certificates and Endorsements. The Contractor shall furnish the County with a certificate of insurance and endorsements required by this contract. The certificates and endorsements for each policy shall be signed by a person authorized by the insurer to bind coverage on its behalf. The certificate and endorsements for each insurance policy are to be on forms approved by the County prior to commencement of activities associated with the contract. The certificate and endorsements, and renewals thereof, shall be attached hereto as Exhibit "C". If Exhibit C is not attached, the Contractor must submit the certificate and endorsements required in this contract to the County prior to the commencement of any work on the contracted project. A certificate alone is insufficient proof of the required insurance; endorsements must be included with the certificate. The certificate of insurance must reflect the insurance required in this contract, including appropriate limits, insurance coverage dates, per occurrence, and in the description of operations, include the County project, Whatcom County, its departments, officials, employees, agents and volunteers as additional insureds, primary, non-contributory, and waiver of subrogation.
- g. The County must be notified immediately in writing of any cancellation of the policy, exhaustion of aggregate limits, notice of intent not to renew insurance coverage, expiration of policy or change in insurer carrier.

Contractor shall always provide the County with a current copy of the certificate and endorsements throughout the duration of the contract.

- h. No Limitation on Liability. The insurance maintained under this Contract shall not in any manner limit the liability or qualify the liabilities or obligations of the Contractor to the coverage provided by such insurance, or otherwise limit the County's recourse to any remedy available at law or equity.
- i. Payment Conditioned on Insurance and Failure to Maintain Insurance. Compensation and/or payments due to the Contractor under this Contract are expressly conditioned upon the Contractor's compliance with all insurance requirements. Failure on the part of the Contractor to maintain the insurance as required shall constitute a material breach of contract. Payment to the Contractor may be suspended in the event of non-compliance, upon which the County may, after giving five business days' notice to the Contractor to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the County on demand or offset against funds due the Contractor. Upon receipt of evidence of Contractor's compliance, payments not otherwise subject to withholding or set-off will be released to the Contractor.
- j. Workers' Compensation. The Contractor shall maintain Workers' Compensation coverage as required under the Washington State Industrial Insurance Act, RCW Title 51, for all Contractors' employees, agents and volunteers eligible for such coverage under the Industrial Insurance Act.
- k. Failure of the Contractor to take out and/or maintain required insurance shall not relieve the Contractor or subcontractors from any liability under the contract, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations concerning indemnification. The County does not waive any insurance requirements even in the event the certificate or endorsements provided by the Contractor were insufficient or inadequate proof of coverage but not objected to by the County. The County's failure to confirm adequate proof of insurance requirements does not constitute a waiver of the Contractor's insurance requirements under this Contract.
- l. Availability of Contractor Limits. If the Contractor maintains higher insurance limits than the minimums shown above, the County shall be insured for the full available limits, including Excess or Umbrella liability maintained by the Contractor, irrespective of whether such limits maintained by the Contractor are greater than those required by this contract or whether any certificate furnished to the County evidences limits of liability lower than those maintained by the Contractor.
- m. Insurance for Subcontractors. If the Contractor subcontracts (if permitted in the contract) any portion of this Contract, the Contractor shall include all subcontractors as insureds under its policies or shall require separate certificates of insurance and policy endorsements from each subcontractor. Insurance coverages by subcontractors must comply with the insurance requirements of the Contractor in this contract and shall be subject to all of the requirements stated herein, including naming the County as additional insured.
- n. The Contractor agrees Contractor's insurance obligation shall survive the completion or termination of this Contract for a minimum period of three years.

34.3 Defense & Indemnity Agreement:

To the fullest extent permitted by law, the Contractor agrees to indemnify, defend and hold the County and its departments, elected and appointed officials, employees, agents and volunteers, harmless from and against any and all claims, damages, losses and expenses, including but not limited to court costs, attorney's fees, and alternative dispute resolution costs, for any personal injury, for any bodily injury, sickness, disease, or death and for any damage to or destruction of any property (including the loss of use resulting therefrom) which: 1) are caused in whole or in part by any error, act or omission, negligent or otherwise, of the Contractor, its employees, agents or volunteers or Contractor's subcontractors and their employees, agents or volunteers; or 2) directly or indirectly arise out of or occur in connection with performance of this Contract or 3) are based upon the Contractor's or its subcontractors' use of, presence upon, or

proximity to the property of the County. This indemnification obligation of the Contractor shall not apply in the limited circumstance where the claim, damage, loss, or expense is caused by the sole negligence of the County.

Should a court of competent jurisdiction determine that this contract is subject to RCW 4.24.115, then in the event of concurrent negligence of the Contractor, its subcontractors, employees or agents, and the County, its employees or agents, this indemnification obligation of the Contractor shall be valid and enforceable only to the extent of the negligence of the Contractor, its subcontractors, employees, and agents. This indemnification obligation of the Contractor shall not be limited in any way by the Washington State Industrial Insurance Act, RCW Title 51, or by application of any other workmen's compensation act, disability benefit act or other employee benefit act, and the Contractor hereby expressly waives any immunity afforded by such acts.

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 Contract is for the benefit of the parties only and this Contract shall create no rights in any third party. The County reserves the right, but not the obligation, to participate in the defense of any claim, damages, losses, or expenses, and such participation shall not constitute a waiver of Contractor's indemnity obligations under this Agreement.

In the event the Contractor enters into subcontracts to the extent allowed under this Contract, the Contractor's subcontractors shall indemnify the County on a basis equal to or exceeding Contractor's indemnity obligations to the County. The Contractor shall pay all attorney's fees and expenses incurred by the County in establishing and enforcing the County's rights under this indemnification provision, whether or not suit was instituted.

The Contractor agrees all Contractor's indemnity obligations shall survive the completion, expiration or termination of this Agreement. The foregoing indemnification obligations of the Contractor are a material inducement to County to enter into this Agreement and are reflected in the Contractor's compensation.

By signing this contract, the Contractor acknowledges that it has freely negotiated and agreed to the indemnification requirements to defend, indemnify and hold harmless the County from all claims and suits including those brought against the County by the Contractor's own employees, arising from this contract.

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:

Contractor irrevocably waives any existing rights which it may have, by contract or otherwise, to require another person or corporation to refrain from submitting a proposal to or performing work or providing supplies to the County, and contractor further promises that it will not in the future, directly or indirectly, induce or solicit any person or corporation to refrain from submitting a bid or proposal to or from performing work or providing supplies to the County.

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:

Jeff Hegedus, Environmental Health Supervisor  
509 Girard Street  
Bellingham, WA 98225

37.2 Notice:

Any notices or communications required or permitted to be given by this Contract must be (i) given in writing and (ii) personally delivered or mailed, by prepaid, certified mail or overnight courier, or transmitted by electronic mail transmission (including PDF), to the party to whom such notice or communication is directed, to the mailing address or regularly-monitored electronic mail address of such party as follows:

To: Whatcom County  
509 Girard Street  
Bellingham, WA 98225  
Attention: Jeff Hegedus, Environmental Health Supervisor  
360-778-6044  
[JHegedus@co.whatcom.wa.us](mailto:JHegedus@co.whatcom.wa.us)

To: Maul Foster & Alongi, Inc.  
3140 NE Broadway Street  
Portland, OR 97232  
Attention: Erik Bakkom, Principal Engineer  
971-544-2139  
[EBakkom@maulfoster.com](mailto:EBakkom@maulfoster.com)

Any such notice or communication shall be deemed to have been given on (i) the day such notice or communication is personally delivered, (ii) three (3) days after such notice or communication is mailed by prepaid certified or registered mail, (iii) one (1) working day after such notice or communication is sent by overnight courier, or (iv) the day such notice or communication is sent electronically, provided that the sender has received a confirmation of such electronic transmission. A party may, for purposes of this Agreement, change his, her or its address, email address or the person to whom a notice or other communication is marked to the attention of, by giving notice of such change to the other party pursuant to this Section.

37.3 If agreed by the parties, this Contract may be executed by Email transmission and PDF signature and Email transmission and PDF signature shall constitute an original for all purposes.

38.1 Certification of Public Works Contractor's Status under State Law:

If applicable, Contractor certifies that it has fully met the responsibility criteria required of public works contractors under RCW 39.04.350 (1), which include: (a) having a certificate of registration in compliance with RCW 18.27; (b) having a current state unified business identifier number; (c) if applicable, having industrial insurance coverage for its employees working in Washington as required in Title 51 RCW, an employment security department number as required in Title 50 RCW, and a state excise tax registration number as required in Title 82 RCW; and (d) not being disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).

38.2 Certification Regarding Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions:

If applicable, the Contractor further certifies, by executing this contract, that neither it nor its principles is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or Agency.

The Contractor also agrees that it shall not knowingly enter into any lower tier covered transactions (a transaction between the Contractor and any other person) with a person who is proposed for debarment, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, and the Contractor agrees to include this clause titled "Certification Regarding Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction" without modification, in all lower tier covered transactions and in all solicitations for lower tier transactions.

The "Excluded Parties List System in the System for Award Management (SAM) website is available to research this information at [WWW.SAM.GOV](http://WWW.SAM.GOV). Contractor shall immediately notify Whatcom County if, during the term of this Contract, Contractor becomes debarred.

38.3 E-Verify:

The E-Verify contractor program for Whatcom County applies to contracts of \$100,000 or more and sub contracts for \$25,000 or more if the primary contract is for \$100,000 or more. If applicable, Contractor represents and warrants that it will, for at least the duration of this contract, register and participate in the status verification system for all newly hired employees. The term "employee" as used herein means any person that is hired to perform work for Whatcom County. As used herein, "status verification system" means the Illegal Immigration Reform and Immigration Responsibility Act of 1996 that is operated by the United States Department of Homeland Security, also known as the E-Verify Program, or any other successor electronic verification system replacing the E-Verify Program. Contractor/Seller agrees to maintain records of such compliance and, upon request of the County, to provide a copy of each such verification to the County. Contractor/Seller further represents and warrants that any person assigned to perform services hereunder meets the employment eligibility requirements of all immigration laws of the State of Washington. Contractor/Seller understands and agrees that any breach of these warranties may subject Contractor/Seller to the following: (a) termination of this Agreement and ineligibility for any Whatcom County contract for up to three (3) years, with notice of such cancellation/termination being made public. In the event of such termination/cancellation, Contractor/Seller would also be liable for any additional costs incurred by the County due to contract cancellation or loss of license or permit." Contractor will review and enroll in the E-Verify program through this website: [www.uscis.gov](http://www.uscis.gov)

***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:

Any written commitment received from the Contractor concerning this Agreement shall be binding upon the Contractor, unless otherwise specifically provided herein with reference to this paragraph. Failure of the Contractor to fulfill such a commitment shall render the Contractor liable for damages to the County. A commitment includes, but is not limited to, any representation made prior to execution of this Agreement, whether or not incorporated elsewhere herein by reference, as to performance of services or equipment, prices or options for future acquisition to remain in effect for a fixed period, or warranties.

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:

Other than claims for injunctive relief, temporary restraining order, or other provisional remedy to preserve the status quo or prevent irreparable harm, brought by a party hereto (which may be brought either in court or pursuant to this arbitration provision), and consistent with the provisions hereinabove, any claim, dispute or controversy between the parties under, arising out of, or related to this Contract or otherwise, including issues of specific performance, shall be determined by arbitration in Bellingham, Washington, under the applicable American Arbitration Association (AAA) rules in effect on the date hereof, as modified by this Agreement. There shall be one arbitrator selected by the parties within

ten (10) days of the arbitration demand, or if not, by the AAA or any other group having similar credentials. Any issue about whether a claim is covered by this Contract shall be determined by the arbitrator. The arbitrator shall apply substantive law and may award injunctive relief, equitable relief (including specific performance), or any other remedy available from a judge but shall not have the power to award punitive damages. Each Party shall pay all their own costs, attorney fees and expenses of arbitration and the parties shall share equally in the Arbitrator's fees and costs. The decision of the arbitrator shall be final and binding and an order confirming the award or judgment upon the award may be entered in any court having jurisdiction. The parties agree that the decision of the arbitrator shall be the sole and exclusive remedy between them regarding any dispute presented or pled before the arbitrator. At the request of either party made not later than forty-five (45) days after the arbitration demand, the parties agree to submit the dispute to nonbinding mediation, which shall not delay the arbitration hearing date; provided, that either party may decline to mediate and proceed with arbitration.

Any arbitration proceeding commenced to enforce or interpret this Contract shall be brought within six years after the initial occurrence giving rise to the claim, dispute, or issue for which arbitration is commenced, regardless of the date of discovery or whether the claim, dispute, or issue was continuing in nature. Claims, disputes, or issues arising more than six years prior to a written request or demand for arbitration issued under this Contract are not subject to arbitration.

- e. The parties may agree in writing signed by both parties that a claim or dispute may be brought in Whatcom County Superior Court rather than mediation or arbitration.

*Unless otherwise specified herein, this Contract shall be governed by the laws of Whatcom County and the State of Washington.*

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)**

Maul Foster & Alongi, Inc. (Contractor) will assist Whatcom County (County) in completing a comprehensive revision to the Whatcom County Comprehensive Solid and Hazardous Waste Management Plan (CSHWMP), incorporating all elements required under RCW 70.95.090. Work to be performed and associated deliverables to be provided are defined under the following tasks:

**Task 1 – Visionary Process**

The Contractor will assist the County in initial project scoping, including preparing a project management and communications plan. A kickoff meeting with County staff will further define the priority issues and topics on which the CSHWMP should focus. The Contractor will also prepare a project management and communications plan that meets the expectations of County staff, the Solid Waste Advisory Committee (SWAC), the local solid waste management community, the public, and other key stakeholders. Through a visioning meeting, the Contractor will work with the County and the SWAC to develop a guiding vision and schedule for the Plan that meet Ecology's Guidelines and the required Plan elements as described in RCW 70.95.090. The updated plan will maintain the County's current flexibility in programs, goals, and objectives and provide the county service area with an implementable plan for achieving identified solid waste management goals. During this time, MFA will also initiate discussion with the Ecology program manager regarding the proposed objectives for the Plan update and to ensure that the planning process considers the current objectives of the state.

**Task 1 Meetings & Deliverables:**

- a. County/Contractor Kickoff/Visioning Meeting - SWAC
- b. Memorandum summarizing priority issues and vision, schedule, and outline for the unified CSHWMP
- c. Project Management and Communications Plan
- d. Memorandum of likely modifications to 2016 programmatic and facility objectives
- e. Meeting minutes

**Task 2 – Background Research**

The Contractor will review the information presented in the existing Plan, taking into account the information gathered in Task 1. The Contractor will also evaluate what elements of the Washington State Beyond Waste Plan should be considered by the SWAC for local implementation. The Contractor will also review state policies governing solid waste management that have been enacted since the 2016 update, such as the required Recycling (Contamination Reduction Outreach Plan (CROP).

The Contractor will access website information and interview County staff and solid waste industry representatives to update the system description and information contained in the Plan chapters. Interviews will also seek to understand the local changes or trends in collection, recycling, transfer, and disposal systems.

The Contractor will work with Ecology, County staff, local waste haulers, and other solid waste system operators to obtain information necessary for developing the description of the size of the waste stream, defining reuse and recycling operations, and providing a basis for projecting the growth of the waste stream into the future. The Contractor will coordinate with County staff throughout the data-gathering effort to allow for efficiencies in time and

cost by taking advantage of the staff's familiarity and access to critical data sources. The Contractor will also review the Whatcom County Comprehensive Plan to supplement demographic information or relevant growth goals.

#### **Task 2 Deliverables:**

- a. Memorandum of waste system description, statistics (material types and volumes), and regional demographics

#### **Task 3 – Preliminary Analysis**

The Contractor will start with a detailed analysis of the goals stated in the 2016 Plan and the information that is developed in Tasks 1 and 2. MFA will work with the County and SWAC to develop criteria to evaluate planning options and revisit the principles of sustainability and Beyond Waste considerations within the decision framework.

The Contractor will then work with County staff and a subcommittee of the SWAC in a detailed evaluation of the status of the goals and actions that were recommended in the 2016 Plan. The detailed review will focus on identifying in-progress or completed, actions that are not leading to the desired outcome, or new implementable actions that are needed to support a stated goal. The Contractor will collaborate with the subcommittee members in developing effective approaches in support of a goal, based on industry experience and local knowledge. An updated table of goals and supporting actions will be forwarded to the full SWAC for consideration in the Plan update. The SWAC-approved goals and actions will be used to guide the update of the Plan sections discussed in Task 4.

Because of the time commitment involved and the need for a working knowledge of the solid waste situation, a subcommittee should be formed. The evaluation of progress on the 216 goals and actions will be completed on a compressed schedule, potentially one meeting every other week, to allow completion of the recommended goals and actions by the January 2021 SWAC meeting.

#### **Task 3 Meetings & Deliverables:**

- a. Three subcommittee meetings (Goals/Actions Evaluation)
- b. January 2021 SWAC (Goals/Actions Review)
- c. Updated recommendations tables describing program goals and proposed actions
- d. Planning tool summarizing goals, actions, and implementation schedule, including project objectives and decision-making criteria to meet County and state objectives

#### **Task 4 – Plan Update**

Building on the information developed in the preceding three tasks, the Contractor will review and update the text describing each of the solid waste topics contained in the 2016 Plan. The Plan update will maintain the streamlined description of system components developed by MFA in the 2016 Plan, which made the document more accessible to the public while still maintaining compliance with Ecology guidelines. For each section, the Contractor will provide redline/strikeout edits to text, goals, actions, and policies. Tables and maps will be replaced with updated files.

Building on the waste stream data and population projections that are gathered in Task 2, the Contractor will prepare an updated waste stream characterization in addition to projections for the six and 20-year planning periods required

in accordance with the guidelines. The waste stream information will be available to support the discussions concerning recycling, organic materials, solid waste collection, and transfer and disposal, so that the impact of recommended actions can be considered with respect to the ability of the system to meet future needs. The update will discuss current trends in collection, recycling, transfer and disposal systems and will make suitable recommendations in support of the system goals. Moderate-risk waste, special waste, administration, and enforcement will also be updated to reflect current conditions. Throughout the update process, the Contractor will strive to maintain a clear, reader-friendly format of the 2016 Plan.

The Contractor will also update the appendices of the Plan, including the solid waste handling facilities list, the compliance checklist, the State Environmental Policy Act (SEPA) checklist, and the newly revised Washington Utilities and Transportation Commission (WUTC) cost assessment questionnaire.

Preliminary drafts of individual sections and appendices will be submitted for the solid waste manager's review. After content is confirmed and comments are addressed, draft sections will be submitted for SWAC's review. In order to meet the contract timeline, the Contractor will facilitate a single discussion of the edits at the April SWAC meeting. Revised chapters will be provided to the SWAC, and the Solid Waste Executive Committee (SWEC), for approval to submit the document for Ecology review by the July 2021 SWAC meeting.

In order to satisfy a new regulation (RCW 70.95.090(10)), Ecology has implemented a new requirement for solid waste management plans (and CSHWMPs) to include a Recycling CROP by July 1, 2021. Counties that are revising their SWWMPs/CSHWMPs are encouraged to incorporate their CROPs into the revised plan as a chapter or appendix.

#### **Task 4 Meetings & Deliverables:**

- a. April 2021 SWAC Draft Plan Review
- b. July 2021 SWAC Revised Plan Approval for Submittal to Ecology
- c. Updated sections and appendices of the Plan, with changes in redline/strikeout format (preliminary, draft, and revised draft)
- d. Final sections and appendices of the Plan, with all edits resolved for review by Ecology
- e. If desired by the County, incorporation of the County's Recycling CROP in the CSHWMP

#### **Task 5 – Public and Agency Participation Process**

The Contractor will work under the direction of County staff to ensure that all applicable materials are made available for review and comment with the appropriate agencies. The Contractor will take the lead in preparing for and facilitating all public meetings and events, including the component of the regular SWAC meetings in which the Plan update is reviewed. The Contractor will utilize the skills of their in-house communications staff to guide the presentation of effective presentation materials.

Public participation in the plan development process can typically be facilitated and documented by advertising SWAC meetings in which the Plan content is being discussed. Additionally, public hearings or the presentation of the updated Plan to the Solid Waste Commission provides an additional opportunity to receive public comment.

**Task 5 Meetings & Deliverables:**

- a. July SWEC Plan Review
- b. Coordination of document review agency
- c. Plan update presentation materials for public meetings
- d. Facilitation of public meetings to discuss and collect comment on the Plan update

**Task 6 – Preparation of Documents**

Before it can be adopted, the Plan will require review and/or approval from state and local agencies. Several state agencies request an informal or preliminary review of the draft Plan, including Ecology, WUTC, and the Washington State Department of Agriculture; 120 days are allowed for the review. The Plan must also undergo SEPA review (typically led by the County planning department). These reviews may impact the timeline and eventual outcomes of the Plan and should be taken into account at the project onset.

As stated in Task 4, the Contractor will prepare an update of the existing SEPA document and Non-Project Review Form. The Contractor will coordinate submittal of the Plan and SEPA documentation to the lead agency.

As a final step, the Contractor will compile the elements of the Plan into a single electronic file (.pdf). The final document will include all maps, figures, tables, and appendices that have been developed for the Plan. The County is responsible for production of print copies if desired.

**Task 6 Deliverables:**

- a. Complete draft Plan
- b. SEPA document and Non-Project Review Form

## EXHIBIT "B"

### COMPENSATION

**I. Budget and Source of Funding:** Funding for this contract is provided by the Solid Waste Fund in an amount not to exceed \$113,000. The budget for this contract is as follows:

Task		Hours	Labor	Direct	Total Budget
1	Visionary Process	57	\$8,700	\$0	\$8,700
2	Background Research	150	\$21,960	\$400	\$22,360
3	Preliminary Analysis	124	\$18,150	\$160	\$18,310
4	Plan Update	322	\$47,360	\$200	\$47,560
5	Public & Agency Participation Process	44	\$7,240	\$0	\$7,240
6	Preparation of Documents	66	\$8,830	\$0	\$8,830
<b>TOTAL</b>					<b>\$113,000</b>

\*The contractor may transfer funds between line items with written approval by the County Contract Administrator

Project Staff	Billing Rates/Hour
Project Manager/Senior Planner	\$180
Staff Engineer	\$130
Principal Engineer	\$200
Senior Geologist	\$165
Senior GIS Analyst	\$140
Admin/Editor	\$90

## II. Invoicing

- The Contractor shall submit itemized invoices on a monthly basis in a format approved by the County. The Contractor shall submit invoices to (include contract/PO #) [HL-BusinessOffice@whatcomcounty.us](mailto:HL-BusinessOffice@whatcomcounty.us). Monthly invoices must be submitted by the 15<sup>th</sup> of the month following the month of service. Invoices submitted for payment must include hours worked by employee by day together with tasks accomplished. Any work performed prior to the effective date of this contract or continuing after the completion date of the same unless otherwise agreed upon in writing, will be at the contractor's expense.
- Payment by the County will be considered timely if it is made within 30 days of the receipt and acceptance of billing information from Contractor. The County may withhold payment of an invoice if the Contractor submits it more than 30 days after the expiration of this contract.
- Invoices must include the following statement, with an authorized signature and date:  
**I certify that the materials have been furnished, the services rendered, or the labor performed as described on this invoice.**
- Duplication of Billed Costs or Payments for Service: The Contractor shall not bill the County for services performed or provided under this contract, and the County shall not pay the Contractor, if the Contractor has been or will be paid by any other source, including grants, for those costs used to perform or provide the services in this contract. The Contractor is responsible for any audit exceptions or disallowed amounts paid as a result of this contract.

**EXHIBIT "C"**  
(CERTIFICATE OF INSURANCE)



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/25/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Durham and Bates Agencies, Inc. 720 SW Washington St. Ste 250 Portland OR 97205-3554	<b>CONTACT NAME:</b> Kristi Calvin		
	<b>PHONE (A/C, No, Ext):</b> 503-241-9219	<b>FAX (A/C, No):</b> 503-542-0623	
	<b>E-MAIL ADDRESS:</b> kristic@dbates.com		
<b>INSURED</b> Maul Foster & Alongi, Inc. 109 E 13th Street Vancouver WA 98660	<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
	<b>INSURER A:</b> Saif Corporation		36196
	<b>INSURER B:</b> Hartford		
	<b>INSURER C:</b> Crum & Forster Specialty Insurance Company		44520
	<b>INSURER D:</b> Hartford Underwriters Ins Co		30104
	<b>INSURER E:</b>		
<b>INSURER F:</b>			

**COVERAGES****CERTIFICATE NUMBER:** 1121658235**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
C	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:			EPK-130801	4/25/2020	4/25/2021	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
D	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			52UECKT2223	4/25/2020	4/25/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
C	<b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE  DED <input type="checkbox"/> RETENTION \$			EFX-115111	4/25/2020	4/25/2021	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
A B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N	N/A	781107 - Oregon 52WECRR1259 - Other States Incl WA Stop Gap	10/1/2019 10/1/2019	10/1/2020 10/1/2020	<input checked="" type="checkbox"/> PER STATUTE <input checked="" type="checkbox"/> OTH-ER Includes USL&H E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Professional Liab			EPK-130801	4/25/2020	4/25/2021	Per Claim Limit 5,000,000

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

Re: Comprehensive Solid and Hazardous Waste Management Plan Update.

See attached forms containing provisions for: General Liability Blanket Additional Insureds, Automatic Waiver of Subrogation, and Primary &amp; Noncontributory; Automobile Blanket Additional Insured and Waiver of Subrogation.

**CERTIFICATE HOLDER****CANCELLATION**Whatcom County  
Health Department  
509 Girard Street  
Bellingham WA 98225

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **PRIMARY AND NON-CONTRIBUTORY ADDITIONAL INSURED WITH WAIVER OF SUBROGATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART  
CONTRACTORS POLLUTION LIABILITY COVERAGE PART  
ERRORS AND OMISSIONS LIABILITY COVERAGE PART  
THIRD PARTY POLLUTION LIABILITY COVERAGE PART

### **SCHEDULE**

<b>Name of Additional Insured Person(s) or Organization(s)</b>
Blanket when specifically required in a written contract with the named insured.

- A. **SECTION III – WHO IS AN INSURED** within the Common Provisions is amended to include as an additional insured the person(s) or organization(s) indicated in the Schedule shown above, but solely with respect to “claims” caused in whole or in part, by “your work” for that person or organization performed by you, or by those acting on your behalf.

This insurance shall be primary and non-contributory, but only in the event of a named insured’s sole negligence.

- B. We waive any right of recovery we may have against the person(s) or organization(s) indicated in the Schedule shown above because of payments we make for “damages” arising out of “your work” performed under a designated project or contract with that person(s) or organization(s).
- C. This Endorsement does not reinstate or increase the Limits of Insurance applicable to any “claim” to which the coverage afforded by this Endorsement applies.

**ALL OTHER TERMS AND CONDITIONS OF THE POLICY REMAIN UNCHANGED.**

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## COMMERCIAL AUTOMOBILE BROAD FORM ENDORSEMENT

This endorsement modifies insurance provided under the following:

### BUSINESS AUTO COVERAGE FORM

To the extent that the provisions of this endorsement provide broader benefits to the "insured" than other provisions of the Coverage Form, the provisions of this endorsement apply.

#### 1. BROAD FORM INSURED

##### A. Subsidiaries and Newly Acquired or Formed Organizations

The Named Insured shown in the Declarations is amended to include:

- (1) Any legal business entity other than a partnership or joint venture, formed as a subsidiary in which you have an ownership interest of more than 50% on the effective date of the Coverage Form. However, the Named Insured does not include any subsidiary that is an "insured" under any other automobile policy or would be an "insured" under such a policy but for its termination or the exhaustion of its Limit of Insurance.
- (2) Any organization that is acquired or formed by you and over which you maintain majority ownership. However, the Named Insured does not include any newly formed or acquired organization:
  - (a) That is a partnership or joint venture,
  - (b) That is an "insured" under any other policy,
  - (c) That has exhausted its Limit of Insurance under any other policy, or
  - (d) 180 days or more after its acquisition or formation by you, unless you have given us notice of the acquisition or formation.

Coverage does not apply to "bodily injury" or "property damage" that results from an "accident" that occurred before you formed or acquired the organization.

##### B. Employees as Insureds

Paragraph A.1. - WHO IS AN INSURED - of SECTION II - LIABILITY COVERAGE is amended to add:

- d. Any "employee" of yours while using a covered "auto" you don't own, hire or borrow in your business or your personal affairs.

##### C. Lessors as Insureds

Paragraph A.1. - WHO IS AN INSURED - of Section II - Liability Coverage is amended to add:

- e. The lessor of a covered "auto" while the "auto" is leased to you under a written agreement if:
  - (1) The agreement requires you to provide direct primary insurance for the lessor and
  - (2) The "auto" is leased without a driver.

Such a leased "auto" will be considered a covered "auto" you own and not a covered "auto" you hire.

##### D. Additional Insured if Required by Contract

- (1) Paragraph A.1. - WHO IS AN INSURED - of Section II - Liability Coverage is amended to add:
  - f. When you have agreed, in a written contract or written agreement, that a person or organization be added as an additional insured on your business auto policy, such person or organization is an "insured", but only to the extent such person or organization is liable for "bodily injury" or "property damage" caused by the conduct of an "insured" under paragraphs a. or b. of Who Is An Insured with regard to the ownership, maintenance or use of a covered "auto."

The insurance afforded to any such additional insured applies only if the "bodily injury" or "property damage" occurs:

- (1) During the policy period, and
- (2) Subsequent to the execution of such written contract, and
- (3) Prior to the expiration of the period of time that the written contract requires such insurance be provided to the additional insured.

(2) How Limits Apply

If you have agreed in a written contract or written agreement that another person or organization be added as an additional insured on your policy, the most we will pay on behalf of such additional insured is the lesser of:

- (a) The limits of insurance specified in the written contract or written agreement; or
- (b) The Limits of Insurance shown in the Declarations.

Such amount shall be a part of and not in addition to Limits of Insurance shown in the Declarations and described in this Section.

(3) Additional Insureds Other Insurance

If we cover a claim or "suit" under this Coverage Part that may also be covered by other insurance available to an additional insured, such additional insured must submit such claim or "suit" to the other insurer for defense and indemnity.

However, this provision does not apply to the extent that you have agreed in a written contract or written agreement that this insurance is primary and non-contributory with the additional insured's own insurance.

(4) Duties in The Event Of Accident, Claim, Suit or Loss

If you have agreed in a written contract or written agreement that another person or organization be added as an additional insured on your policy, the additional insured shall be required to comply with the provisions in LOSS CONDITIONS 2. - DUTIES IN THE EVENT OF ACCIDENT, CLAIM, SUIT OR LOSS - OF SECTION IV - BUSINESS AUTO CONDITIONS, in the same manner as the Named Insured.

**E. Primary and Non-Contributory if Required by Contract**

Only with respect to insurance provided to an additional insured in 1.D. - Additional Insured If Required by Contract, the following provisions apply:

(3) Primary Insurance When Required By Contract

This insurance is primary if you have agreed in a written contract or written agreement that this insurance be primary. If other insurance is also primary, we will share with all that other insurance by the method described in Other Insurance 5.d.

(4) Primary And Non-Contributory To Other Insurance When Required By Contract

If you have agreed in a written contract or written agreement that this insurance is primary and non-contributory with the additional insured's own insurance, this insurance is primary and we will not seek contribution from that other insurance.

Paragraphs (3) and (4) do not apply to other insurance to which the additional insured has been added as an additional insured.

When this insurance is excess, we will have no duty to defend the insured against any "suit" if any other insurer has a duty to defend the insured against that "suit". If no other insurer defends, we will undertake to do so, but we will be entitled to the insured's rights against all those other insurers.

When this insurance is excess over other insurance, we will pay only our share of the amount of the loss, if any, that exceeds the sum of:

- (1) The total amount that all such other insurance would pay for the loss in the absence of this insurance; and
- (2) The total of all deductible and self-insured amounts under all that other insurance.

We will share the remaining loss, if any, by the method described in Other Insurance 5.d.

**2. AUTOS RENTED BY EMPLOYEES**

Any "auto" hired or rented by your "employee" on your behalf and at your direction will be considered an "auto" you hire.

The OTHER INSURANCE Condition is amended by adding the following:

If an "employee's" personal insurance also applies on an excess basis to a covered "auto" hired or rented by your "employee" on your behalf and at your direction, this insurance will be primary to the "employee's" personal insurance.

### **3. AMENDED FELLOW EMPLOYEE EXCLUSION**

EXCLUSION 5. - FELLOW EMPLOYEE - of SECTION II - LIABILITY COVERAGE does not apply if you have workers' compensation insurance in-force covering all of your "employees".

Coverage is excess over any other collectible insurance.

### **4. HIRED AUTO PHYSICAL DAMAGE COVERAGE**

If hired "autos" are covered "autos" for Liability Coverage and if Comprehensive, Specified Causes of Loss, or Collision coverages are provided under this Coverage Form for any "auto" you own, then the Physical Damage Coverages provided are extended to "autos" you hire or borrow, subject to the following limit.

The most we will pay for "loss" to any hired "auto" is:

- (1) \$100,000;
- (2) The actual cash value of the damaged or stolen property at the time of the "loss"; or
- (3) The cost of repairing or replacing the damaged or stolen property,

whichever is smallest, minus a deductible. The deductible will be equal to the largest deductible applicable to any owned "auto" for that coverage. No deductible applies to "loss" caused by fire or lightning. Hired Auto Physical Damage coverage is excess over any other collectible insurance. Subject to the above limit, deductible and excess provisions, we will provide coverage equal to the broadest coverage applicable to any covered "auto" you own.

We will also cover loss of use of the hired "auto" if it results from an "accident", you are legally liable and the lessor incurs an actual financial loss, subject to a maximum of \$1000 per "accident".

This extension of coverage does not apply to any "auto" you hire or borrow from any of your "employees", partners (if you are a partnership), members (if you are a limited liability company), or members of their households.

### **5. PHYSICAL DAMAGE - ADDITIONAL TEMPORARY TRANSPORTATION EXPENSE COVERAGE**

Paragraph A.4.a. of SECTION III - PHYSICAL DAMAGE COVERAGE is amended to provide a limit of \$50 per day and a maximum limit of \$1,000.

### **6. LOAN/LEASE GAP COVERAGE**

Under SECTION III - PHYSICAL DAMAGE COVERAGE, in the event of a total "loss" to a covered "auto", we will pay your additional legal obligation for any difference between the actual cash value of the "auto" at the time of the "loss" and the "outstanding balance" of the loan/lease.

"Outstanding balance" means the amount you owe on the loan/lease at the time of "loss" less any amounts representing taxes; overdue payments; penalties, interest or charges resulting from overdue payments; additional mileage charges; excess wear and tear charges; lease termination fees; security deposits not returned by the lessor; costs for extended warranties, credit life Insurance, health, accident or disability insurance purchased with the loan or lease; and carry-over balances from previous loans or leases.

### **7. AIRBAG COVERAGE**

Under Paragraph B. EXCLUSIONS - of SECTION III - PHYSICAL DAMAGE COVERAGE, the following is added:

The exclusion relating to mechanical breakdown does not apply to the accidental discharge of an airbag.

### **8. ELECTRONIC EQUIPMENT - BROADENED COVERAGE**

a. The exceptions to Paragraphs B.4 - EXCLUSIONS - of SECTION III - PHYSICAL DAMAGE COVERAGE are replaced by the following:

Exclusions 4.c. and 4.d. do not apply to equipment designed to be operated solely by use of the power from the "auto's" electrical system that, at the time of "loss", is:

- (1) Permanently installed in or upon the covered "auto";
- (2) Removable from a housing unit which is permanently installed in or upon the covered "auto";
- (3) An integral part of the same unit housing any electronic equipment described in Paragraphs (1) and (2) above; or

- (4) Necessary for the normal operation of the covered "auto" or the monitoring of the covered "auto's" operating system.

b. Section III – Version CA 00 01 03 10 of the Business Auto Coverage Form, Physical Damage Coverage, Limit of Insurance, Paragraph C.2 and Version CA 00 01 10 01 of the Business Auto Coverage Form, Physical Damage Coverage, Limit of Insurance, Paragraph C are each amended to add the following:

\$1,500 is the most we will pay for "loss" in any one "accident" to all electronic equipment (other than equipment designed solely for the reproduction of sound, and accessories used with such equipment) that reproduces, receives or transmits audio, visual or data signals which, at the time of "loss", is:

- (1) Permanently installed in or upon the covered "auto" in a housing, opening or other location that is not normally used by the "auto" manufacturer for the installation of such equipment;
- (2) Removable from a permanently installed housing unit as described in Paragraph 2.a. above or is an integral part of that equipment; or
- (3) An integral part of such equipment.

c. For each covered "auto", should loss be limited to electronic equipment only, our obligation to pay for, repair, return or replace damaged or stolen electronic equipment will be reduced by the applicable deductible shown in the Declarations, or \$250, whichever deductible is less.

#### **9. EXTRA EXPENSE - BROADENED COVERAGE**

Under Paragraph A. - COVERAGE - of SECTION III - PHYSICAL DAMAGE COVERAGE, we will pay for the expense of returning a stolen covered "auto" to you.

#### **10. GLASS REPAIR - WAIVER OF DEDUCTIBLE**

Under Paragraph D. - DEDUCTIBLE - of SECTION III - PHYSICAL DAMAGE COVERAGE, the following is added:

No deductible applies to glass damage if the glass is repaired rather than replaced.

#### **11. TWO OR MORE DEDUCTIBLES**

Under Paragraph D. - DEDUCTIBLE - of SECTION III - PHYSICAL DAMAGE COVERAGE, the following is added:

If another Hartford Financial Services Group, Inc. company policy or coverage form that is not an automobile policy or coverage form applies to the same "accident", the following applies:

- (1) If the deductible under this Business Auto Coverage Form is the smaller (or smallest) deductible, it will be waived;
- (2) If the deductible under this Business Auto Coverage Form is not the smaller (or smallest) deductible, it will be reduced by the amount of the smaller (or smallest) deductible.

#### **12. AMENDED DUTIES IN THE EVENT OF ACCIDENT, CLAIM, SUIT OR LOSS**

The requirement in LOSS CONDITIONS 2.a. - DUTIES IN THE EVENT OF ACCIDENT, CLAIM, SUIT OR LOSS - of SECTION IV - BUSINESS AUTO CONDITIONS that you must notify us of an "accident" applies only when the "accident" is known to:

- (1) You, if you are an individual;
- (2) A partner, if you are a partnership;
- (3) A member, if you are a limited liability company; or
- (4) An executive officer or insurance manager, if you are a corporation.

#### **13. UNINTENTIONAL FAILURE TO DISCLOSE HAZARDS**

If you unintentionally fail to disclose any hazards existing at the inception date of your policy, we will not deny coverage under this Coverage Form because of such failure.

#### **14. HIRED AUTO - COVERAGE TERRITORY**

Paragraph e. of GENERAL CONDITIONS 7. - POLICY PERIOD, COVERAGE TERRITORY - of SECTION IV - BUSINESS AUTO CONDITIONS is replaced by the following:

- e. For short-term hired "autos", the coverage territory with respect to Liability Coverage is anywhere in the world provided that if the "insured's" responsibility to pay damages for "bodily injury" or "property damage" is determined in a "suit," the "suit" is brought in the United States of America, the territories and possessions of the United States of America, Puerto Rico or Canada or in a settlement we agree to.

#### **15. WAIVER OF SUBROGATION**

TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US - of SECTION IV - BUSINESS AUTO CONDITIONS is amended by adding the following:



We waive any right of recovery we may have against any person or organization with whom you have a written contract that requires such waiver because of payments we make for damages under this Coverage Form.

#### **16. RESULTANT MENTAL ANGUISH COVERAGE**

The definition of "bodily injury" in SECTION V-DEFINITIONS is replaced by the following:

"Bodily injury" means bodily injury, sickness or disease sustained by any person, including mental anguish or death resulting from any of these.

#### **17. EXTENDED CANCELLATION CONDITION**

Paragraph 2. of the COMMON POLICY CONDITIONS - CANCELLATION - applies except as follows:

If we cancel for any reason other than nonpayment of premium, we will mail or deliver to the first Named Insured written notice of cancellation at least 60 days before the effective date of cancellation.

#### **18. HYBRID, ELECTRIC, OR NATURAL GAS VEHICLE PAYMENT COVERAGE**

In the event of a total loss to a "non-hybrid" auto for which Comprehensive, Specified Causes of Loss, or Collision coverages are provided under this Coverage Form, then such Physical Damage Coverages are amended as follows:

- a. If the auto is replaced with a "hybrid" auto or an auto powered solely by electricity or natural gas, we will pay an additional 10%, to a maximum of \$2,500, of the "non-hybrid" auto's actual cash value or replacement cost, whichever is less,
- b. The auto must be replaced and a copy of a bill of sale or new lease agreement received by us within 60 calendar days of the date of "loss,"

- c. Regardless of the number of autos deemed a total loss, the most we will pay under this Hybrid, Electric, or Natural Gas Vehicle Payment Coverage provision for any one "loss" is \$10,000.

For the purposes of the coverage provision,

- a. A "non-hybrid" auto is defined as an auto that uses only an internal combustion engine to move the auto but does not include autos powered solely by electricity or natural gas.
- b. A "hybrid" auto is defined as an auto with an internal combustion engine and one or more electric motors; and that uses the internal combustion engine and one or more electric motors to move the auto, or the internal combustion engine to charge one or more electric motors, which move the auto.

#### **19. VEHICLE WRAP COVERAGE**

In the event of a total loss to an "auto" for which Comprehensive, Specified Causes of Loss, or Collision coverages are provided under this Coverage Form, then such Physical Damage Coverages are amended to add the following:

In addition to the actual cash value of the "auto", we will pay up to \$1,000 for vinyl vehicle wraps which are displayed on the covered "auto" at the time of total loss. Regardless of the number of autos deemed a total loss, the most we will pay under this Vehicle Wrap Coverage provision for any one "loss" is \$5,000. For purposes of this coverage provision, signs or other graphics painted or magnetically affixed to the vehicle are not considered vehicle wraps.



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-425

---

<b>File ID:</b>	AB2020-425	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/29/2020	<b>Entered by:</b>	JThomson@co.whatcom.wa.us		
<b>Department:</b>	Health Department	<b>File Type:</b>	Interlocal		
<b>Assigned to:</b>	Council Finance and Administrative Services Committee	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: APavitt@co.whatcom.wa.us

### **TITLE FOR AGENDA ITEM:**

Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Snohomish Health District to provide prevention services for tobacco and vapor devices to Whatcom County residents, in the amount of \$12,500

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

See attachments

---

### **HISTORY OF LEGISLATIVE FILE**

---

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

---

---

**Attachments:** Memo, Contract



## **MEMORANDUM**

**TO:** Satpal Sidhu, County Executive

**FROM:** Erika Lautenbach, Director

**RE:** Snohomish Health District – Tobacco and Vapor Devices Prevention Services

**DATE:** September 29, 2020

---

Attached is an Interlocal Cooperative Agreement between Whatcom County and Snohomish Health District for your review and signature.

- **Background and Purpose**

Whatcom County Health Department's (WCHD) mission is to lead the County in promoting health and preventing disease. To that end, WCHD is interested in preventing youth and young adults from becoming addicted to tobacco and vapor products as well as encouraging current users to quit. The Snohomish Health District currently receives grant funding for regional tobacco and vapor prevention services and will reimburse Whatcom County for work performed by Whatcom County to work towards these prevention efforts.

- **Funding Amount and Source**

This agreement is funded, in an amount not to exceed \$12,500, through the CDC Tobacco Prevention and Foundational Public Health Services Youth Tobacco Vapor Prevention funds passed through the Snohomish Health District. These funds will be included in the 2020 budget. Council approval is required per RCW 39.34.030(2) for agreements between public agencies.

Please contact Kathleen Roy at extension #6007 if you have any questions regarding this agreement.

Encl.



<b>WHATCOM COUNTY CONTRACT INFORMATION SHEET</b>		Whatcom County Contract No. _____	
Originating Department:		85 Health	
Division/Program: (i.e. Dept. Division and Program)		8550 Human Services / 855060 Substance Abuse	
Contract or Grant Administrator:		Alyssa Pavitt	
Contractor's / Agency Name:		Snohomish Health District	
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"/>
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: _____
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?	If yes, grantor agency contract number(s):		CFDA#: _____
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
Is this contract grant funded?	If yes, Whatcom County grant contract number(s):		
Yes <input type="checkbox"/> No <input type="checkbox"/>			
Is this contract the result of a RFP or Bid process?	Contract Cost Center:		
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If yes, RFP and Bid number(s):		
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):		Council approval required for; all property leases, contracts or bid awards <b>exceeding \$40,000</b> , and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, <b>except when:</b> <ol style="list-style-type: none"> <li>1. Exercising an option contained in a contract previously approved by the council.</li> <li>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.</li> <li>3. Bid or award is for supplies.</li> <li>4. Equipment is included in Exhibit "B" of the Budget Ordinance</li> <li>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.</li> </ol>	
\$ 12,500			
This Amendment Amount:			
\$			
Total Amended Amount:			
\$			
Summary of Scope: This contract provides funding for tobacco and vapor prevention efforts in Whatcom County.			
Term of Contract:	1 Year		Expiration Date: 06/30/2021
Contract Routing:	1. Prepared by:	JT	Date: 09/25/2020
	2. Health Budget Approval:		Date: _____
	3. Attorney signoff:	RB	Date: 09/25/2020
	4. AS Finance reviewed:	M Caldwell	Date: 09/29/2020
	5. IT reviewed (if IT related):		Date: _____
	6. Contractor approved:		Date: _____
	7. Submitted to Exec.:		Date: _____
	8. Council approved (if necessary):		Date: _____
	9. Executive signed:		Date: _____
	10. Original to Council:		Date: _____

**INTERLOCAL COOPERATIVE AGREEMENT  
BETWEEN THE SNOHOMISH HEALTH DISTRICT  
AND  
WHATCOM COUNTY HEALTH DEPARTMENT**

THIS AGREEMENT is made and entered into by and between the Snohomish Health District (referred to as the "District") and Whatcom County Health Department (referred to as the "Contractor") pursuant to the authority granted by Chapter 39.34 RCW, Interlocal Cooperation Act.

**1. PURPOSE**

The purpose of this agreement is to engage the contractor, Whatcom County Health Department, to provide prevention services for tobacco and vapor devices to Whatcom County Residents.

**2. SCOPE OF SERVICES**

The Contractor shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary, as are designated in the responsibilities of Contractor throughout this agreement and as described in Exhibit A, attached and incorporated herein.

**3. TERM**

The term of this Agreement shall be from July 1, 2020 through June 30, 2021.

**4. COMPENSATION AND METHOD OF PAYMENT**

Payments for services provided shall be made following the performance of such services, unless otherwise permitted by law and approved in writing by the District. No payment shall be made for any service rendered by the Contractor except for services identified and set forth in this Agreement, included in Exhibit A. Fees for services shall not exceed the agreed upon amount of \$12,500 to be broken up into the following expense amounts:

\$5,000 from CDC Tobacco Prevention #20018; funding must be used by 4/28/2021

\$7,500 from FPH Youth Tobacco Vapor Prevention #20021

A monthly invoice of hours worked and other expenses incurred will be due no later than the 20<sup>th</sup> of each month, as outlined in Exhibit A. Should the 20<sup>th</sup> of the month fall on a holiday or a weekend, the reporting will be due the next business day. Invoices should be sent to [AccountsPayable@snohd.org](mailto:AccountsPayable@snohd.org)

**5. ADMINISTRATION**

This Agreement shall be administered by the Snohomish Health District as the lead contractor with the Washington State Department of Health for youth tobacco and vapor prevention funding.

**6. INDEMNIFICATION/HOLD HARMLESS**

To the maximum extent permitted by law and except to the extent caused by the sole negligence of the District, the Contractor shall indemnify and hold harmless the District, its officers, elected officials, agents and employees, from and against any and all suits, claims, actions, losses, costs, penalties and damages of whatsoever kind or nature arising out of, in connection with, performance of this Agreement or incident to the goods and/or services provided by or on behalf of the Contractor. In addition, the Contractor shall assume the defense of the District and its officers, officials, and employees in all legal or claim proceedings arising out of, in connection with, or incidental to such goods and/or services: shall pay all defense expenses, including reasonable attorney's fees, expert fees and costs incurred by the District on account of such litigation or claims.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the District, its officers, officials, employees, and volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of the Agreement.

## **7. INSURANCE**

- A. Both the District and the Contractor shall maintain its own insurance and/or self-insurance for its liabilities from damage to property and/or injuries to persons arising out of its activities associated with this Agreement as it deems reasonably appropriate and prudent. The maintenance of, or lack thereof of insurance and/or self-insurance shall not limit the liability of the indemnifying part to the indemnified party(s). Each party shall provide the other with a certificate of insurance or letter of self-insurance upon request.
- B. Where the District has provided written approval of a subcontractor, Contractor shall include all subcontractors as insured under all required insurance policies, or shall furnish separate Certificates of insurance and endorsements for each subcontractor. Subcontractor(s) must comply fully with all insurance requirements stated herein. Failure of subcontractor(s) to comply with insurance requirements does not limit Contractor's liability or responsibility.

## **8. TERMINATION**

- A. Termination for Convenience. The District may terminate this Agreement, in whole or in part, any time, by at least thirty (30) days written notice to the Contractor. The Contractor shall be paid for work performed and expenses incurred to the date of termination. Within thirty (30) days, the Contractor shall submit a termination claim to the District. If the Contractor has any property in its possession belonging to the District, the Contractor will account for the same, and dispose of it in the manner directed by the District.

B. Termination for Cause. If the Contractor fails to perform in the manner called for in this Agreement, or if the Contractor fails to comply with any other provisions of this Agreement and fails to correct such noncompliance within five (5) days written notice thereof, the District may terminate this Agreement for cause. Termination shall be effected by serving a written notice of termination on the Contractor setting forth the manner in which the Contractor is in default. The Contractor will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

## **9. DISPUTES**

The parties agree that, following reasonable attempts at negotiation and compromise, any unresolved dispute arising under this Agreement may be resolved by a mutually agreed-upon alternative dispute resolution of arbitration or mediation.

## **10. SEVERABILITY**

It is understood and agreed by the parties that if any term or provision of this Agreement is held by a court to be illegal or in conflict with any law of the state of Washington, the validity of the remaining portions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term, part or provision held to be invalid.

## **11. ENTIRE AGREEMENT**

This Agreement contains all the terms and conditions agreed upon by the parties and statements, promises, or inducements made by any party or agent of that party that are not contained in this Agreement shall not be valid or binding. This Agreement may not be enlarged, modified, or altered except in writing signed by all parties.

This Agreement shall be filed or listed as required by RCW 39.34.040.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of this \_\_\_\_ day of \_\_\_\_\_, 2020.

SNOHOMISH HEALTH DISTRICT

WHATCOM COUNTY HEALTH  
DEPARTMENT

\_\_\_\_\_  
Shawn Frederick

Administrative Officer

Date

\_\_\_\_\_  
Date

DEPARTMENT APPROVAL

Approved by email AD/JT  
Anne Deacon, Human Services Manager

09/25/2020  
Date

WHATCOM COUNTY

SATPAL SIDHU  
County Executive

STATE OF WASHINGTON     )  
  )  
COUNTY OF WHATCOM     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me personally  
appeared Satpal Sidhu, to me known to be the Executive of Whatcom County 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 Bellingham.

My Commission expires: \_\_\_\_\_

APPROVED AS TO FORM

Approved by email RB/JT  
Royce Buckingham, Prosecuting Attorney

09/25/2020  
Date

## **EXHIBIT A**

### **SCOPE OF SERVICE**

The Contractor and District are already working on a mutually agreeable work plan based on the below tasks. A draft of the work plan has been sent to the Contractor for final approval (Exhibit B).

- Task 1: Planning and Coordination
- Task 2: Reduce Tobacco-Related Disparities
- Task 3: Prevent Tobacco Use Among Youth and Young Adults with Emphasis on Nicotine Consumed through Vapor Products
- Task 4: Promote and Support Tobacco Use and Dependent Treatment
- Task 5: Eliminate Exposure to Secondhand Smoke and Vapor Emissions
- Task 6: Media and Health Communications
- Task 7: Marijuana Prevention Education

The Contractor shall be responsible for completing a reporting form detailing their programmatic activities as well as submitting a monthly invoice. Exhibit C is an example of the programmatic reporting form. Both programmatic reporting and invoices must be submitted monthly to the District with programmatic reporting due on the 8<sup>th</sup> of the month and invoices due on the 20<sup>th</sup>. Should either of those days fall on a holiday or a weekend, the reporting will be due on the next business day.

Invoices should be submitted to [AccountsPayable@snohd.org](mailto:AccountsPayable@snohd.org) . The programmatic reporting form should be submitted to Jennifer Reid at [jreid@snohd.org](mailto:jreid@snohd.org).

## Exhibit B

### Whatcom County Work Plan

DOH Goal	DOH Requirement	Final Workplan
Planning and Coordination	Using a template provided by CTPP, build upon existing 2019-2020 implementation plan for 2020-2021 in collaboration with representatives from all counties within the respective Accountable Communities of Health (ACH) region.	SHD will complete
	Participate in at least one (1) virtual meeting or in-person with CTPP and all regional and priority population contractors.	SHD will complete
	Participate in statewide commercial tobacco prevention coalition meetings as established.	SHD will complete
Reduce Tobacco-Related Disparities	<p>1. In collaboration with priority population contractors, engage and educate internal and external partners about:</p> <p>a. the value of local control in preventing initiation and continued use of tobacco and vapor products that lead to tobacco-related health issues and health disparities.</p> <p>b. the value of a comprehensive commercial tobacco prevention program to prevent the initiation of tobacco and vapor product use among youth and young adults</p> <p>c. focused policy options to address the impact of flavored (including menthol) tobacco and vapor product flavors on youth initiation and use of tobacco and vapor products.</p>	<ul style="list-style-type: none"> <li>Whatcom will provide education to various decision makers to discuss the importance of tobacco prevention funding to reduce youth use and decreasing tobacco and vapor product disparities.</li> <li>Whatcom will continue to work with coalition partners to engage in education and advocacy around tobacco and vape prevention.</li> </ul>
	Disseminate prevention and Tobacco Use and Dependence Treatment (TUDT)-informing materials for disparately affected communities that address emerging tobacco/vapor products are culturally & linguistically appropriate, trauma-informed, & equity-based.	Whatcom will distribute materials through coalitions, school contacts, SeaMar, and other groups working with disparately affected populations.

Prevent Tobacco use Among Youth and Young Adults with Emphasis on Nicotine Consumed Through Vapor Products	Build upon existing Tobacco and Vapor 21 implementation plan, addressing diverse audiences and ensuring all communications materials are culturally and linguistically appropriate.	SHD will complete
	Build or enhance partnerships with youth-serving organizations and local champions (including identifying youth champions) to collaborate on youth access and industry marketing.	<ul style="list-style-type: none"> <li>Whatcom will continue to work closely with school prevention and intervention staff to share education and advocacy opportunities.</li> </ul>
Promote and Support Tobacco Use and Dependence Treatment	Inform providers about TUDT resources and referral processes, including those for the Washington State Tobacco Quitline (WAQL), 2Morrow Health application, and WA-Branded Truth Initiative's "This is Quitting" promotional materials.	SHD will complete
	In collaboration with CTPP, incorporate 2020-2021 Centers for Disease Control and Prevention (CDC) (e.g., Tips® campaign) materials into agency social media content, and report communications and media efforts in a template provided by the CTPP as part of the monthly reporting requirement.	Whatcom will share 1 TIPs social media post per month as covid allows.
	Disseminate TUDT resources provided by CTPP to community-based organizations, centers, and networks supporting disparately affected communities.	Whatcom will distribute resources through various partners such as coalitions, health care clinics & groups, schools, and others.
Eliminate Exposure to Secondhand Smoke and Vape Emissions	Conduct education and outreach within respective ACH region addressing local smoking and vaping in public places ordinances.	Whatcom will conduct outreach and education as needed regarding smoking and vaping in public places.
	Respond to technical assistance requests and needs from local agencies and organizations interested in adopting and/or that have adopted voluntary smoke-free and vape-free campus and/or organizational policies.	Whatcom will respond to requests for assistance as needed from organizations interested in adopting SF/VF policies.
	Respond to technical assistance requests to colleges/universities on	Whatcom will respond to requests for assistance as needed from

	the adoption and implementation of tobacco- and vape-free campuses.	colleges/universities interested in adopting SF/VF policies.
	Upon request, provide technical assistance to multi-unit housing organizations, landlords, and residents on smoke- and/or vape-free policies.	Whatcom will respond to requests for assistance as needed from multi-unit housing.
Media and Health Communications	Plan and implement public relations/earned media efforts (i.e. press releases, social media) utilizing national media campaigns to prevent youth initiation and support cessation.	Whatcom will continue to provide messaging through social media and traditional media regarding smoking and vaping prevention, cessation, and youth prevention.
Marijuana Prevention and Education	Conduct education and outreach activities to prevent the initiation and use of vapor products as delivery devices for nicotine and marijuana and that focuses on the potential health risks of vapor product use, regardless of the substance it contains.	Whatcom will provide recommendations and guidance on appropriate curriculum and prevention activities that schools can use in addition to technical assistance as appropriate to school decision makers.

## EXHIBIT C

### PROGRAMMATIC REPORTING FORM

Youth Tobacco Prevention Grant - Whatcom County Reporting Form					
DOH Goal	DOH Requirement	Whatcom Work	July	Aug	Sept
Reduce Tobacco-Related Disparities	<p>1. In collaboration with priority population contractors, engage and educate internal and external partners about:</p> <p>a. the value of local control in preventing initiation and continued use of tobacco and vapor products that lead to tobacco-related health issues and health disparities.</p> <p>b. the value of a comprehensive commercial tobacco prevention program to prevent the initiation of tobacco and vapor product use among youth and young adults</p> <p>c. focused policy options to address the impact of flavored (including menthol) tobacco and vapor product flavors on youth initiation and use of tobacco and vapor products.</p>	A) Whatcom will provide education to various decision makers to discuss the importance of tobacco prevention funding to reduce youth use and decreasing tobacco and vapor product disparities. B) Whatcom will continue to work with coalition partners to engage in education and advocacy around tobacco and vape prevention.			
Reduce Tobacco-Related Disparities	Disseminate prevention and Tobacco Use and Dependence Treatment (TUDT)-informing materials for disparately affected communities that address emerging tobacco/vapor products are culturally & linguistically appropriate, trauma-informed, & equity-based.	Whatcom will distribute materials through coalitions, school contacts, SeaMar, and other groups working with disparately affected populations.			
Prevent Tobacco use Among Youth and Young Adults with Emphasis on Nicotine Consumed Through Vapor Products	Build or enhance partnerships with youth-serving organizations and local champions (including identifying youth champions) to collaborate on youth access and industry marketing.	A) Whatcom will continue to work closely with school prevention staff to share education and advocacy opportunities.			
Promote and Support Tobacco Use and Dependence Treatment	In collaboration with CTPP, incorporate 2020-2021 Centers for Disease Control and Prevention (CDC) (e.g., Tips® campaign) materials into agency social media content, and report communications and media efforts in a template provided by the CTPP as part of the monthly reporting requirement.	Whatcom will share 1 TIPS social media post per month as covid allows.			
Promote and Support Tobacco Use and Dependence Treatment	Disseminate TUDT resources provided by CTPP to community-based organizations, centers, and networks supporting disparately affected communities.	Whatcom will distribute resources through various partners such as coalitions, health care clinics & groups, schools, and others.			
Eliminate Exposure to Secondhand Smoke and Vape Emissions	Conduct education and outreach within respective ACH region addressing local smoking and vaping in public places ordinances.	Whatcom will conduct outreach and education as needed regarding smoking and vaping in public places			

Eliminate Exposure to Secondhand Smoke and Vape Emissions	Respond to technical assistance requests and needs from local agencies and organizations interested in adopting and/or that have adopted voluntary smoke-free and vape-free campus and/or organizational policies.	Whatcom will respond to requests for assistance as needed from organizations interested in adopting SF/VF policies.			
Eliminate Exposure to Secondhand Smoke and Vape Emissions	Respond to technical assistance requests to colleges/universities on the adoption and implementation of tobacco- and vape-free campuses.	Whatcom will respond to requests for assistance as needed from colleges/universities interested in adopting SF/VF policies.			
Eliminate Exposure to Secondhand Smoke and Vape Emissions	Upon request, provide technical assistance to multi-unit housing organizations, landlords, and residents on smoke- and/or vape-free policies.	Whatcom will respond to requests for assistance as needed from multi-unit housing.			
Media and Health Communications	Plan and implement public relations/earned media efforts (i.e. press releases, social media) utilizing national media campaigns to prevent youth initiation and support cessation.	Whatcom will continue to provide messaging through social media and traditional media regarding smoking and vaping prevention, cessation, and youth prevention.			
Marijuana Prevention and Education	Conduct education and outreach activities to prevent the initiation and use of vapor products as delivery devices for nicotine and marijuana and that focuses on the potential health risks of vapor product use, regardless of the substance it contains.	Whatcom will provide recommendations and guidance on appropriate curriculum and prevention activities that schools can use in addition to technical assistance as appropriate to school decision makers.			



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-427

---

<b>File ID:</b>	AB2020-427	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/29/2020	<b>Entered by:</b>	SWinger@co.whatcom.wa.us		
<b>Department:</b>	Finance Division	<b>File Type:</b>	Resolution		
<b>Assigned to:</b>	Council Finance and Administrative Services Committee	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: swinger@co.whatcom.wa.us

### **TITLE FOR AGENDA ITEM:**

Resolution in the matter of the sale of surplus personal property and setting a date for public hearing, pursuant to WCC 1.10

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

The County Purchasing Agent is required by Whatcom County Code 1.10.180 to submit a list (see Exhibit 'A') of surplus personal property to the Council for authority to dispose of said personal property

---

### **HISTORY OF LEGISLATIVE FILE**

---

Date:	Acting Body:	Action:	Sent To:

---

**Attachments:** Proposed Resolution (Set Hearing), Exhibit A

PROPOSED BY: Finance

DATE INTRODUCED: 10/13/2020

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION IN THE MATTER OF THE SALE OF SURPLUS PROPERTY

AND THE SETTING OF A DATE FOR PUBLIC HEARING THEREON PURSUANT TO WCC 1.10

WHEREAS, the following described property listed in Exhibit "A", hereby incorporated by reference, is now and has been the property of Whatcom County; and

WHEREAS, the County Purchasing Agent has determined that it is in the best interest of the County to sell such property;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that a public hearing on the matter of the sale of such property be held on \_\_\_\_\_, 2020 or as soon thereafter as is possible, in the Whatcom County Council Chambers at 311 Grand Avenue, Bellingham, Washington, for the purpose of admitting testimony for and against the propriety of selling such equipment; and

BE IT FURTHER RESOLVED that the Clerk of the County Council is directed to give notice of such hearing in the manner prescribed by law.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
Civil Deputy Prosecuting Attorney

**WHATCOM COUNTY  
PUBLIC WORKS DEPARTMENT**

**Jon Hutchings**  
Director



**EQUIPMENT SERVICES DIVISION**

901 W. Smith Road  
Bellingham, WA 98226-9610  
Phone (360) 778-6400  
Fax (360) 778-6402  
Eric L. Schlehuber, Division Manager

**Exhibit "A"**  
**CAPITAL EQUIPMENT SURPLUS REQUEST**  
**October 2020**

PUBLIC WORKS – EQUIPMENT SERVICES							
UNIT	YEAR	MAKE	MODEL	DEPT	VIN #	EST MILES/HRS	COMMENTS
5	1994	Pontiac	Grand Prix SE	ASSESSOR	1G2WJ52M1RF329857	59,534	Obsolete/no parts available
42	2000	Ford	Ranger XL 4X4	HEALTH	1FTZR11V2YPB81456	104,467	Already Replaced
52	2000	Ford	Taurus	ASSESSOR	1FAFP5227YG252211	105,347	Already Replaced
66	2000	Ford	Focus Wagon	ASSESSOR	1FAFP36P9YW374097	96,008	Obsolete/no parts available
89	2008	Ford	Escape 4X4 – Hybrid	PDS	1FMCU59H08KB00098	141,441	Already Replaced
98	2004	Toyota	Prius-Hybrid	HEALTH	JTDKB22UX50117364	101,362	Already Replaced
103	2007	Ford	F150 4X4	M&O	FTRX14W17FB64257	153,121	Already Replaced
159	2008	Ford	F250 4X4 EX CAB	M&O	1FTSX21R38EC76958	102,750	Already Replaced
181	2002	Ford	F150 4X4	ENGINEERING	2FTRX18W62CA78554	117,365	Already Replaced
224	1987	Dodge	D350 1T WELD TRK	EQUIP SERVICES	1B6MD3453HS494677	101,200	Already Replaced
244	2001	International	Bridge Truck	M&O	1HTGLAXT61H331909	44,921	Already Replaced
265	2003	Kenworth	T800B	M&O	1NKDXBEXX3R386682	277,556	Already Replaced
266	2003	Kenworth	T800B	M&O	1NKDXBEX13R386683	284,859	Already Replaced
275	2001	Kenworth	T800B with #576 & #418	M&O	1NKDXBEX31R876944	269,611	Already Replaced
314	1991	CAT	140G	M&O	72V13873	11,094	Already Replaced
329	2012	John Deere	6430 with #529	M&O	1L06430PTB704136	7,771	Already Replaced
337	2000	Komatsu	WA320-3MC	M&O	A31509	3,986	Already Replaced
338	2012	John Deere	6430 with #538	M&O	1L06430PVB705617	8,488	Already Replaced
355	1998	Gradall	G3WD 4X2	M&O	0139365	5,900	Already Replaced
360	1984	John Deere	850 Dozer	M&O	J713373	1,236	Already Replaced
418	2001	Swenson	Sander with #275	M&O	N/A	N/A	Already Replaced
433	1964	P&H	325TC Truck	M&O	26139	10,949	Already Replaced
433A	1964	P&H	Crane with #433	M&O	N/A	4,541	Already Replaced
457	1994	Swenson	Sander	M&O	N/A	N/A	Already Replaced
463	1994	Portable	Sander	M&O	N/A	N/A	Already Replaced
464	1994	Portable	Sander	M&O	N/A	N/A	Already Replaced
477	2003	Pump	Pump TP-150 6"	M&O	TP-150/150/3/02	N/A	Already Replaced
487	2000	Continental	Welder with #224	EQUIP SERVICES	N/A	N/A	Already Replaced
529	2012	US Mower	Rotary MID MT with #329	M&O	102074	N/A	Already Replaced
538	2012	US Mower	Rotary MID MT with #338	M&O	102062	N/A	Already Replaced
571	1994	American	Reverse-A-Cast	PARKS	N/A	N/A	Already Replaced
576	1994	Snow	Plow with #275	M&O	N/A	N/A	Already Replaced

582	2008	American	Sno-PI-3912-P1SA	M&O	JG0069	N/A	Already Replaced
756	1980	Emulsion Tanks	Asphalt Emulsion Tanks (qty 4)	M&O	N/A	N/A	Obsolete/No parts available
759	1998	B/E Better	Parts Washer	EQUIP SERVICES	N/A	N/A	Already Replaced
816	2003	Wheel Barrel	Power Wheel Barrel	PARKS	7563272	N/A	Already Replaced
869	2008	Ford	F250 4X4 EX Cab	PARKS	1FTSX21Y18EA18736	123,012	Already Replaced
6017	2004	Chevy	Impala	SHERIFF	2G1WF52KX49228001	118,514	Already Replaced
6150	2005	Ford	Expedition	SHERIFF	1FMPU16535LA74283	103,311	Already Replaced
6162	2006	Chevy	Impala	SHERIFF	2G1WS581869376094	115,222	Already Replaced
6165	2006	Ford	Expedition	SHERIFF	1FMPU16516LA79354	119,081	Already Replaced
6196	2008	Ford	Crown Vic Police Interceptor	SHERIFF	2FAHP71V28X154889	187,325	Already Replaced
6201	2008	Ford	Crown Vic Police Interceptor	SHERIFF	2FAHP71V38X154898	171,217	Already Replaced
6204	2009	Ford	Crown Vic Police Interceptor	SHERIFF	2FAHP71VX9X129837	119,371	Already Replaced
6208	2009	Ford	Crown Vic Police Interceptor	SHERIFF	2FAHP71V19X129841	136,459	Already Replaced
6213	2009	Ford	Crown Vic Police Interceptor	SHERIFF	2FAHP71V09X129846	103,109	Already Replaced
6214	2009	Ford	Crown Vic Police Interceptor	SHERIFF	2FAHP71V29X129847	118,913	Already Replaced
6226	2014	Ford	PUV-AWD	SHERIFF	1FM5K8AR5EGB37957	72,435	Totalled
6824	1998	Row Boat	Duro AOGPR12	N/A	DUW12040E898	N/A	Already Replaced

**DESCRIPTION**


**GENERAL FUND – SURPLUS EQUIPMENT**

UNIT	YEAR	MAKE	MODEL / DESCRIPTION	DEPT	PROPERTY TAG #	COMMENTS

**DESCRIPTION**

Miscellaneous worn, obsolete, or broken office equipment, computer components, and furniture



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-411

---

<b>File ID:</b>	AB2020-411	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/22/2020	<b>Entered by:</b>	MAamot@co.whatcom.wa.us		
<b>Department:</b>	Planning and Development Services Department	<b>File Type:</b>	Report		
<b>Assigned to:</b>	Council Committee of the Whole	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: [maamot@co.whatcom.wa.us](mailto:maamot@co.whatcom.wa.us)

### **TITLE FOR AGENDA ITEM:**

Report and request for a motion by the County Council Committee of the Whole to send final draft Countywide Planning Policy amendments to the cities for review and approval

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

The Washington State Legislature approved ESSSB 5254 relating to the Growth Management Act's "Review and Evaluation" (buildable lands) program requirements in 2017. This legislation imposes new requirements that Whatcom County must address, in close coordination with the cities, over the next several years (see RCW 36.70A.215). One of these requirements is to amend the Countywide Planning Policies (CWPPs). Under an existing interlocal agreement, the Council Committee of the Whole sends final draft CWPPs to the cities for approval. If approved by the cities, the CWPPs will come back to Council at a later date for adoption.

---

### **HISTORY OF LEGISLATIVE FILE**

---

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

---

---

**Attachments:** Memo to Council, Proposed Countywide Planning Policies, Planning Commission Findings

---

**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

September 22, 2020

TO: The Honorable Satpal Sidhu, Whatcom County Executive  
The Honorable Whatcom County Council

FROM: Matt Aamot, Senior Planner

THROUGH: Mark Personius, Director

RE: Countywide Planning Policies (File # PLN2020-00007)

---

The Washington State Legislature approved Engrossed Second Substitute Senate Bill or [ESSSB 5254](#) relating to the Growth Management Act's "Review and Evaluation" (buildable lands) program requirements in 2017. The review and evaluation program has several main components, which are summarized below:

- Determining whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions contained in the county and city comprehensive plans with actual growth and development that has occurred;
- Determining whether there is sufficient land that is suitable for development in the future; and
- Identifying reasonable measures, if necessary, to reduce the differences between growth assumptions contained in comprehensive plans and actual development patterns ([RCW 36.70A.215](#)).

The Growth Management Act, originally enacted in 1990-91, required the County to adopt countywide planning policies (CWPPs) in cooperation with the cities (RCW 36.70A.040 and RCW 36.70A.210). CWPPs establish a framework for developing city and county comprehensive plans and ensuring these plans are consistent. The County Council originally adopted CWPPs in 1993 and amended these policies in 1997 and 2005.

The 2017 State legislation (ESSSB 5254) imposes new requirements that Whatcom County must address, in close coordination with the cities, over the next several years (see RCW 36.70A.215). One of these requirements is to amend the CWPPs to establish the Review and Evaluation Program. Another requirement is to adopt dispute resolution procedures.

The City/County Planner Group developed proposed CWPPs relating to the Review and Evaluation Program and Dispute Resolution Procedures in 2019-2020. These policies will govern how the County and cities will implement and maintain the Review and Evaluation Program. The policies also set forth procedures for resolving any disputes relating to the CWPPs that should arise between the jurisdictions.

The County Executive initiated the CWPPs for review in August 2020 pursuant to an Interlocal Agreement<sup>1</sup> concerning interim procedures for amending the Policies (Contract No. 202007014). The Planning Commission recommended approval of the CWPPs on September 10, 2020.

The City/County Planner Group recommended a modification to proposed CWPP R.2 on September 18, 2020 after Planning Commission review. The City of Bellingham noted that, under the originally proposed CWPPs, one jurisdiction could impose arbitration on other jurisdictions if mediation doesn't work out. Therefore, City/County Planner Group recommended an amendment to Policy R.2 to indicate that both the mediation and arbitration processes would be undertaken by mutual agreement of the parties involved. This change, which relates to how the cities and the County interact in case of a dispute, is shown within underlining and strikethroughs on Exhibit A.

Per the Interlocal Agreement, the next steps in the process are as follows:

- **Whatcom County Council Review** – The County Council will invite County and City planners to a committee of the whole meeting to discuss the proposed CWPP amendments. The County Council's committee of the whole will take a vote on whether or not to send final draft CWPP amendments to the cities for review and approval.
- **City Approval Process** – The respective city legislative authorities must act upon final draft CWPP amendments within 90 days of the County Council vote to send the amendments to the cities for review and approval. City approval means a vote by the legislative authority to approve or disapprove the CWPP amendments (up or down vote). Final draft CWPP amendments may not be modified during the city approval process.
- **Whatcom County Council Adoption** – Following approval of the CWPP amendments by the cities, the County Council may, after conducting a public hearing, adopt the CWPP amendments. Final draft CWPP amendments may not be modified during the County Council adoption process.

Thank you for your review and consideration of the proposed CWPPs. We look forward to discussing them with you.

---

<sup>1</sup> The Interlocal Agreement Between Whatcom County and the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas Concerning Interim Procedures for Amending the Countywide Planning Policies was authorized by the County Council on July 7, 2020 (AB2020-263) and signed by the County Executive on July 14, 2020.

NOTES: The City/County Planner Group and Whatcom County Planning Commission recommended the County-wide Planning Policies shown below in regular text. After Planning Commission review, the City/County Planner Group recommended additional changes to Policy R.2 shown with underlining and strikethroughs.

## Exhibit A

### **Q. Review and Evaluation Program**

1. The County and cities will cooperate to implement and maintain a program that meets the review and evaluation requirements of RCW 36.70A.215, unless the Growth Management Act no longer contains these requirements or sufficient funds are not appropriated by the state.
2. The purposes of this program are to:
  - a. Compare actual (achieved) development densities with planned development densities and determine whether the County and cities are achieving planned urban densities within urban growth areas and have sufficient suitable land to accommodate planned population and employment growth through the remainder of the 20-year planning period.
  - b. Identify and adopt reasonable measures, if necessary, to reduce the differences between actual development patterns and growth and development assumptions contained in the County comprehensive plan and/or city comprehensive plans.
3. The County, in conjunction with the cities, will develop and maintain a Review and Evaluation Program Methodology, taking into consideration the State Department of Commerce *Review & Evaluation Program Buildable Lands Guidelines*.
4. The County, in conjunction with the cities, will prepare, adopt, and publish a Buildable Lands Report in accordance with the timeframes set forth in the Growth Management Act.
5. The County and cities will follow the Review and Evaluation Program Methodology for the collection, monitoring, and analysis of development activity data, and comparing actual growth and development patterns with growth and development assumptions. As part of this process, the cities and

County will collect data annually. The cities will provide collected data to the County upon request.

6. When the Buildable Lands Report identifies inconsistencies between actual development patterns and growth and development assumptions and targets contained in the County comprehensive plan and/or city comprehensive plans, the County and cities will discuss whether reasonable measures are necessary and appropriate to address such inconsistencies before considering adjusting urban growth areas. Each jurisdiction will individually determine whether reasonable measures are required under the Growth Management Act for their jurisdiction.
7. The County and cities will cooperate, and make every effort at the staff level, to resolve disputes regarding inconsistencies in collection and analysis of data.
8. Nothing in this policy will be construed as altering the land use power of any Whatcom County jurisdiction under established law.

## **R. Dispute Resolution Procedures**

1. The County and cities will work cooperatively to implement the countywide planning policies. The County and cities will work together to attempt to resolve any disputes regarding implementation of the countywide planning policies.
2. In the event of an impasse, the jurisdictions involved may mutually agree to use mediation for a minimum of 90 days. After the 90 day period, the parties may, by mutual agreement, any party may elect to utilize binding arbitration. In the event that the parties agree to use arbitration ~~is needed~~, a three member arbitration panel will be selected by mutual agreement. If the parties cannot agree on membership of the panel, each party will select one member and those two members will select the third member. The decision of the arbitration panel on the issue will be final.
3. If mediation, arbitration, or both are used, each jurisdiction will be responsible for its own legal costs, but the jurisdictions involved will split the costs of a mediator or arbitrators evenly.
4. Nothing in this policy will be construed as altering the land use power of any Whatcom County jurisdiction under established law.

## **WHATCOM COUNTY PLANNING COMMISSION**

### **Countywide Planning Policies**

#### **FINDINGS OF FACT AND REASONS FOR ACTION**

##### **Background Information**

1. The proposal is to adopt Countywide Planning Policies (incorporated into Appendix C of the Whatcom County Comprehensive Plan) relating to:
  - a. Review and Evaluation Program (also known as "Buildable Lands").
  - b. Dispute Resolution Procedures.
2. Notice of the subject amendments was submitted to the Washington State Department of Commerce on April 20, 2020.
3. WAC 197-11-800 categorically exempts procedural actions from State Environmental Policy Act (SEPA) review. The SEPA Official determined that the subject proposal is exempt as a procedural action on April 21, 2020.
4. The subject Countywide Planning Policies were posted on the County website on April 20, 2020.
5. Notice of the Planning Commission hearing was published in the Bellingham Herald on August 28, 2020.
6. Notice of the Planning Commission hearing was posted on the County website as of August 28, 2020.
7. Notice of the Planning Commission hearing was sent to citizens, media, cities, and other groups on the County's e-mail list.
8. The Planning Commission held a public hearing on the subject amendments on September 10, 2020.

9. The Growth Management Act (GMA), originally approved by the State Legislature in 1990-91, required the County to adopt countywide planning policies in cooperation with the Cities (RCW 36.70A.040 and RCW 36.70A.210).
10. The GMA states countywide planning policies are used “. . . solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent . . .” (RCW 36.70A.210(1)).
11. The County Council adopted the original countywide planning policies in April 1993 (Resolution 93-024).
12. The County Council amended the countywide planning policies in March 1997 (Resolution 97-011).
13. The County Council amended the countywide planning policies in January 2005 (Ordinance 2005-022).
14. The Washington State Legislature approved Engrossed Second Substitute Senate Bill 5254 relating to the Growth Management Act’s “Review and Evaluation” program requirements in 2017. This legislation imposes new requirements that Whatcom County must address, in close coordination with the cities, over the next several years.
15. The GMA now requires Whatcom County to “. . . adopt, in consultation with its cities, countywide planning policies to establish a review and evaluation program. . . (RCW 36.70A.215(1)).
16. The GMA also requires methods for resolving disputes among jurisdictions relating to these countywide planning policies (RCW 36.70A.215(2)(c)).
17. The City/County Planner Group formulated the subject countywide planning policies to address the GMA-mandated Review and Evaluation Program requirements.
18. The City/County Planner Group recommended that the Dispute Resolution Procedures should apply to any countywide planning issue rather than only matters relating to the Review and Evaluation Program. Therefore, the Dispute Resolution Procedures are separate and distinct from the Review and Evaluation Program policies.
19. The County Executive initiated these Countywide Planning Policies for review pursuant to an interlocal agreement between the County and Cities (Whatcom County Contract No. 202007014).

20. GMA Planning Goal 11, relating to citizen participation and coordination, is to "Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts" (RCW 36.70A.020(11)).
21. The subject Countywide Planning Policies include the concepts of coordination and cooperative relationships between the County and Cities consistent with the GMA.

### **CONCLUSION**

The subject Countywide Planning Policies are consistent with the GMA and are in the public interest.

### **RECOMMENDATION**

Based upon the above findings and conclusions, the Planning Commission recommends:

1. Approval of Exhibit A, Countywide Planning Policy amendments.

#### WHATCOM COUNTY PLANNING COMMISSION



Kelvin Barton, Chair

09/10/2020

Date



Ashley Ubil, Secretary

09/10/2020

Date

Commissioners voted to recommend approval of the Findings of Fact & Reasons for Action and Exhibit A on September 10, 2020 (vote was 8-0 with 1 member absent). Members present at the meeting when the vote was taken: Robert Bartel, Kelvin Barton, Atul Deshmane, Jim Hansen, Kimberly Lund, Jon Maberry, Natalie McClendon, and Dominic Mocerì.



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-219

---

<b>File ID:</b>	AB2020-219	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	05/13/2020	<b>Entered by:</b>	DBrown@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Discussion		
<b>Assigned to:</b>	Council Committee of the Whole			<b>Final Action:</b>	
<b>Agenda Date:</b>	10/13/2020			<b>Enactment #:</b>	

---

Primary Contact Email: DBrown@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Discussion and update on strategies and other items related to COVID-19 (Council and Health Board)

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Discussion and update on strategies and other items related to COVID-19 (Council and Health Board)

---

## HISTORY OF LEGISLATIVE FILE

---

Date:	Acting Body:	Action:	Sent To:
05/19/2020	Council	DISCUSSED	
06/02/2020	Council	DISCUSSED	
06/16/2020	Council Committee of the Whole	DISCUSSED	
06/16/2020	Council Committee of the Whole	DISCUSSED	
06/23/2020	Council Special Committee of the Whole	DISCUSSED AND MOTION(S) APPROVED	
07/07/2020	Council Committee of the Whole	DISCUSSED	
07/21/2020	Council Committee of the Whole	DISCUSSED	
08/05/2020	Council Committee of the Whole	DISCUSSED	
09/15/2020	Council Committee of the Whole	DISCUSSED	
09/29/2020	Council Committee of the Whole	DISCUSSED	

---

Attachments:



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-345

---

<b>File ID:</b>	AB2020-345	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	08/19/2020	<b>Entered by:</b>	MAamot@co.whatcom.wa.us		
<b>Department:</b>	Planning and Development Services Department	<b>File Type:</b>	Discussion		
<b>Assigned to:</b>	Council Committee of the Whole	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: maamot@co.whatcom.wa.us

### **TITLE FOR AGENDA ITEM:**

Discussion of proposed Cherry Point amendments

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

The County Council worked with the Cascadia Law Group to develop proposed Comprehensive Plan and Whatcom County Code (WCC) amendments primarily relating to fossil fuel and renewable fuel facilities in the Cherry Point Area (some of the amendments apply to various land uses on a countywide basis). The Council approved Resolution 2019-037 on August 7, 2019 forwarding the proposed amendments to the Planning Commission for review. The Planning Commission issued their Findings of Fact and Reasons for Action, Conclusions, and Recommendations on August 13, 2020. Council Special Committee of the Whole will discuss the proposed amendments.

---

### **HISTORY OF LEGISLATIVE FILE**

---

Date:	Acting Body:	Action:	Sent To:
09/15/2020	Council Committee of the Whole	DISCUSSED AND MOTION(S) APPROVED	
09/29/2020	Council Committee of the Whole	DISCUSSED AND MOTION(S) APPROVED	

---

**Attachments:** CHERRY POINT DISCUSSION 10.13.2020, Staff Memo, Planning Commission Recommendations, Exhibit A (Comp Plan Amendments), Exhibits B - D (Code Amendments),

Planning Commissioner Minority Opinion, SEPA Packet, Councilmember Clarifications and Other Items, Councilmember Browne Cherry Points 9.29.2020

**CHERRY POINT - ITEMS FOR DISCUSSION:**

NEXT STEPS

TIMELINE

WILL ANOTHER MORATORIUM BE NECESSARY?

*CLERK'S NOTE: DATE FOR INTRODUCTION OF A NEW MORATORIUM (IF NECESSARY) IS  
NOVEMBER 10, 2020.*

**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

August 20, 2020

TO: The Honorable Satpal Sidhu, Whatcom County Executive  
The Honorable Whatcom County Council

FROM: Matt Aamot, Senior Planner

THROUGH: Mark Personius, Director

RE: Cherry Point Amendments (PLN2018-00009)

---

The County Council worked with the Cascadia Law Group to develop proposed Comprehensive Plan and Whatcom County Code (WCC) amendments primarily relating to fossil fuel and renewable fuel facilities in the Cherry Point Area (some of the amendments apply to various land uses on a countywide basis). The Council approved Resolution 2019-037 on August 7, 2019 forwarding the proposed amendments to the Planning Commission for review.

The Planning Commission held a series of meetings on the proposed amendments between September 2019 and August 2020 (there were no meetings in March, April, or May because of the COVID-19 meeting restrictions). Public comments through the end of the Planning Commission review process are posted on the County's website: <https://www.whatcomcounty.us/2849/Cherry-Point-Amendments>. The Planning Commission issued their Findings of Fact and Reasons for Action, Conclusions, and Recommendations on August 13, 2020 relating to:

- Exhibit A - Amending Whatcom County Comprehensive Plan Chapter 2 (Land Use).
- Exhibit B - Amending the State Environmental Policy Act (SEPA) code (WCC 16.08).
- Exhibit C - Amending the Light Impact Industrial District, Heavy Impact Industrial District, Cherry Point Industrial District, Major Project Permits, and Definitions chapters of the Whatcom County Zoning Code (Title 20).
- Exhibit D - Amending the Project Permit Procedures (WCC 22.05).

Selected differences between the original Council proposal and the Planning Commission proposal are summarized below (not all differences are shown below – please see the Exhibits in which all Planning Commission changes to the Council proposal are shown with yellow highlighting).

Exhibit	Document	Council	Planning Commission	Comments
A	Comp Plan		Added Policy 2CC-18 to allow on-going operation, maintenance, repair, modifications, etc. of existing facilities	New Policy would provide certainty to industry relating to particular types of activities that they can continue to conduct as allowed uses at existing facilities.
A	Comp Plan	Added Policy 2CC-18 to treat renewable fuel facilities similar to fossil fuel facilities	Deleted this proposed Policy	The Planning Commission recommended that new renewable fuel refineries and transshipment facilities should be allowed as a permitted use but new fossil fuel refineries and transshipment facilities should be prohibited. Additionally, the Planning Commission recommended that expansion of existing renewable fuel refineries and transshipment facilities should be allowed as a permitted use but expansion of fossil fuel facilities should require a conditional use permit. Therefore, the Planning Commission proposal would not treat renewable fuel facilities in a manner similar to fossil fuel facilities.
B	SEPA Code	Added worksheet for fossil fuel and renewable fuel facilities  WCC 16.08.090.E	Allows use of the worksheet or an expert evaluation and makes other changes to this proposed code  WCC 16.08.090.E	The worksheet will take time to develop and likely will not be available when Council adopts the ordinance. Additionally, larger or more complex projects may benefit from expert evaluation of the issues.
B	SEPA Code	Greenhouse gas (GHG) mitigation through SEPA or the Zoning Code  WCC 16.08.160.F.1	GHG mitigation through SEPA only  WCC 16.08.160.F.1	The Council proposal provides for GHG mitigation through either the Zoning Code or the SEPA Code. The Planning Commission version would provide the SEPA Responsible Official with the discretion to impose mitigation for GHG impacts, but there would not be an automatic requirement for GHG mitigation under the Zoning Code.
B  C	SEPA Code  Zoning Code	Definition of "Facility Emissions"  WCC 20.97.124.1	Definition of "Facility Emissions"  WCC 16.08.175.C	The Council proposal provided a definition of "Facility Emissions" in the Zoning Code. The Planning Commission proposal moves the definition to the SEPA Code. The Planning Commission version deleted the following elements from the original Council definition of facility emissions: <ul style="list-style-type: none"> <li>• The transportation within the borders of Whatcom County of refined and unrefined fossil fuels to and from a facility located within the Cherry Point Heavy Industrial area, and</li> <li>• The upstream emissions generated by the production and transport of raw products to the facility such as crude oil feedstocks or other fuels used in production or energy generation at facilities.</li> </ul>

Exhibit	Document	Council	Planning Commission	Comments
C	Zoning Code	Permitted outright improvements to existing fossil fuel and renewable fuel facilities  WCC 20.68.802	Permitted outright improvements to existing fossil fuel and renewable fuel facilities  20.68.068	Planning Commission moved improvements to existing fossil fuel and renewable fuel facilities that are permitted outright (i.e. do not constitute an "expansion" that requires a conditional use permit) to the permitted use section of the Heavy Impact Industrial Zone. The Planning Commission also expanded the list of permitted uses to address industry and public comments.
C	Zoning Code	Renewable Fuel Facilities  WCC 20.68.153 and .159	Renewable Fuel Facilities  WCC 20.68.070 and .071	Council proposal requires a conditional use permit for new or expanded renewable fuel facilities. Planning Commission proposal would allow these as permitted outright uses.
C	Zoning Code	Conditional use permit for expansion of fossil fuel and renewable fuel facilities  WCC 20.68.153	Conditional use permit for expansion of fossil fuel facilities (does not include renewable fuel facilities because they are permitted outright)  WCC 20.68.153	Planning Commission proposal: <ul style="list-style-type: none"> <li>Sets specific thresholds defining what constitutes an "expansion" that requires a conditional use permit.</li> <li>Inserts a clause that "If a conditional use permit is obtained, the baseline for determining the cumulative increase is reset."</li> <li>Modifies the conditional use permit approval criteria.</li> </ul>
C	Zoning Code	Prohibited Uses: New fossil fuel transshipment facilities  WCC 20.68.205	Prohibited Uses: New fossil fuel transshipment facilities  WCC 20.68.205	The Council proposal prohibits new fossil fuel transshipment facilities. The Planning Commission proposal maintains this prohibition, but inserts language clarifying that certain movements of petroleum products are not prohibited by this clause.
C	Zoning Code	GHG Mitigation  WCC 20.68.801	Deletes GHG Mitigation requirement in the Zoning Code	<p>The Council proposal included language in the Zoning Code requiring GHG mitigation for fossil fuel and renewable fuel facilities if certain criteria are met. The Planning Commission proposal deleted this language from the Zoning Code, but includes GHG mitigation language in the SEPA Code that is more discretionary in nature.</p> <p>There are a number of state laws, regulations, and proposals that address GHG emissions:</p> <ul style="list-style-type: none"> <li>RCW 70.94 (Washington Clean Air Act)</li> <li>RCW 70.235 (Limiting Greenhouse Gas Emissions)</li> <li>WAC 173-441 (Reporting of Emissions of Greenhouse Gases)</li> <li>WAC 173-442 (Clean Air Rule)</li> <li>WAC 173-485 (Petroleum Refinery Greenhouse Gas Emission Requirements)</li> <li>Directive of the Governor 19-18</li> <li>Proposed New WAC 173-445 WAC (Greenhouse Gas Assessment for Projects) – to be adopted by September 1, 2021</li> </ul>

Exhibit	Document	Council	Planning Commission	Comments
C	Zoning Code	Change of Use WCC 20.74.110	Deletes this Change of Use provision	The Council proposal includes a provision that requires a change of use permit for certain activities. The Planning Commission deleted this proposed change of use provision (WCC 20.74.110). Concerns had been expressed relating to the potential conversion of an existing refinery/transshipment facility into a crude oil transshipment facility (e.g. see Resolution 2019-037). The Planning Commission language for proposed WCC 20.68.153 addressed this potential situation by requiring a conditional use permit if shipping capacity of unrefined fossil fuels were to increase over a certain level.
C	Zoning Code	Definition of "Fossil or Renewable Fuel Transshipment Facilities" WCC 20.97.160.3	Definition of "Fossil Fuel Transshipment Facilities" WCC 20.97.160.3  Definition of "Renewable Fuel Transshipment Facilities"  WCC 20.97.350.4	The Council proposal provided a combined definition of "Fossil or Renewable Fuel Transshipment Facilities." The Planning Commission proposal provides separate definitions of "Fossil Fuel Transshipment Facilities" and "Renewable Fuel Transshipment Facilities" as the Commission's proposal treats these land uses differently. The Planning Commission also made modifications to these definitions.
C	Zoning Code		Definition of "Maximum Atmospheric Crude Distillation Capacity"  WCC 20.97.230	The Planning Commission proposal adds a definition of this term because it is used in the conditional use section of the code (WCC 20.68.153).
D	Project Permit Procedures	Proof of Insurance WCC 22.05.125	Proof of Insurance WCC 22.05.125	<p>The Council proposal includes new provisions relating to "Proof of insurance for hazards created in the County." The Planning Commission proposal includes abbreviated proof of insurance language with less detail than the Council proposal.</p> <p>There are several state laws and regulations that address insurance and/or financial responsibility:</p> <ul style="list-style-type: none"> <li>• RCW 88.40 (Transport of Petroleum Products – Financial Responsibility)</li> <li>• WAC 480-62-300(2) (Railroad Companies – Operations)</li> </ul>

In September, the Planning and Development Services Department would like to review the Planning Commission's recommendations with the County Council's Special Committee of the Whole. When this review is complete, and the County Council has developed a final proposal, an ordinance can be introduced and public hearing scheduled before the Council. Please note that the "[Determination of Non-significance](#)" issued pursuant to the State Environmental Policy Act for the proposed amendments has been appealed.

## **WHATCOM COUNTY PLANNING COMMISSION**

### **Cherry Point Amendments**

#### **FINDINGS OF FACT AND REASONS FOR ACTION**

1. The Whatcom County Council approved Resolution 2019-037 on August 7, 2019, forwarding proposed Comprehensive Plan and code amendments to the Planning Commission for review. The subject amendments primarily relate to fossil fuel and renewable fuel facilities in the Cherry Point Area, although some of the amendments apply to various land uses on a countywide basis.
2. The subject amendments include the following:
  - Amending Whatcom County Comprehensive Plan Chapter 2 (Land Use).
  - Amending the State Environmental Policy Act (SEPA) code (WCC 16.08).
  - Amending the Light Impact Industrial District, Heavy Impact Industrial District, Cherry Point Industrial District, Major Project Permits, and Definitions chapters of the Whatcom County Zoning Code (Title 20).
  - Amending the Project Permit Procedures (WCC 22.05).
3. Notice was submitted to the Washington State Department of Commerce on August 15, 2019.
4. The Whatcom County Planning Commission held a town hall meeting on September 12, 2019.
5. The Whatcom County Planning Commission held work sessions on September 26, 2019, October 10, 2019, October 24, 2019, November 14, 2019, December 12, 2019, January 16, 2020, January 30, 2020, February 27, 2020, June 25, 2020, and July 9, 2020.

6. A Determination of Nonsignificance (DNS) was issued under the State Environmental Policy Act (SEPA) on July 28, 2020.
7. Notice of the Planning Commission hearing was sent to citizens, media, cities, and others on the County's e-mail list on July 30, 2020.
8. Notice of the Planning Commission hearing was posted on the County website on August 3, 2020.
9. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on August 3, 2020.
10. The Planning Commission held a public hearing on the subject amendments on August 13, 2020.

### **Comprehensive Plan Amendments**

11. The Cherry Point UGA is approximately 7,030 acres. Whatcom County Comprehensive Plan Chapter 2 contains a specific section with text, goals, and policies relating to the Cherry Point UGA (other goals and policies in the Comprehensive Plan also apply).
12. The subject amendments modify text and Policies 2CC-11, 2CC-16, 2CC-17, and 2WW-4 in Whatcom County Comprehensive Plan Chapter 2. The subject amendments also add new Policy 2CC-18 to the Comprehensive Plan.
13. Whatcom County Comprehensive Plan Policy 2CC-11 already states that "It is the policy of Whatcom County to limit the number of industrial piers at Cherry Point to the existing three piers. . ." The subject amendments modify Policy 2CC-11. These amendments include:
  - Recognizing that the vested rights/enforceable agreement for an additional dock/pier no longer exist.
  - Recognizing the importance of preventing harm to habitat of the Cherry Point Herring stock and Southern Resident Killer Whales.
  - Recognizing that implementation of the Shoreline Program is an important way to preserve the natural character, result in long-term benefits, and protect the resources and ecology of the shoreline.
  - Deleting language that is unnecessary or no longer needed.

14. The subject amendments modify Whatcom County Comprehensive Plan Policy 2CC-16. These amendments include:
  - Recognizing that the study and recommendations to address negative impacts from fossil fuel facilities have been completed (see *Reducing Impacts from Fossil fuel Projects Report to the Whatcom County Council*, Cascadia Law Group, Feb. 12, 2018 and Whatcom County Council Resolution 2019-037, August 7, 2019).
  - Stating that the County will, through SEPA and permitting, seek to limit negative impacts from fossil fuel facilities within the Cherry Point UGA.
  - Refining the language relating to notice to the County Council of fossil fuel projects.
  - Deleting language that is unnecessary or no longer needed.
15. The subject amendments modify Whatcom County Comprehensive Plan Policy 2CC-17. These amendments include:
  - Recognizing that limited fossil fuel facility expansions are subject to environmental review, greenhouse gas analysis, and Cherry Point policies in the Comprehensive Plan.
  - Deleting language that is unnecessary.
16. The subject amendments modify Whatcom County Comprehensive Plan Policy 2WW-4 by recognizing that existing marine port facilities and limited expansions are allowed consistent with the State of Washington Department of Natural Resource Cherry Point Aquatic Reserve Management Plan.
17. The subject amendments add new Whatcom County Comprehensive Plan Policy 2CC-18. This new policy recognizes that the following are allowed: The on-going operation, maintenance, and repair of existing facilities, modifications designed to comply with adoption and implementation of new product standards and fuel standards, operational and site safety improvements, environmental improvements, and regulatory compliance projects.
18. Pursuant to WCC 22.10.060(1), in order to approve comprehensive plan amendments the County must find all of the following:

- The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
- Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.
- The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
  - i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
  - ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
  - iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.
- The amendment does not include or facilitate spot zoning.

### **Growth Management Act**

19. The Growth Management Act (GMA) establishes planning goals in Revised Code of Washington (RCW) 36.70A.020 to guide adoption of comprehensive plan amendments.
20. GMA planning goal # 1 is to: "Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner."
21. GMA planning goal # 5 is to:  
  
Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and

for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

22. The subject Comprehensive Plan amendments, when viewed in the context of the other Comprehensive Plan goals and policies, continue to encourage development in the Cherry Point industrial area while also addressing public safety and environmental protection. The amendments recognize that the existing industries provide significant employment and have shipped refined fossil fuel products for decades. The amendments also recognize that existing operations of fossil fuel facilities, along with limited expansions, are allowed with appropriate environmental review and analysis.
23. GMA planning goal # 9 is to: "Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities."
24. GMA planning goal # 10 is to: "Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water."
25. The State Shoreline Management Act policies, which are incorporated as a GMA goal pursuant to RCW 36.70A.480, indicate that:

. . . It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto. . . (RCW 90.58.020)
26. Fossil fuel refineries and transshipment facilities have potential for accidents, which can release pollutants into the environment and impact fish habitat, wildlife habitat, water quality, and air quality. The subject amendments seek to limit negative impacts on public health, safety, and the environment.

## Countywide Planning Policies

27. Countywide Planning Policy E-3 states:

Cherry Point shall be designated as an unincorporated industrial urban growth area in recognition of existing large scale industrial land uses. Additional large scale development shall be encouraged consistent with the ability to provide needed services and consistent with protecting critical areas along with other environmental protection considerations. The Cherry Point industrial area is an important and appropriate area for industry due to its access to deep water shipping, rail, all-weather roads, its location near the Canadian border, and its contribution to the County's goal of providing family wage jobs.

28. Countywide Planning Policy I-2 indicates "New business development and expansion of existing businesses are key factors in providing 'family wage' jobs and a strong tax base. Economic development that pays family wage rates should be encouraged. . ."

29. Countywide Planning Policy I-8 states:

Economic development should be encouraged that:

- a. Does not adversely impact the environment;
- b. Is consistent with community values stated in local comprehensive plans;
- c. Encourages development that provides jobs to county residents;
- d. Addresses unemployment problems in the county and seeks innovative techniques to attract different industries for a more diversified economic base;
- e. Promotes reinvestment in the local economy;
- f. Supports retention and expansion of existing businesses.

30. Countywide Planning Policy N-2 states that "The Cities and the County in cooperation with other municipal corporations and tribal governments shall adopt zoning regulations and development standards to protect water resources. . ."

31. Countywide Planning Policy N-3 states that "Jurisdictions shall cooperate to protect and restore water resources and fish habitat within UGA's and across jurisdictional boundaries to maintain quality of life and economic health in Whatcom County."

32. The Countywide Planning Policies recognize the significance of the Cherry Point UGA for industry, transportation, and good jobs. The Countywide Planning Policies also recognize the importance of environmental protection.

33. The Comprehensive Plan, including the subject amendments, allows a variety of industrial uses in the Cherry Point UGA, while encouraging review processes that will facilitate a full evaluation of fossil fuel development proposals and mitigation of negative impacts.

### **Interlocal Agreements**

34. There are no interlocal agreements relating to the Cherry Point UGA.

### **Further Studies/Changed Conditions**

35. The GMA, originally adopted in 1990, included a requirement to designate Urban Growth Areas (UGAs).
36. The Cherry Point UGA was adopted in 1997 when the Whatcom County Comprehensive Plan was adopted.
37. The Washington State Department of Natural Resources (DNR) originally issued the *Cherry Point Environmental Aquatic Reserve Management Plan* in November 2010, and amended the Plan in January 2017.
38. The primary focus of the *Cherry Point Environmental Aquatic Reserve Management Plan* is to:
  - . . . protect, enhance and restore habitats used by Cherry Point herring stock, salmon, migratory and resident birds, Dungeness crab, groundfish rearing areas and marine mammals, as well as the protection of submerged aquatic vegetation and water quality. . . (p. 4).
39. The *Cherry Point Environmental Aquatic Reserve Management Plan* states:
  - . . . the aquatic environment of Cherry Point: provides essential habitat and irreplaceable biological and ecological functions; is a portion of Treaty-protected usual and accustomed (U&A) grounds and stations of local Native American Indians; and provides significant economic benefits, recreational opportunities and other social values. . . (pp. 4 and 5).
40. The *Cherry Point Environmental Aquatic Reserve Management Plan* recognizes that:
  - . . . A number of species and habitats addressed in this plan have experienced declines over the past 40 years, such as the Cherry Point herring stock, which has shrunk from approximately 15,000 tons to between 800 and 2,100 tons over the last ten years. Other key species in decline include Puget Sound Chinook salmon, bull trout, and

certain species of rockfish, surf scoter, and Southern Resident orca whales . . . (pp. 1 and 2).

41. The *Cherry Point Environmental Aquatic Reserve Management Plan* specifically excludes certain areas, including the three existing industrial piers, from the Reserve (pp. 10 and 11).
42. The *Cherry Point Environmental Aquatic Reserve Management Plan* constitutes a further study that indicates a need for the subject amendments.
43. Other areas of the U.S. and Canada have experienced community impacts and environmental degradation associated with fossil fuel industry accidents since the adoption of the Cherry Point UGA in 1997.

### **Public Interest**

44. The Cherry Point area contains valuable fish and wildlife habitat (*Cherry Point Environmental Aquatic Reserve Management Plan*, DNR, amended 2017).
45. The Cherry Point UGA is a unique location, with important attributes, for industry (Whatcom County Comprehensive Plan, pp. 2-54 to 2-56). Existing industries provide high wage jobs and a substantial tax base (*Employment at Cherry Point*, Hodges, Rucker, and McCafferty, 2019).
46. The Cherry Point UGA text, goals and policies in the Whatcom County Comprehensive Plan, including the subject amendments, recognize the value of existing industrial uses and the importance of marine waters, fish and wildlife habitat, and air quality.
47. The subject comprehensive plan amendments should not adversely affect the overall rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan. The Whatcom County Comprehensive Plan allocated an additional 890 jobs for the Cherry Point UGA for the 2013-2036 planning period. The *Employment at Cherry Point* report from 2014 estimated that there were 2,100 – 2,200 jobs in the Cherry Point industrial area at that time (p. 3). The *Employment at Cherry Point* report from 2019 estimates 3,318 jobs and indicates that, between 2014-2019, “. . . roughly 1,100 jobs have been added . . .” (pp. 6 and 14). However, most of the 700 jobs at Alcoa Intalco Works, along with related jobs, will be lost with the shutdown of the aluminum smelter. Growth projections will be updated in the next periodic update of the Comprehensive Plan (due by June 2025). These updated projections will take into account conditions at that time and expectations for the future.

48. The subject comprehensive plan amendments should not adversely affect ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities. The subject amendments do not expand the allowed uses that would be served by Fire District 7, which encompasses the Cherry Point UGA. Additionally, new residential uses are not allowed in the Cherry Point industrial area and, therefore, new students will not be generated by development in this area.
49. The closest designated Agricultural lands are over .80 of a mile to the southeast, the closest Mineral Resource designation is approximately .06 of a mile to the east, and the closest designated Forestry lands are over 4 miles to the southeast of the Cherry Point UGA. There is no evidence in the record that the subject comprehensive plan amendments would adversely impact designated agricultural, forestry, or mineral resource lands.
50. The Cherry Point UGA goals and policies, including subject amendments, continue to allow industrial uses in the Cherry Point UGA that provide family wage jobs and contribute to the tax base of the County and special purpose districts, while addressing impacts to public safety and the environment. Such planning is in the public interest.

### **Spot Zoning**

51. "Illegal spot zoning" means a zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land and not in accordance with the Comprehensive Plan. Spot zoning is zoning for private gain designed to favor or benefit a particular individual or group and not the welfare of the community as a whole (WCC 20.97.186).
52. The subject proposal does not involve nor facilitate illegal spot zoning.

### **Development Regulation Amendments**

53. The subject amendments modify text of the Whatcom County SEPA rules (WCC 16.08), the Zoning Code (WCC 20), and Project Permit Procedures (WCC 22.05)
54. Pursuant to WCC 22.10.060(2), in order to approve development regulation amendments the County must find that the amendments are consistent with the Whatcom County Comprehensive Plan.

**SEPA Code Amendments**

55. Whatcom County Comprehensive Plan Policy 10A-6 states "Aim to meet or exceed national, state, and regional air quality standards. Work with the Northwest Clean Air Agency to ensure compliance with applicable air quality standards."
56. Whatcom County Comprehensive Plan Policy 10A-9 is to "Cooperate with state and federal agencies and neighboring jurisdictions to identify and protect threatened and endangered fish and wildlife species and their habitats."
57. Whatcom County Comprehensive Plan Goal 10D is to "Strengthen the sustainability of Whatcom County's economy, natural environment, and built communities by responding and adapting to the impacts of climate change."
58. Whatcom County Comprehensive Plan Goal 10L is to "Protect and enhance ecosystems that support native fish and wildlife populations and habitat."
59. The Washington State Department of Ecology adopted a "Clean Air Rule," which included greenhouse gas emission limits, in 2016 (Washington Administrative Code or WAC 173-442). The Clean Air Rule was developed under the authority granted in RCW 70.94 (Washington Clean Air Act) and RCW 70.235 (Limiting Greenhouse Gas Emissions). The Clean Air Rule was challenged and the Thurston County Superior Court issued a ruling in March 2018 that prevented Ecology from implementing the Clean Air Rule regulations. However, the Washington Supreme Court reversed the Superior Court in part on January 16, 2020, upholding the Clean Air rule as it relates to regulating stationary sources (Case No. 95885-8).
60. A [Directive of the Governor](#) (# 19-18), dated December 19, 2019, states:  
  
    . . . I hereby direct the Department of Ecology to adopt rules by September 1, 2021, to strengthen and standardize the consideration of climate change risks, vulnerability, and impacts in environmental assessments for major projects with significant environmental impacts.  
    . . .  
  
    The rules should be uniform and apply to all branches of government, including state agencies, political subdivisions, public and municipal corporations and counties. The rules should cover major industrial projects and major fossil fuel projects; and establish uniform methods, processes, procedures, protocols or criteria that ensure a comprehensive assessment and quantification of direct and indirect greenhouse gas emissions resulting from the project.

Rules for cumulative environmental assessments and reporting should include . . . Methods, procedures, protocols, criteria or standards for mitigation of greenhouse gas emissions, as necessary to achieve a goal of no net increase in greenhouse gas emissions . . .

61. The Washington State Department of Ecology sent an e-mail "Notice of Rulemaking for Proposed New Chapter 173-445 WAC – Greenhouse Gas Assessment for Projects Rulemaking" on May 1, 2020. An associated document entitled "[Preproposal Statement of Inquiry](#)" on Ecology's website stated:

The Department of Ecology (Ecology) is beginning rulemaking as per the Directive of the Governor #19-18. The purpose of this rulemaking is to create a new rule under Chapter 173-445 WAC Greenhouse Gas Assessment for Projects. This rule will address analysis and mitigation of greenhouse gas emissions for environmental assessments of industrial and fossil fuel projects.

62. The subject amendments modify the County's SEPA rules to require applicants for certain fossil fuel and renewable fuel projects to submit additional information on a number of topics including greenhouse gas and other emissions, tanker and barge traffic, stormwater, wastewater, and risk of spills and explosions. These provisions are intended to provide the SEPA Responsible Official with more information in order to make reasoned decisions on threshold determinations.
63. The subject amendments include provisions on SEPA's relationship to federal, state, and regional regulations (see WAC 197-11-158(4)).
64. The subject amendments modify the County's SEPA rules by adding provisions relating to air quality & climate and plants & animals. These topics are specifically listed as "elements of the environment" under the State SEPA Rules (WAC 197-11-444).
65. The subject amendments include provisions that the decision maker may condition or deny projects (conditioning includes mitigating measures). This authority is already granted under RCW 43.21C.060, which states ". . . Any governmental action may be conditioned or denied pursuant to this chapter. . ." (the State Environmental Policy Act).
66. While State government is taking action to address air quality and greenhouse gas emissions, the County finds that the subject amendments will also provide assistance at the local government level in fulfilling responsibilities under SEPA.

### ***Zoning Code Amendments***

67. The Cherry Point UGA is zoned Light Impact Industrial (LII) and Heavy Impact Industrial (HII). There are approximately 470 acres in the LII zone and 6,560 acres in the HII zone.
68. The subject amendments modify the LII zone, HII zone, Cherry Point Industrial District, Major Project Permits, and Definitions sections of the Whatcom County Zoning Code (Title 20).
69. Whatcom County Comprehensive Plan Goal 2H is to "Preserve private property rights while recognizing the importance of the rights of the community, including protecting the natural environment and conserving resources."
70. Whatcom County Comprehensive Plan Goal 7A is to "Promote a healthy economy providing ample opportunity for family-wage jobs for diverse segments of the community, which is essential to the quality of life in the area."
71. Whatcom County Comprehensive Plan Policy 7A-2 is to "Foster a diverse, private-sector job base, which will provide family-wage jobs at the state median income level or greater, and facilitate the retention and expansion of existing businesses."
72. Whatcom County Comprehensive Plan Policy 7J-1 is to "Support creation of job opportunities for local residents, especially family wage jobs to decrease unemployment and underemployment."
73. The Zoning Code, as modified by the subject amendments, preserves private property rights and fosters economic development by continuing to allow a wide array of industrial land uses in the Cherry Point UGA. In the LII zone, allowed uses include manufacturing (except new fossil fuel refineries), fabrication, printing, storage, boat building and repair, communications, and other similar uses. In the HII zone, allowed uses include manufacturing (except new fossil fuel refineries), fabrication, printing, storage, boat building and repair, power plants (except coal-fired plants), and solid waste handling facilities.
74. Additionally, the HII zone amendments allow continued operation, maintenance, and certain improvements to existing refineries and transshipment facilities (WCC 20.68.068).
75. Whatcom County Comprehensive Plan Goal 2G is to "Encourage citizen participation in the decision making process." Policy 2G-1 is to "Examine and improve methods to notify affected property owners of proposed land use changes."

76. The subject Zoning Code amendments provide greater public review of certain land uses that could impact public safety, transportation, and the environment. Specifically, the expansion of existing fossil fuel refineries and existing fossil fuel transshipment facilities requires a conditional use permit in the HII zone (WCC 20.68.153). The conditional use permit process requires notice, a public hearing, evaluation of the proposal for compliance with the approval criteria, and a decision by the hearing examiner.
77. Whatcom County Comprehensive Plan Policy 2CC-16 was adopted in 2017 (Ordinance 2017-027). This Policy, which is being modified by the subject amendments, stated:

The County shall undertake a study to be completed if possible by December of 2017 to examine existing County laws, including those related to public health, safety, development, building, zoning, permitting, electrical, nuisance, and fire codes, and develop recommendations for legal ways the County may choose to limit the negative impacts on public safety, transportation, the economy, and environment from crude oil, coal, liquefied petroleum gases, and natural gas exports from the Cherry Point UGA . . . Based on the above study, develop proposed Comprehensive Plan amendments and associated code and rule amendments. . .

78. The subject amendments prohibit new fossil fuel refineries and new fossil fuel transshipment facilities (WCC 20.66.204, 20.68.204 and .205). Potential impacts from new refineries and associated transshipment facilities may include: Increased pollutant emissions to the air, increased chance of crude oil or refined product spills, increased chance of fire or explosion, increased rail traffic that can impact other modes of transportation (e.g. hold up motor vehicle, school bus, or emergency vehicle traffic at railroad crossings), increased chance of derailment, and increased vessel traffic.
79. The Whatcom County Comprehensive Plan states "Whatcom County lies within the influence of the convergent plate margin between the Pacific and North American Plate termed the Cascadia Subduction Zone. Regionally-extensive and damaging earthquakes, termed mega-thrusts, are possible when stress generated between the subducting Pacific Plate and over-riding North American Plate is released. . ." (Chapter 10, p. 10-12). Because new refineries and transshipment facilities would transport and process flammable and toxic materials there is heightened concern, based upon the geology of the region, that these facilities could increase risk to both public safety and the environment.

80. There are currently five oil refineries in Washington State. Two are in Whatcom County, two are in Skagit County, and one in Pierce County. Whatcom County has approximately 3% of the State's population, but 40% of the State's refineries. The County has accepted its fair share of such facilities in the state and region and wants to limit the local impacts on the community and environment of further concentration of such facilities.
81. The subject amendments prohibit new coal fired power plants in the HII zone (WCC 20.68.207).
82. According to the National Institute of Health's National Library of Medicine website (<https://toxtown.nlm.nih.gov/sources-of-exposure/power-plants>):
  - . . . Air pollution from coal-fired power plants cause serious risk to human health. Coal-fired power plants emit 84 of the 187 hazardous air pollutants identified by the U.S. Environmental Protection Agency. These pollutants may cause cancer, according to the National Toxicology Program.
  - Hazardous air pollution released by coal-fired power plants can cause a wide range of health effects, including heart and lung diseases. Exposure to coal power plant pollution can damage the brain, eyes, skin, and breathing passages. It can affect the kidneys, lungs, and nervous and respiratory systems. Exposure can also affect learning, memory, and behavior.
  - . . . Coal-fired power plants are the biggest industrial sources of mercury and arsenic in the air. Mercury pollutes lakes, streams, and rivers, and builds up in fish. People who eat large amounts of fish from contaminated lakes and rivers are at the greatest risk of exposure to mercury.
  - . . . People who work at or live near coal-fired power plants have the greatest health risks from coal pollution. . .
83. The subject amendments continue to allow other types of power plants in the HII zone, but would prohibit coal-fired power plants because of the risks to the local community, public health, and environment.
84. Whatcom County Comprehensive Plan Policy 10D-10 is to "Create updates to Whatcom County land use policies and development regulations to support renewable energy development goals."
85. The subject amendments allow renewable fuel refineries as a permitted use in the HII zone (WCC 20.68.070 and .071).

86. The Whatcom County Comprehensive Plan states that “. . . Cherry Point is also important historically and culturally to the Coast Salish people, and part of the usual and accustomed fishing area for five treaty tribes, reserved under the Treaty of Point Elliot of 1855. . .” (Chapter 2, p. 2-54). Comprehensive Plan Policy 2CC-11 states:

It is the policy of Whatcom County to limit the number of industrial piers at Cherry Point to the existing three piers, taking into account the need to . . . Recognize federal actions upholding treaty rights. . .

87. The United States Department of the Army, Corps of Engineers denied a permit for a new pier under Section 10 of the Rivers and Harbors Act on May 9, 2016 because “. . . the proposed project would violate the Lummi Indian Nation’s tribal Treaty Rights to access and utilize usual and accustomed fishing areas. . .”
88. The subject Zoning Code amendments implement the Comprehensive Plan by prohibiting new piers, docks, and wharves in the HII zone (WCC 20.68.206 and WCC 20.74.055).

### ***Project Permit Procedure Amendments***

89. Whatcom County Comprehensive Plan Goal 2D is to “Refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner.”
90. Whatcom County Comprehensive Plan Policy 7G-1 is to “Recognize the natural environment as a major asset and manage environmental resources accordingly. We need both economic prosperity and environmental sustainability.”
91. Whatcom County Comprehensive Plan Policy 10A-2 is to:
- Protect the environment through a comprehensive program that includes voluntary activity, education, incentives, regulation, enforcement, restoration, monitoring, acquisition, mitigation, and intergovernmental coordination.
92. RCW 88.40 is entitled “Transport of Petroleum Products – Financial Responsibility.” This State law, at RCW 88.40.005, indicates:

The legislature recognizes that oil and hazardous substance spills and other forms of incremental pollution present serious danger to the fragile marine environment of Washington state. It is the intent and purpose of this chapter to define and prescribe financial responsibility requirements for vessels that transport petroleum products as cargo or as fuel across the waters of the state of Washington and for facilities

that store, handle, or transfer oil or hazardous substances in bulk on or near the navigable waters.

93. This State law requires a tank vessel that carries oil as cargo in bulk to demonstrate financial responsibility to “. . . meet state and federal financial liability requirements for the actual costs for removal of oil spills, for natural resource damages, and for necessary expenses” (RCW 88.40.020).
94. WAC 480-62 is entitled “Railroad Companies – Operations.” This State code, at WAC 480-62-300(2), requires any railroad company that transports crude oil in Washington to submit to the Washington Utilities and Transportation Commission a statement that contains:
  - (a) All insurance carried by the railroad company that covers any losses resulting from a reasonable worst case spill.
  - (b) Coverage amounts, limitations, and other conditions of the insurance.
  - (c) Average and largest crude oil train, as measured in barrels, operated in Washington by the railroad company in the previous calendar year.
  - (d) Information sufficient to demonstrate the railroad company's ability to pay the costs to clean up a reasonable worst case spill of oil including, but not necessarily limited to, insurance, reserve accounts, letters of credit, or other financial instruments or resources on which the company can rely to pay all such costs.
95. The State Legislature adopted Engrossed Substitute House Bill (ESHB) 1578 in 2019. This bill amended the “Vessel Oil Spill Prevention and Response” law (RCW 88.46), the “Oil and Hazardous Substance Spill Prevention and Response” law (RCW 90.56), and other provisions of state law.
96. ESHB 1578 states:

The legislature finds that a variety of existing policies designed to reduce the risk of oil spills have helped contribute to a relatively strong safety record for oil moved by water, pipeline, and train in recent years in Washington state. Nevertheless, gaps exist in our safety regimen, especially deriving from shifts in the modes of overwater transportation of oil and the increased transport of oils that may submerge or sink, contributing to an unacceptable threat to Washington waters, where a catastrophic spill would inflict potentially irreversible damage on the endangered southern resident killer

whales. . .Therefore, it is the intent of the legislature to enact certain new safety requirements designed to reduce the current, acute risk from existing infrastructure and activities of an oil spill that could eradicate our whales, violate the treaty interests and fishing rights of potentially affected federally recognized Indian tribes, damage commercial fishing prospects, undercut many aspects of the economy that depend on the Salish Sea, and otherwise harm the health and well-being of Washington residents. . . (Section 1).

97. Tug escorts have been required for larger loaded oil tankers for years. ESHB 1578 amended state law to require certain smaller oil tankers to be under the escort of tugs, require the Department of Ecology to develop and maintain a model to assess current and potential future risks of oil spills from vessels in Washington waters, and modify reporting requirements for railroad cars and pipelines that transport crude oil within the state.
98. While the Washington State legislature has enacted laws relating to the transportation and handling of fossil fuels, there have been a number of accidents involving fossil fuel refineries and transportation of fossil fuels in North America over the years. These accidents, involving flammable and/or toxic materials, have impacted local communities and the environment.
99. Overall, the subject amendments seek to minimize or avoid additional risk to the local community and environment from fossil fuel facilities. The amendments are intended to heighten the level of review or, in certain cases, prohibit uses in order to protect public health, safety & welfare, fisheries industries, fish & wildlife habitat, and the environment.
100. However, in case of accidents, the subject amendments include proof of insurance requirements (WCC 22.05.125), as it is a matter of fairness that responsible parties mitigate the consequences of any accidents.

### ***County Charter and GMA Takings Provisions***

101. Whatcom County Charter Section 1.11 states, "The rights of the individual citizen shall be guaranteed under the Constitutions of the United States and the State of Washington. No regulation or ordinance shall be drafted and adopted without consideration of and provisions for compensation to those unduly burdened."
102. GMA Planning Goal 6, relating to property rights, states "Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions" (RCW 36.70A.020(6)).

103. The Whatcom County Prosecuting Attorney's Office has rendered an opinion that the subject Comprehensive Plan and code amendments do not unduly burden property owners and do not take private property for public use.

### **CONCLUSIONS**

1. The subject Whatcom County Comprehensive Plan amendments are consistent with the approval criteria in WCC 22.10.060(1).
2. The subject development regulation amendments are consistent with the approval criteria in WCC 22.10.060(2).

### **RECOMMENDATIONS**

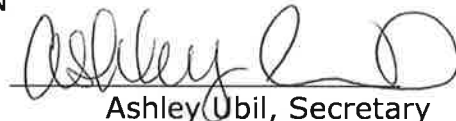
Based upon the above findings and conclusions, the Planning Commission recommends:

1. Approval of Exhibit A, amendments to the Whatcom County Comprehensive Plan.
2. Approval of Exhibit B, amendments to Whatcom County Code 16.08 (State Environmental Policy Act).
3. Approval of Exhibit C, amendments to the Whatcom County Code Title 20 (Zoning).
4. Approval of Exhibit D, amendments to Whatcom County Code 22.05 (Project Permit Procedures).

WHATCOM COUNTY PLANNING COMMISSION



Kelvin Barton, Chair



Ashley Ubil, Secretary

August 13, 2020

Date

August 13, 2020

Date

Commissioners voted to recommend approval 8-1 of the Findings of Fact & Reasons for Action and amendments on August 13, 2020. Members present at the meeting when the vote was taken: Robert Bartel, Kelvin Barton, Atul Deshmane, Jim Hansen, Stephen Jackson, Kimberly Lund, Jon Maberry, Natalie McClendon, and Dominic Mocerri.

# Exhibit A

NOTE: Changes from existing Comprehensive Plan text are shown within underlines and strikethroughs (Planning Commission changes that differ from the County Council Resolution 2019-037 are also highlighted in yellow).

## Comprehensive Plan (Chapter 2)

### Major Industrial Urban Growth Area / Port Industrial

#### Cherry Point – Text

##### **Change Second Paragraph of Cherry Point Text**

Because of the special characteristics of Cherry Point, including deep water port access, rail access, and proximity to Canada, this area has regional significance for the siting of large industrial or related facilities. General Petroleum constructed the Ferndale Refinery in 1954, Alumax/Pechiney/Howmet constructed the Aluminum Smelter in 1966, and the Atlantic Richfield Company constructed the Cherry Point Refinery in 1971. The existing industries in the Cherry Point UGA, which provide significant employment, have produced and shipped refined fossil fuels and other products for decades.

##### **Amend Policy 2CC-11**

Policy 2CC-11: It is the policy of Whatcom County to limit the number of industrial piers at Cherry Point to the existing three piers, taking into account the need to:

- ~~Honor any existing vested rights or other legally enforceable agreements for an additional dock/pier;~~  
Act conservatively in land use matters at Cherry Point to prevent further harm to habitat important to the Cherry Point Herring stock and Southern Resident Killer Whales;
- ~~Update the~~ Optimally implement the Whatcom County Shoreline Master Program to ~~conform with this policy~~ fulfill the Shoreline Management Act's shorelines of statewide significance policy to preserve natural character, result in long-term over short-term benefit, and protect the resources and ecology of the shoreline;
- Encourage the continued agency use of best available science;
- Support and remain consistent with the state Department of Natural Resources' withdrawal of Cherry Point tidelands and bedlands from the general leasing program and the species recovery goals of the Cherry Point Aquatic Reserve designation and Management Plan;
- Recognize federal actions upholding treaty rights;

- Protect traditional commercial and tribal fishing; and
- Prevent conflicts with vessel shipment operations of existing refineries that could lead to catastrophic oil or fuel spills.

#### **Amend Policy 2CC-16**

2CC-16: The County ~~will, through its adopted SEPA policies and applicable permitting processes, shall undertake a study to be completed if possible by December of 2017 to examine existing County laws, including those related to public health, safety, development, building, zoning, permitting, electrical, nuisance, and fire codes, and develop recommendations for legal ways the County may choose to seek to~~ limit the negative impacts on public safety, transportation, the economy, and environment from new fossil fuel facilities, including new or expanded crude oil, coal, liquefied petroleum gases, and natural gas, and exports from facilities within the Cherry Point UGA. ~~above levels in existence as of March 1, 2017[XXX, 2020/2019].~~

Rationale for Changes (shown with highlighting): Refinery operations may fluctuate over time, depending on product demand, maintenance turnarounds, etc. Therefore, it may be difficult to implement this policy if it relates to exceeding impacts that existed on a particular day (the day of adoption of the policy). Rather, the County would review the impacts of the new or expanded development, when proposed.

~~To provide clear guidance to current and future county councils on the County's legal rights, responsibilities and limitations regarding interpretation and application of project evaluation under Section 20.88.130 (Major Projects Permits) of the Whatcom County Code. The County should consider any legal advice freely submitted to the County by legal experts on behalf of a variety of stakeholder interests, and make that advice publicly available.~~

~~• Based on the above study, develop proposed Comprehensive Plan amendments and associated code and rule amendments for Council consideration as soon as possible.~~

~~• Until the above mentioned amendments are implemented, †The Prosecuting Attorney and/or the~~ County Administration should provide the County Council written notice of all known preapplication correspondence or permit application submittals and notices, federal, state, or local that involve activity with the potential to expand the export of fossil fuels from Cherry Point “Fossil Fuel Refinery, Renewable Fuel Refinery, or Fossil Fuel Transshipment Facilities, or Renewable Fuel Transshipment Facilities,” as defined in the Whatcom County Code (Chapter 20.97).<sup>1</sup>

Rationale for Changes (shown with highlighting): On February 27, 2020, the Planning Commission approved a motion deleting “Prosecuting Attorney” from the notice provisions above. The County Planning & Development Services Department reviews land use permits for fossil and renewable fuel facilities. The Prosecuting Attorney’s Office typically only becomes aware of a permit application if consulted by Planning & Development Services. On August 13, 2020, the Planning Commission approved separate definitions for Fossil Fuel Transshipment Facilities and Renewable Fuel Transshipment Facilities in the Zoning Code (they were previously combined in one definition).

<sup>1</sup> The reference to a definition in the Whatcom County Code could be removed to avoid a policy with a code reference. A definition could be added to the Comprehensive Plan if thought necessary. Typically, the code is more detailed.

75 **Amend Policy 2CC-17**

76 ~~Policy 2CC-16 shall not limit~~ Allow existing operations or maintenance of existing fossil-fuel  
77 related facilities operating at levels as of ~~March 1, 2017~~ [XXX, 2020 2019] with limited  
78 expansions subject to environmental review, greenhouse gas emission analysis mitigation, and  
79 conformance with Policies 2CC-3 and -11.

80  
81 Rationale for Changes (shown with highlighting): On October 24, 2019, the Planning Commission  
82 approved a motion to remove the proposed GHG mitigation requirements from the Zoning Code and  
83 keep proposed GHG provisions in SEPA (with further discussion on the SEPA language at a later date).  
84 The proposed SEPA rules will require GHG analysis and authorize GHG mitigation. Pursuant to the  
85 proposed SEPA rules, GHG mitigation may be imposed by the Responsible Official, but will not be  
automatically imposed for any project that creates any increase in GHG emissions.

86 **Add a new policy as follows:**

87 **Policy 2CC-18:** This chapter is intended to allow the on-going operation, maintenance, and  
88 repair of existing facilities, modifications designed to comply with  
89 adoption and implementation of new product standards and fuel  
90 standards, operational and site safety improvements, environmental  
91 improvements, and regulatory compliance projects.

92 Rationale for Changes (shown with highlighting): On February 27, 2020, the Planning  
93 Commission approved a motion inserting new Policy 2CC-18 into the Cherry Point UGA  
94 section of the Comprehensive Plan.

95  
96 **Add a new policy on renewable fuels:**

97 **2CC-18. Treat renewable fuels facilities similar to fossil fuel facilities.**

98  
99 Rationale for Changes (shown with highlighting): On October 10, 2019, the Planning  
100 Commission provided direction that renewable fuel facilities should not be required to  
101 mitigate greenhouse gas emissions if they reduce lifecycle greenhouse gas emissions. On  
102 December 12, 2019, the Planning Commission recommended that new renewable fuel  
103 refineries and transshipment facilities should be allowed as a permitted use but new fossil  
fuel refineries should be prohibited. Additionally, on January 16, 2020, the Planning  
Commission recommended that expansion of existing renewable fuel refineries and  
transshipment facilities should be allowed as a permitted use (expansion of fossil fuel  
facilities would require a conditional use permit). Therefore, in some respects, renewable  
fuel facilities would not be treated in a manner “similar” to fossil fuel facilities.

## Essential Public Facilities

### Amend Policy 2WW-4

Policy 2WW-4 State and regional highways in unincorporated Whatcom County that have been designated as essential state or regional transportation facilities are I-5, State Route 539 (the Guide Meridian), State Route 546/9 (Badger from the Guide to Sumas), and State Route 20 to eastern Washington. Other transportation facilities in unincorporated Whatcom County that have been designated as essential public facilities are Amtrak Cascades passenger rail service, the Burlington Northern Santa Fe railroad tracks, and the Cherry Point marine port facilities. Such facilities in the City of Bellingham include Fairhaven Station (intercity passenger rail terminal), Bellingham Cruise Terminal (Alaska Ferry), and the Port of Bellingham (marine port). Additionally, State Route 543 (the truck route at the Blaine border) is an essential public facility located within the city limits of Blaine.

Widening of existing state highways or railroad tracks (including construction of sidings) and siting new state highways or railroad tracks should be planned in the Washington Highway System Plan, Amtrak Cascades Plan and the Freight Rail Plan. The state will invite the Regional Transportation Planning Organization and the County to participate in planning studies, review design plans, and provide comments when siting new or expanded state highways or railroad tracks.

Highways and railroad tracks that qualify as essential public facilities should be sited in accordance with all of the following principles. These facilities should be located:

- In a manner that minimizes or mitigates noise impacts to surrounding residential areas.
- Outside of the Lake Whatcom Watershed, unless there are no viable alternatives.
- In a manner that allows continued fish passage beyond the road or railroad tracks or restores blocked passage.
- In a manner that avoids or mitigates wetland impacts.
- In a manner that minimizes impacts of additional impervious surfaces by treating stormwater runoff.
- In a manner that encourages a vibrant economy by facilitating the efficient movement of people and freight.
- In a manner that accommodates pedestrians, bicycles, and transit.

Major passenger intermodal terminals should be located in General Commercial, Airport Operations, Urban Residential-Medium Density or industrial zones.

Freight railroad switching yards and terminals should be located in industrial zones.

Marine port facilities should be located within the Heavy Impact Industrial zone of the Cherry Point Major/Port Industrial Urban Growth Area. Allow existing facilities and limited expansions consistent with the State of Washington Department of Natural Resource Cherry Point Aquatic Reserve Management Plan.

# Exhibit B

NOTE: Changes from existing text are shown within underlines and strikethroughs (Planning Commission changes that differ from the County Council Resolution 2019-037 are also highlighted in yellow).

## CHAPTER 16.08 STATE ENVIRONMENTAL POLICY ACT (SEPA)

### 16.08.090. Environmental checklist

E. Evaluation Worksheet for Fossil and Renewable Fuel Facilities: Air and environmental health are elements of the environment in WAC 197-11-444 and subjects addressed in WAC 197-11-960, Environmental Checklist. As provided in WAC 197-11-906(1)(c), Whatcom County hereby adds a procedure and criteria to help identify the affected environment, impacts, and potential mitigation regarding air quality and climate and risks from spills and/or explosions. For any proposed change of use or expansion of facilities that manufacture, process, store or transport any fossil fuel, renewable fuel, or hydrocarbon feedstock, the proponent will provide an expert evaluation or fill out the County's SEPA "Worksheet for Fossil and Renewable Fuel Facilities." This expert evaluation or Worksheet provides detailed information required to evaluate impacts to air, land and water during review of a SEPA environmental checklist. The form of the worksheet shall be prepared and updated as needed once per year by the SEPA Responsible Official in consultation with the Planning Commission and taking into account the comments of the Climate Impacts Advisory Group and its members. The expert evaluation or Worksheet shall analyze the "significance" of direct, indirect, and cumulative impacts including but not limited to those arising from:

1. Windborne transport of fossil or renewable fuel emissions across Whatcom County;
2. Lifecycle greenhouse gas emissions for renewable facilities and facility emissions above existing levels for fossil fuel facilities;
3. Transits of tankers or barges and their support vessels that have the potential to create risks of spills or explosion or interfere with commercial and treaty tribe fishing areas; and
4. Releases of stormwater and wastewater to groundwater, marine waters, intertidal wetlands, streams within the shorelines, and to their headwaters; and
5. Potential for loss of life and/or property related to risks from spills or explosions associated with refining and transport of renewable or fossil fuels or related feedstocks within Whatcom County.

In determining whether possible impacts are "significant" and "probable," the Responsible Official shall determine whether the answers on information in the expert evaluation or the Worksheet for Fossil Fuel Facilities accurately analyze the severity of potential harm, independently from analysis of probability of occurrence, in compliance with WAC 197-11-330. Also, as provided in WAC 197-11-794, "the severity of an impact should be weighed along with the likelihood of its occurrence" and "an impact may be significant if its chance of occurrence is not great, but the resulting environmental impact would be severe if it occurred."

The worksheet and supplemental information provided in the expert evaluation or Worksheet required for fossil and renewable fuel facilities shall be considered procedures and criteria added to Whatcom County's SEPA policies and procedures pursuant to WAC 197-11-906(1)(c) and are deemed necessary to be consistent with the provisions of SEPA

contained in RCW 43.21C.020, RCW 43.21C.030 and RCW 43.21C.031. However, the expert evaluation or Worksheet may not be required if an environmental impact statement is prepared.

*Discussion/Notes: Suggest reference to WAC 197-11-906(1)(c) as basis to require worksheet since it allows for additional procedures and criteria. WAC 197-11-315 refers to Ecology and 30-day review for planned actions, which is not proposed.*

Rationale for Changes (shown within highlighting): The worksheet will take time to develop and likely will not be available when Council adopts the ordinance. Additionally, larger or more complex projects would benefit from expert evaluation of the issues listed above.

It may not be necessary to update the worksheet every year. Therefore, the proposed change is to update the worksheet "as needed." On January 30, 2020, the Planning Commission passed a motion to remove the reference to the Climate Impact Advisory Committee, as the SEPA Official may consult with any committee (including but not limited to the Climate Impact Advisory Committee) when preparing/updating the worksheet. On February 27, 2020, the Planning Commission inserted a clause that requires the SEPA Official to consult with the Planning Commission when preparing/updating the worksheet.

The proposed SEPA rules authorize GHG mitigation for "facility emissions" for fossil fuel facilities (proposed WCC 16.08.160.F.1.b.i(a) – Exhibit B, page 4). The proposed SEPA rules require "lifecycle" GHG emission analysis for renewable facilities (proposed WCC 16.08.160.F.1.b.ii – Exhibit B, page 5). The information required in the evaluation/worksheet should correspond to these SEPA requirements.

The evaluation/worksheet addresses impacts "including but not limited to" the five listed issues. The phrase "including but not limited to" has been deleted because it is open-ended and undefined. Applicants will not know what they are required to address if this phrase is retained.

Finally, if an environmental impact statement (EIS) is required, then the evaluation/worksheet will not be needed since significant adverse impacts will be addressed in the EIS.

## 16.08.160 Substantive authority.

A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of Whatcom County.

B. The county may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and
2. Such conditions are in writing; and
3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
4. The county has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
5. Such conditions are based on one or more policies or provisions in subsection D, E, or F of this section and cited in the license or other decision document.

Rationale for Changes (shown with highlighting): Subsections E and F below include provisions relating to placing conditions on projects.

C. The county may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter; and
2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
3. The denial is based on one or more policies or provisions identified in subsection D or F of this section and identified in writing in the decision document.

Rationale for Changes (shown with highlighting): Subsection F below includes a provision relating to denying projects.

D. The county designates and adopts by reference the following policies as the basis for the county's exercise of SEPA authority pursuant to this section:

1. The county shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

- a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- b. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- d. Preserve important historic, cultural, and natural aspects of our national heritage;
- e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

2. The county recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

3. The county adopts by reference the policies in the following county documents:

Whatcom County Comprehensive Land Use Plan (inclusive of goal statements and all subarea components)

Whatcom County Shoreline Management Program

Whatcom County Subdivision Ordinance

Whatcom County Solid Waste Management Plan

Whatcom County Critical Areas Ordinance

All official land use controls adopted by Whatcom County.

E. Relationship to Federal, State and Regional Regulations. Many of the environmental impacts addressed by these SEPA policies are also the subject of federal, state and regional regulations. In deciding whether a project specific adverse environmental impact has been adequately addressed by an existing rule or law of another agency with jurisdiction, the County shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the County shall base or condition its project approval on compliance with these other existing rules or laws. In deciding whether these regulations provide sufficient impact mitigation, the County shall consult orally

or in writing with the responsible federal, state or other agency with jurisdiction and environmental expertise and may expressly defer to that agency. The County shall base or condition its project decision on compliance with these other existing regulations, rules, laws, or adopted enforceable plans. The County need shall not so defer if such regulations did not anticipate or are otherwise inadequate to address a particular impact of a project.

Rationale for Changes (shown with highlighting): The replacement language above (the 2<sup>nd</sup> and 3<sup>rd</sup> sentences) is taken from the State SEPA rules (WAC 197-11-158(4)) to better reflect these State rules.

## F. Specific Environmental Policies

### 1. Air Quality and Climate:

a. Air pollution can be damaging to human health, plants and animals, visibility, aesthetics, and the overall quality of life. Mitigation of ~~criteria~~ pollutant impacts will normally be the subject of air permits required by the Northwest Clean Air Agency (NWCAA) and/or State Department of Ecology (DOE) and no further mitigation by the County shall be required. However, where a project being reviewed by the County generates public nuisance impacts, ~~or~~ odors or greenhouse gas emissions impacts not addressed through the regulations of NWCAA or DOE, the County may require mitigation under SEPA.

Rationale for Changes (shown with highlighting): Criteria pollutants are specific types of pollutants identified in the Federal Clean Air Act. The NWCAA addresses a wider variety of pollutants. Additionally, the State Department of Ecology may require a "Prevention of Significant Deterioration" permit for certain industrial sources of air pollution (e.g. refineries). Using the term "public" nuisance in the text above will maintain consistency with WCC 20.66.704 and WCC 20.68.704, the Light Impact Industrial and Heavy Impact Industrial provisions relating to odors.

b. Climate change is resulting in increased temperatures, reduced summertime snowpack, reduced stream flows and increased stream temperatures, more intense storms with increased potential for flooding and damage to roads, dikes and critical infrastructure such as water and waste treatment facilities. While climate change is a global phenomenon, it is the policy of Whatcom County to do its fair share to reduce local emissions and to ensure that projects with a likelihood of more than a moderate adverse impact on air quality and climate that may be authorized by the County address greenhouse gas emissions impacts. Mitigation may be achieved through the provisions contained in County land use and development regulations or through the State Environmental Policy Act where land use code provisions do not address mitigation of greenhouse gas emissions impacts.

Rationale for Changes (shown with highlighting): On October 24, 2019, the Planning Commission approved a motion to remove the proposed GHG mitigation requirements from the Zoning Code and keep proposed GHG provisions in SEPA (with further discussion on the SEPA language at a later date). The above changes would delete the reference to GHG mitigation in the Zoning Code. GHG mitigation through SEPA is addressed below.

i. Greenhouse Gas Emissions – Fossil Fuel Facilities and Fossil Fuel Transshipment Facilities: The following policies shall apply to fossil fuel facilities and fossil fuel transshipment facilities.

(a) Emissions Calculated: The SEPA Responsible Official may require mitigation for greenhouse gas emissions of fossil fuel facilities and fossil fuel transshipment facilities, as calculated consistent with the definition of facility emissions in WCC 16.08.17520.97.124.1.

(b) Assessment: Greenhouse gas emissions impacts shall be assessed using the most current scientifically valid modeling techniques version of the GREET Model developed by Argonne National Laboratories or, where feedstocks are from Canada, using the latest version of the GH Genius model developed by Canadian agencies for quantification of upstream emissions from production of feedstocks produced in Canada.

Rationale for Changes (shown with highlighting): Industry representatives have indicated concern about the models referenced above. The proposed changes would allow appropriate methods to be used in calculating greenhouse gas emissions.

(c) Mitigation: Greenhouse gas emissions that create specific adverse environmental impacts may be offset for proposals subject to WCC 20.68.801 through either code requirements or, if not addressed through code requirements, through mitigation projects that provide real, additional and quantifiable greenhouse gas mitigation. Such mitigation must not be required by any other regulatory mechanism and there shall be no double counting of emission reductions where identified as mitigation of greenhouse gas emissions impacts for permits subject to WCC 20.68.801.

Rationale for Changes (shown with highlighting): On October 24, 2019, the Planning Commission approved a motion to remove the proposed GHG mitigation requirements from the Zoning Code and keep proposed GHG provisions in SEPA (with further discussion on the SEPA language at a later date). The above changes would delete the reference to GHG mitigation in the Zoning Code. The double counting language above is somewhat confusing. It seems to indicate that, if mitigation is required by a different agency, then County-required mitigation must be different and additional. But a general concept is that, if another agency requires adequate mitigation, County mitigation is not required. Therefore, this language has been deleted.

Additionally, SEPA allows for mitigation of “specific adverse environmental impacts” (RCW 43.21C.060). This language has been inserted above.

ii. Greenhouse Gas Emissions – Renewable Fuels Facilities and Renewable Fuel Transshipment Facilities: The SEPA Responsible Official shall require documentation of lifecycle greenhouse gas emissions associated with renewable fuel facilities. The SEPA Responsible Official will consider the lifecycle greenhouse gas emissions analysis when making the threshold determination. The SEPA Responsible Official shall require documentation of emissions consistent with b.i(a) and b.i(b) above. The applicant shall demonstrate that the lifecycle greenhouse gas reductions associated with the renewable fuels provide a net reduction even when considering transportation and upstream emissions. If there is a net increase in emissions locally, the SEPA Responsible official may require mitigation per b.i(c) above.

On October 10, 2019, the Planning Commission provided direction that renewable fuel facilities should not be required to mitigate greenhouse gas emissions if they reduce lifecycle greenhouse gas emissions. Therefore, the greenhouse gas language above has been modified, including deletion of the mitigation language.

198 iii. Greenhouse Gas Emissions – Other Uses Within the Heavy Impact Industrial District:

199 (a) Method of analysis: Determined by SEPA Responsible Official following consultation with federal and  
200 state agencies with jurisdiction or expertise.

201 (b) Mitigation: Determined by SEPA Responsible Official. See 1.c.

202 c. It is the County's policy to minimize or prevent adverse air quality impacts. Federal, state, regional, and county  
203 regulations and programs cannot always anticipate or adequately mitigate adverse air quality impacts. If the  
204 decision-maker makes a written finding that the applicable federal, state, regional, and/or County regulations did  
205 not anticipate or are inadequate to address the particular impact(s) of the project, the decision-maker may  
206 condition the proposal to mitigate its adverse impacts or, if impacts cannot be mitigated, may deny a project under  
207 the provisions of the State Environmental Policy Act.

208 2. Plants and Animals:

209 a. Many species of birds, mammals, fish, and other classes of animals and plants living in both rural and urban  
210 environments and are of ecological, educational, and economic value. Fish and wildlife populations are threatened  
211 by habitat loss and by the reduction of habitat diversity. For the purposes of this policy, animals and plants of  
212 ecological, educational, and economic value include priority habitats and species as listed in the Washington  
213 Department of Fish and Wildlife's Priority Habitats and Species, as amended, consistent with WCC 16.16.710,  
214 and High Biodiversity Value Areas per the Whatcom County 2017 Ecosystem Report, as amended.

215 b. It is the County's policy to minimize or prevent the loss of fish and wildlife habitat that have substantial  
216 ecological, educational, and economic value. A high priority shall also be given to meeting the needs of state and  
217 federal threatened, endangered, and sensitive species of both plants and animals. Special consideration shall be  
218 given to anadromous fisheries and marine mammals.

219 c. It is the County's policy to ensure applicants provide verifiable documentation of consistency with federal and  
220 state laws regarding treaty rights, clean water rights (both water quality and water quantity), and endangered  
221 species protection such as through attaining permits or conducting consultations. The decision-maker may  
222 condition or deny the project to mitigate its specific adverse environmental impacts if the decision-maker finds  
223 that a proposed project would reduce or damage rare, uncommon, unique or exceptional plant or wildlife habitat,  
224 designated wildlife corridors, or habitat diversity for plants or animals species of substantial educational,  
225 ecological, or economic value, or interfere with treaty rights, clean water rights, or endangered species protection.

226 Discussion/Notes: If amendments are made to the Comprehensive Plan policies then the County  
227 will in effect update policies under the County's SEPA substantive authority.

229 Rationale for Changes (shown with highlighting): Federal and state agencies  
230 would typically determine compliance with federal and state laws when they issue  
231 or deny a permit or other authorization for a project. The language above implies  
232 that certain federal and state permits/authorizations must be issued before the  
233 County can do SEPA review on a project. The State SEPA rules (WAC 197-11-  
158(4)) indicate:

234 In deciding whether a project specific adverse environmental impact has  
235 been adequately addressed by an existing rule or law of another agency  
236 with jurisdiction, the GMA county/city shall consult orally or in writing with  
237 that agency and may expressly defer to that agency. In making this  
238 deferral, the GMA county/city shall base or condition its project approval  
on compliance with these other existing rules or laws.

239 This concept of consultation is already embodied in the proposed amendments in  
240 WCC 16.08.160.E above. Therefore, the language highlighted above should be  
241 deleted.

## 16.08.175 Purpose of this article and adoption by reference.

This article contains uniform usage and definitions of terms under SEPA. The county adopts the following sections by reference, as supplemented by WAC 173-806-040:

### WAC

- 197-11-700 Definitions.
- 197-11-702 Act.
- 197-11-704 Action.
- 197-11-706 Addendum.
- 197-11-708 Adoption.
- 197-11-710 Affected tribe.
- 197-11-712 Affecting.
- 197-11-714 Agency.
- 197-11-716 Applicant.
- 197-11-718 Built environment.
- 197-11-720 Categorical exemption.
- 197-11-721 Closed record appeal.
- 197-11-722 Consolidated appeal.
- 197-11-724 Consulted agency.
- 197-11-726 Cost-benefit analysis.
- 197-11-728 County/city.
- 197-11-730 Decision maker.
- 197-11-732 Department.
- 197-11-734 Determination of nonsignificance (DNS).
- 197-11-736 Determination of significance (DS).
- 197-11-738 EIS.
- 197-11-740 Environment.
- 197-11-742 Environmental checklist.
- 197-11-744 Environmental document.
- 197-11-746 Environmental review.
- 197-11-750 Expanded scoping.
- 197-11-752 Impacts.
- 197-11-754 Incorporation by reference.
- 197-11-756 Lands covered by water.
- 197-11-758 Lead agency.
- 197-11-760 License.
- 197-11-762 Local agency.
- 197-11-764 Major action.
- 197-11-766 Mitigated DNS.

282 197-11-768 Mitigation.  
283 197-11-770 Natural environment.  
284 197-11-772 NEPA.  
285 197-11-774 Nonproject.  
286 197-11-775 Open record hearing.  
287 197-11-776 Phased review.  
288 197-11-778 Preparation.  
289 197-11-780 Private project.  
290 197-11-782 Probable.  
291 197-11-784 Proposal.  
292 197-11-786 Reasonable alternative.  
293 197-11-788 Responsible official.  
294 197-11-790 SEPA.  
295 197-11-792 Scope.  
296 197-11-793 Scoping.  
297 197-11-794 Significant.  
298 197-11-796 State agency.  
299 197-11-797 Threshold determination.  
300 197-11-799 Underlying governmental action.

301 In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this article,  
302 the following terms shall have the following meanings, unless the context indicates otherwise:

303 A. "Early notice" means the county's response to an applicant stating whether it considers issuance of a  
304 determination of significance (DS) likely for the applicant's proposal (mitigated determination of  
305 nonsignificance (MDNS) procedures).

306 B. "ERC" means environmental review committee established in WCC 16.08.045.

307 C. "Facility Emissions" means greenhouse gas emissions associated with fossil fuel refineries or fossil fuel  
308 transshipment facilities based upon the refining and processing of fossil fuels located within the Cherry Point  
309 Heavy Industrial area.

310

311 Rationale for Changes (shown with highlighting): On October 24, 2019, the Planning Commission  
312 approved a motion to remove the proposed GHG mitigation requirements from the Zoning Code and  
313 keep proposed GHG provisions in SEPA (with further discussion on the SEPA language at a later date).  
314 The definition of "facility emissions" was in the proposed Zoning Code language. However, this term no  
315 longer is used in the Zoning Code. Therefore, the definition was moved from the Zoning Code to the  
316 County's SEPA rules. On June 25, 2020, the Planning Commission approved a motion to remove the  
317 following elements from the original Council definition of facility emissions:

- 318 • The transportation within the borders of Whatcom County of refined and unrefined fossil fuels to  
319 and from a facility located within the Cherry Point Heavy Industrial area, and
- 320 • The upstream emissions generated by the production and transport of raw products to the facility  
321 such as crude oil feedstocks or other fuels used in production or energy generation at facilities.

322

D. "Greenhouse Gas Emissions" means gases that trap heat in the atmosphere. "Greenhouse gas," "greenhouse gases," "GHG," and "GHGs" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and any other gas or gases designated by the federal clean air act (United States Code Title 42, Chapter 85), state clean air act (Chapter 70.94 RCW) or state limiting greenhouse gas emissions law (Chapter 70.235 RCW).

E. "Lifecycle greenhouse gas emissions" means the aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions), related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

Rationale for Changes (shown with highlighting): On October 24, 2019, the Planning Commission approved a motion to remove the proposed GHG mitigation requirements from the Zoning Code and keep proposed GHG provisions in SEPA (with further discussion on the SEPA language at a later date). The definitions of "greenhouse gas emissions" and "lifecycle greenhouse gas emissions" are in the proposed Zoning Code language. However, these terms are only used in the definition of "renewable fuels" in the Zoning Code. They are most often used in the proposed SEPA rules. Therefore, these terms were inserted into the County's SEPA rules.

~~FE~~. "Ordinance" means the procedure used by the county to adopt regulatory requirements.

~~GD~~. "Responsible official" shall mean the director of the department which bears responsibilities for the SEPA process or his/her designee.

~~HE~~. "SEPA rules" means Chapter 197-11 WAC adopted by the Department of Ecology. (Ord. 98-048 Exh. A; Ord. 84-122 Part 8).

# Exhibit C

## CHAPTER 20.66 LIGHT IMPACT INDUSTRIAL (LII) DISTRICT

### 20.66.200 Prohibited uses.

All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:

.201 Reserved.

.202 Adult businesses except those allowed as an administrative approval use under WCC 20.66.131.

.203 In the Bellingham Urban Growth Area the following uses are prohibited: ~~petroleum refinery and the primary manufacturing of products thereof,~~ primary manufacturing and processing of rubber, plastics, chemicals, paper, asbestos and products derived thereof, and primary metal industries.

~~.204 New fossil-fuel refinery; or new fossil fuel transshipment or facility unless permitted as a part of an existing refinery modification otherwise permitted under this code.~~

Rationale for Changes (shown with highlighting): The existing refineries are south of Grandview Rd., in the Heavy Impact Industrial zone. There are no refineries north of Grandview in the Light Impact Industrial zone.

*Discussion/Notes: Prohibit fossil fuel related industries in the LII District; already prohibited in the Bellingham UGA. It does not appear that such uses exist in the LII zone; thus, we have only addressed the prohibition of fossil-fuel refinery and fossil fuel transshipment facility unless part of an existing refinery (e.g. transshipment).*

## CHAPTER 20.68 HEAVY IMPACT INDUSTRIAL (HII) DISTRICT

### 20.68.050 Permitted uses.

Unless otherwise provided herein, permitted and accessory uses shall be administered pursuant to the applicable provisions of Chapter 20.80 WCC, Supplementary Requirements, and Chapter 20.84 WCC, Variances, Conditional Uses, Administrative Uses and Appeals, the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program- ~~and implementing regulations. The purpose of the SIC numbers listed within this chapter is to adopt by reference other activities similar in nature to the use identified herein. (Policies of the subarea Comprehensive Plan may preclude certain permitted uses to occur in particular subareas. Please refer to the policies of the applicable subarea plan to determine the appropriateness of a land use activity listed below.)~~

.051 The manufacture and processing of food including meat (including packinghouses and slaughterhouses), dairy, fruits, vegetables, seafood, grain mill, large scale bakery, sugar and beverage products, provided the following criteria are met:

(1) Holding pens associated with packinghouses and slaughterhouses shall be limited to that necessary to accommodate animals intended for processing within 24 hours.

(2) The facility shall comply with the solid waste handling standards as set forth in Chapter 173-350 WAC, as administered by the Whatcom County health department as adopted by reference in Chapter 24.06 WAC.

(3) If required by the Washington State Department of Ecology, the following permits shall be obtained:

(a) State waste discharge permit (Chapter 173-216 WAC);

(b) Industrial stormwater permit – general permit (Chapter 173-226 WAC);

(c) An NPDES permit (Chapter 90.48 RCW and Chapter 173-220 WAC).

.052 Manufacturing and processing of textiles including weaving cotton, synthetic, silk or wool fabrics; knitting yarn and thread mills; textile bleaching, dyeing and printing; and carpet manufacture.

.053 The manufacture and processing of lumber and wood including sawmills; planing mills; millwork; veneer, plywood and prefabricated wood products; wooden containers and cooperage.

.054 The following are permitted uses except as otherwise prohibited:

(1) The manufacture and process of paper including pulp, paper and paperboard mills; and building paper and board mill products.

(2) The manufacture and processing of chemicals and allied products including industrial inorganic and organic chemicals; synthetic resins, rubber, fibers and plastic materials; soap, detergents and cleaning preparations; paint, linseed oil, shellac, lacquer and allied products; chemicals from gum and wood; and agricultural chemicals.

~~(3) Refining and storage of petroleum and asphalt fossil fuels, limited as follows:~~

~~(a) fossil fuel refineries, existing legally as of [XXX effective date].~~

~~(b) fossil fuel transshipment facilities existing legally as of [XXX effective date].~~

~~Discussion/Notes: Allow existing legal fossil fuel uses.~~

Rationale for Changes (shown with highlighting): Existing fossil fuel facilities have been moved to proposed WCC 20.68.068 below.

~~(34)~~ The manufacture and processing of rubber and plastic products.

~~(45)~~ Leather tanning and finishing.

431 (56) The manufacture and processing of cement and glass; and concrete, gypsum, plaster, abrasive, asbestos and nonmetallic  
432 mineral products.

433 (67) Primary metal industries including blast furnaces and steel works; mills for primary smelting, secondary smelting,  
434 refining, reducing, finishing, rolling, drawing, extruding, and casting of ferrous and nonferrous metals; and the manufacture  
435 of miscellaneous metal products.

436 (7) Storage of asphalt in the Heavy Impact Industrial Zone.

437 *Discussion/Notes: Retained from (3) above in case of construction related businesses.*

438 ~~(9) The refining, storage, blending, manufacture and transshipment of renewable fuels, existing legally as of [XXX effective~~  
439 ~~date]. Expansions of such existing facilities are subject to the provisions of Section 20.68.153.~~

440 

**Rationale for Changes (shown with highlighting):** Existing renewable facilities are  
441 addressed in proposed WCC 20.68.068 and 20.68.071 below.

443 .055 The fabrication of metal products including metal cans, hardware, hand tools, cutlery, heating apparatus, plumbing  
444 fixtures, structural metal and stamping.

445 .056 The manufacture of machinery including engines; turbines; farm machinery and equipment; construction, mining and  
446 materials handling equipment; machine tools and dies; and special and general industrial equipment.

447 .057 The manufacture of electrical machinery including transmission and distribution equipment, and industrial apparatus.

448 .058 The manufacture of transportation equipment including automobiles, trucks, buses, airplanes, boat building and repair,  
449 railroad equipment, bicycles and motorcycles.

450 .059 Bulk commodity storage facilities, and truck, rail, vessel and ~~pipeline~~ transshipment terminals and facilities ~~except for~~  
451 ~~fossil fuel facilities or fossil fuel transshipment facilities subject to the provisions of 20.68.153.~~ New fossil fuel storage and  
452 transshipment facilities are expressly prohibited except as provided in Section 20.68.153.

453 

**Rationale for Changes (shown with highlighting):** Proposed WCC 20.68.068, WCC 20.68.153,  
454 and WCC 20.68.205 address permitted, conditionally permitted, and prohibited fossil fuel  
455 facilities. The above change would simplify the proposed language by indicating that fossil  
fuel facilities are not addressed by WCC 20.68.059.

456 .060 Stationary thermal power plants with generating capacity of less than 250,000 kilowatts, floating thermal power plants  
457 with generating capacity of less than 50,000 kilowatts, and other power plants utilizing renewable resources from solar, wind  
458 (Chapter 20.14 WCC) or water sources except that coal-fired power plants are prohibited.

459 

**Rationale for Changes (shown with highlighting):** The Council's proposed  
460 amendments would prohibit coal fired power plants (proposed WCC 20.68.207).  
461 However, power plants are already permitted in the HII zone (WCC 20.68.060).  
462 Therefore, WCC 20.68.060 should be modified to clarify that permitted power  
plants do not include coal fired power plants.

463 .061 Heavy construction contractors.

464 .062 Public uses and community facilities including police and fire stations, libraries, activity centers, community centers,  
465 park and recreation facilities identified in an adopted city or county Comprehensive Plan or Park Plan, and other similar  
466 noncommercial uses, excluding state education facilities and correction facilities.

467 .063 One one-story detached accessory storage building per lot; provided, that the floor area shall not exceed 200 square feet  
468 and shall only be used for personal storage and not for habitation or business; and provided further, that the storage building  
469 shall contain no indoor plumbing but may be served with electrical power for lighting.

470 .064 Uses allowed in the Light Impact Industrial Zone as permitted uses, WCC 20.66.100, shall be permitted outright within  
471 the Heavy Impact Industrial District in the Bellingham UGA.

472 .065 Trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.

473 .066 Marijuana production or processing facility.

474 .068 Existing fossil-fuel refineries, fossil-fuel transshipment facilities, renewable fuel refineries, renewable fuel  
475 transshipment facilities, piers and docks legally established as of [XXX effective date of ordinance], uses including repairs,  
476 improvements, maintenance, modifications, remodeling or other changes including but not limited to the following, provided  
477 that a conditional use permit is not required by WCC 20.68.153:

478 (1) Accessory and appurtenant buildings, structures, and processing equipment.

479 (2) Office space.

480 (3) Parking lots.

481 (4) Radio communications facilities.

482 (5) Security buildings, fire stations, and operation centers.

483 (6) Storage buildings.

484 (7) Routine maintenance and repair.

485 (8) Environmental improvements and other projects that are required on the subject site by federal, state, regional, or local  
486 regulations, including modifications of fossil fuel facilities for purposes of co-processing biomass with petroleum.

487 (9) Road projects and bridges.

488 (10) Temporary trailers.

489 (11) Heating and cooling systems.

490 (12) Cable installation.

491 (13) Information technology improvements.

492 (14) Continuous emissions monitoring systems or analyzer shelters.

493 (15) Wastewater and stormwater treatment facilities.

494 (16) Replacement and upgrading of existing equipment.

495 (17) Safety upgrades.

496 (18) Storage tanks.

497 (19) Pipelines carrying petroleum or petroleum products solely within the Heavy Impact Industrial zoning district.

498 (20) Pipelines carrying natural gas solely within the Heavy Impact Industrial zoning district.

499 (21) Renewable fuel production and shipment.

500 (22) Other similar structures or activities.

501 Rationale for Changes (shown with highlighting): Moving permitted uses associated with existing refineries and  
502 transshipment facilities from former proposed WCC 20.68.802 to the permitted use section of the Heavy Impact  
503 Industrial Zoning District for consistency with other sections of the Code. Additional items have been inserted as  
permitted uses to address public comments, including pipelines (# 19 and 20) added on July 9, 2020. On August 13,  
2020, the Planning Commission added the co-processing language to # 8 and inserted # 21 above.

504

505 .070 New renewable fuel refineries or renewable fuel transshipment facilities, except that new piers, docks, or wharves in the  
506 Cherry Point Industrial District are prohibited.

507

Rationale for Changes (shown with highlighting): On December 12, 2019, the Planning Commission passed a motion that renewable fuel facilities be allowed as a permitted use (instead of a conditional use, as proposed by Council).

508

509

510

The Council's original proposed amendments would prohibit new piers, docks, or wharves in the Cherry Point Industrial District (proposed WCC 20.68.206 and 20.74.055). This is recognized in proposed WCC 20.68.070 by indicating that this provision does not apply to piers, docks, or wharves.

511

512

513

514

515 0.71 Expansion of existing legal renewable fuel refineries or renewable fuel transshipment facilities, provided that the  
516 expansion is for renewable fuels only.

517

Rationale for Changes (shown with highlighting): On January 16, 2020, the Planning Commission passed a motion that expansion of renewable fuel facilities be allowed as a permitted use (instead of a conditional use, as proposed by the County Council).

518

519

520

521 .081 Freight railroad switching yards and terminals, excluding uses addressed in .059.

522 .082 Marine port facilities, excluding uses addressed in .059, and excluding new piers, docks, or wharves.

523 .085 Type I solid waste handling facilities.

524 .086 Type II solid waste handling facilities.

## 525 **20.68.100 Accessory uses.**

526 .101 Employee recreation facilities and play areas.

527 .102 Restaurants, cafes and cafeterias operated primarily for the convenience of employees, clients and customers of the  
528 district.

529 .103 Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

530 .104 When auxiliary to a principally permitted use: electric utility facilities; substations; generating plants, if less than 50  
531 megawatt (MW) net plant capability; gas works; sewage disposal facilities; solid waste landfills and incinerators.

532 .105 Other accessory uses and buildings, including security services, customarily appurtenant to a principally permitted use.

533 .106 On-site treatment and storage facilities for hazardous wastes associated with outright permitted uses or approved  
534 conditional uses subject to the most current siting criteria under Chapter 173-303 WAC.

535 .107 Mini-day care centers, and day care centers operated by, maintained by or funded by business in the district for the  
536 purpose of serving the child care needs of employees whose place of employment lies within this zone district.

537 .108 Electric vehicle rapid charging stations and battery exchange facilities.

### 20.68.130 Administrative approval uses.

.131 Commercial mushroom substrate production limited to the Cherry Point Industrial Area and pursuant to the requirements as contained in WCC 20.15.020(2) (commercial mushroom substrate production facilities). (Ord. 2006-031 § 1 (Exh. A), 2006).

### 20.68.150 Conditional uses.

The following uses require a conditional use permit in the HII Zoning District.

.152 Uses allowed in the Light Impact Industrial zone as permitted uses, WCC 20.66.100, subject to the following:

(1) Outside of the Bellingham Urban Growth Area, approval shall be supported by a finding by the hearing examiner that allowing the use will not limit the supply of land available to meet the demand for future heavy industrial uses.

(2) Filing of a deed restriction acknowledging that heavy industrial uses are the preferred uses in the zone and agreeing not to protest proposed heavy industrial uses allowed in the zone in accordance with Chapter 20.68 WCC, and to refrain from legal action against any heavy industrial use in compliance with the regulations of WCC Title 20 and any conditions of approval which might have been proposed.

.153 Expansion of existing legal fossil or renewable fuel refineries operations and the primary manufacturing of products thereof or expansion of existing legal fossil or renewable fuel transshipment facilities. For purposes of this section, an expansion is any Fossil Fuel Refinery and/or Fossil Fuel Transshipment Facility development (including otherwise permitted or accessory uses), vested after the effective date of this ordinance, that meets any one of the following thresholds:

A. Cumulatively increases its maximum atmospheric crude distillation capacity of fossil fuels by more than 10,000 barrels (or 420,000 gallons) per day based upon an evaluation of physical equipment limitations conducted by a licensed professional engineer; or

B. Cumulatively increases the maximum transshipment capacity of the facility by more than 10,000 barrels (or 420,000 gallons) per day; or

C. Cumulatively increases the maximum transshipment capacity of unrefined fossil fuels from the facility by more than 10,000 barrels (or 420,000 gallons) per day.

If a conditional use permit is obtained, the baseline for determining the cumulative increases is reset.

Rationale for Changes (shown with highlighting): On January 16 and 30, 2020, the Planning Commission approved motions defining what activities constitute an “expansion” and when a conditional use permit is required. On January 16, 2020, the Planning Commission also approved a motion to move expansion of renewable fuel facilities from conditional use to permitted use, as long as the expansion is for the increased production of renewable fuels. On August 13, 2020, in response to the joint Industry/RE Sources proposal, the Planning Commission approved a motion to remove certain fossil fuel storage tank capacity increases from the above list of improvements that require a conditional use permit (storage tanks are a permitted use under proposed WCC 20.68.068).

Such expansions shall be subject to the conditional use criteria below:

(1) The conditional use permit approval criteria listed under WCC 20.84.220 are met;

(2) Within shorelines, if applicable, County approval shall be contingent upon approval of a shoreline permit;

(3) The applicant has documented to the satisfaction of the County decision maker all of the anticipated sources, types, and volumes of substances transferred in bulk at the facility. The permit shall be limited exclusively to those types and volumes of materials or products as documented and approved.

Rationale for Changes (shown with highlighting): Sources of raw materials may change over time and new sources may come on-line. It may be very difficult, if not impossible, to predict sources of materials over the life of a project.

(4) Insurance requirements meet the provisions of WCC Section 22.05.125.

(5) Mitigation of transportation impacts consistent with Chapter 20.78 WCC, Transportation Concurrency Management, and Chapter 16.24 WCC, Commute Trip Reduction.

(6) Mitigation of impacts to other services including fire and emergency response capabilities, water supply and fire flow, to address risks created by expansions.

(7) Prior to issuance of any site preparation or construction permits, and prior to occupancy and/or operation of the expanded facility, the applicant shall provide verifiable documentation to the county that the facility has been constructed consistent with any applicable federal or state requirements, including but not limited to water rights and use.

Rationale for Changes (shown with highlighting): Criterion 7 above, addressing federal and state requirements appears to be unnecessary because criterion 9 already addresses federal and state permitting.

(78) Plans for stormwater and wastewater releases have been approved.

(89) Prior to commencement of any site preparation or construction activities, all necessary state leases shall be acquired for any piers or aquatic lands improvements, and it shall be demonstrated to the satisfaction of the zoning administrator that the project applicant has met any federal or state permit or consultation requirements, including properly addressing tribal treaty rights or the provisions of the Magnuson Amendment through state and federal permitting decisions; and

(9) The County decision maker may approve a conditional use permit with a condition to obtain relevant leases and complete any necessary federal and state permitting requirements, and may restrict the conditional use permittee from undertaking site preparation or construction activities until it has fulfilled that condition.

(10) Minimization of greenhouse gas emissions and inclusion of local carbon offset mitigation projects; and

Rationale for Changes (shown with highlighting): On October 24, 2019, the Planning Commission approved a motion to remove the proposed GHG mitigation requirements from the Zoning Code and keep proposed GHG provisions in SEPA (with further discussion on the SEPA language at a later date).

(11) Demonstration that the proposal will retain or add living wage jobs or contribute to the Whatcom County economy;

Rationale for Changes (shown with highlighting): On January 30, 2020, the Planning Commission approved a motion to delete the living wage job language from the conditional use permit approval criteria.

.154 Treatment and storage facilities for hazardous wastes subject to the following:

(1) The ~~eight~~ criteria for a conditional use listed under WCC 20.84.200.

(2) The most current state siting criteria under Chapter 173-303 WAC.

(3) It shall be the responsibility of the applicant to document to the satisfaction of the approving body the anticipated sources, types, volumes and final disposition of hazardous wastes to be collected and the type of treatments associated with those wastes. The permit shall be limited exclusively to those types of wastes and treatments as documented and approved.

- 613 (4) Total off-site facility capacity shall be limited to that needed to treat and store wastes generated within Whatcom County  
614 by generators requiring off-site management of hazardous wastes; provided, however, waste streams may be sourced from  
615 other jurisdictions through interagency zone designation agreements as approved by the county council, not to exceed 10  
616 percent of the total local hazardous waste stream.
- 617 (5) Prior to occupancy of the facility, the State Department of Ecology shall certify to the county that the facility has been  
618 constructed consistent with state requirements.
- 619 (6) As a condition of approval, the applicant shall be required to keep and maintain accurate and current records of the types,  
620 amounts, sources, and final disposition of hazardous wastes collected. The applicant shall provide such records annually to  
621 the county, or sooner upon county request. If the facility is found to be exceeding the waste stream limitations or permit  
622 restrictions, the county staff shall so report to the approving body who shall have the authority to revoke the permit,  
623 following a public hearing, if the limitation has been exceeded absent an emergency situation. Any emergency must be  
624 documented by county staff.
- 625 (7) Annual inspections of the facility shall be a minimum requirement. The applicant shall be required to forward copies of  
626 all facility inspection reports to the county. If deficiencies are found, the operator shall, within 15 days, submit to the county  
627 for approval an implementation schedule of corrective measures. Such schedule shall include specific completion dates and  
628 inspection reporting procedures.
- 629 If the state does not inspect the facility within the year, the applicant shall be required to arrange and bear all costs for an  
630 inspection by a qualified and independent inspection agency satisfactory to the county.
- 631 (8) Should the facility be found to consistently operate in a manner unsatisfactory to the county in regard to the public health  
632 and safety, the permit may be revoked by the approving body following a public hearing.
- 633 .156 Public and private parks facilities not included in an adopted city or county Comprehensive Plan or Park Plan.
- 634 .157 Trailheads with parking areas for more than 30 vehicles.
- 635 .158 Athletic fields.
- 636 ~~.159 New renewable fuel refineries or renewable fuel transshipment facilities, subject to the conditional use permit criteria~~  
637 ~~identified in WCC 20.68.153.~~
- 638 Rationale for Changes (shown with highlighting): On December 12, 2019, the  
639 Planning Commission passed a motion that new renewable fuel facilities should be  
640 allowed as a permitted use (instead of a conditional use, as proposed by Council).  
641 Therefore, a new code section, WCC 20.68.070, has been inserted indicating that  
642 new renewable fuel facilities would be permitted outright uses.
- 643 .180 Major passenger intermodal terminals.
- 644 .187 Type III solid waste handling facilities; provided, that:
- 645 (1) The facility or site will not be located within the 100-year floodplain or the Lake Whatcom watershed. The facility or site  
646 will not be located within any area identified in an adopted critical areas ordinance unless outside of the floodplain and at  
647 least three feet in elevation higher than the floodway elevation;
- 648 (2) Solid waste handling facilities shall be located at least 1,500 feet from the following:
- 649 (a) All zoning district boundaries, except Commercial Forestry and Industrial Zones;
- 650 (b) Public parks, public recreation areas, or publicly-owned wildlife areas;
- 651 (c) Archaeological and historical sites that are registered with the State Office of Archaeology and Historic Preservation;
- 652 (d) Shorelines that are within the jurisdiction of the Shoreline Management Program;

653 (e) Rivers, streams or creeks that contain documented threatened or endangered fish species;

654 (f) This 1,500-foot buffer does not apply to:

655 (i) Structures used for offices, storage areas for equipment, and weigh scales. These facilities shall be set back from  
656 the property line 100 feet or the standard zoning district setback, whichever is greater;

657 (ii) Inert landfills;

658 (3) Inert landfills shall be located at least 500 feet from the following:

659 (a) All zoning district boundaries, except Commercial Forestry and Industrial Zones;

660 (b) Public parks, public recreation areas, or publicly-owned wildlife areas;

661 (c) Archaeological and historical sites that are registered with the State Office of Archaeology and Historic Preservation;

662 (d) Shorelines that are within the jurisdiction of the Shoreline Management Program;

663 (e) Rivers, streams or creeks that contain documented threatened or endangered fish species;

664 (f) This 500-foot buffer does not apply to:

665 (i) Structures used for offices, storage areas for equipment, and weigh scales. These facilities shall be set back from  
666 the property line 100 feet or the standard zoning district setback, whichever is greater;

667 (4) The facility or site will not result in filling or excavation, location of structures or buildings, driveways or machinery use  
668 except for vegetation maintenance within 100 feet of any property line and except for driveways within 150 feet of any  
669 county or state road right-of-way;

670 (5) The facility or site will have vehicular approaches designed to minimize conflict between automobile and truck traffic,  
671 will maintain the carrying capacity of county roads, and will be located on a road classified as all weather, except where use  
672 is shown to be intermittent and easily delayed until emergency conditions have passed;

673 (6) The facility or site has complied with the provisions of WCC 20.84.200 and all other ordinances and laws regulating solid  
674 waste facilities and sites, such as but not limited to WCC Title 24, the Whatcom County SEPA Ordinance, as well as state  
675 and federal regulations concerning solid waste facilities and sites;

676 (7) All landfills have a final closure plan meeting the requirements of WCC Title 24 and of Chapter 173-350 WAC, and the  
677 closure plan includes:

678 (a) Reclamation in two to 10 acre increments, as appropriately responsive to the size and intensity of the particular  
679 activity, with seeding to be accomplished annually but no later than September 30th; and

680 (b) Permanent vegetative cover that will maintain in healthy growing condition with the level of maintenance that is  
681 covered through the financial assurance for post-closure activities;

682 (8) The buffer areas and visual screening shall include a minimum of 50 feet wide of landscaping meeting the requirements  
683 of WCC 20.80.300 (Landscaping);

684 (9) Solid waste facilities or sites shall be located outside the 10-year time of travel boundary of a public water system's  
685 delineated wellhead protection area;

686 (10) Solid waste facilities or sites that handle putrescible waste will be located at least 10,000 feet from airports serving  
687 turbine-powered aircraft and at least 5,000 feet from airports serving piston-powered aircraft. These buffers shall be  
688 measured from the boundary of the Airport Operations Zone or, if the airport is not within an Airport Operations Zone, from  
689 the boundary of the airport property;

690 (11) In addition, the Whatcom County hearing examiner may impose conditions of approval which may be necessary to  
691 protect the value and enjoyment of existing adjacent uses.

692 .188 Mitigation banks as a form of compensatory mitigation for wetland and habitat conservation area impacts when  
693 permitted in accordance with the provisions of Chapter 16.16 WCC; provided, applications for mitigation banks shall be  
694 processed as a major development project pursuant to Chapter 20.88 WCC.

## 695 20.68.200 Prohibited uses.

696 All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not  
697 limited to the following, which are listed here for purposes of clarity:

698 .201 Reserved.

699 .202 Adult businesses.

700 .203 In the Bellingham Urban Growth Area the following uses are prohibited: petroleum refinery and the primary  
701 manufacturing of products thereof, primary manufacturing and processing of rubber, plastics, chemicals, paper, asbestos and  
702 products derived thereof; and primary metal industries.

703 ~~.204 New Fossil fuel refineries and the primary manufacturing of products thereof [XXX effective date].~~

704  
705 Rationale for Changes (shown with highlighting): On December 12, 2019, the Planning Commission  
706 passed a motion that new fossil fuel refineries should be prohibited, as proposed by Council.  
707 “Fossil fuel refinery” is defined by proposed WCC 20.97.160.4. The “primary manufacturing”  
text is unnecessary. It is also unnecessary to insert the effective date into the code.

708 ~~.205. New Fossil Fuel Transshipment Facilities; provided that, the following uses of facilities are not prohibited: (i) inter-~~  
709 ~~refinery shipments, (ii) transferring petroleum products during emergency scenarios where contingencies require petroleum~~  
710 ~~products to be moved, and (iii) necessary petroleum product transfers during turn-arounds or maintenance periods, including~~  
711 ~~bulk storage or transfer facilities for fossil fuels [XXX effective date].~~

712  
713 Rationale for Changes (shown with highlighting): On August 13, 2020, in  
714 response to the joint Industry/RE Sources proposal, the Planning Commission  
715 approved a motion to modify proposed WCC 20.68.205 as shown above.

716 ~~.206. New piers, docks, or wharves in Cherry Point Industrial District.~~

717  
718 Rationale for Changes (shown with highlighting): Cite the full name of the zoning  
district.

719 Discussion/Notes: Prohibit New Fossil Fuel Refineries. Prohibit Crude Oil and Coal Export  
720 Facilities – made broader to Fossil Fuel transshipment.

721 ~~.207 Coal-fired power plants.~~

722 (Ord. 2018-006 § 3 (Exh. C), 2018; Ord. 2016-011 § 1 (Exh. L), 2016; Ord. 99-078, 1999; Ord. 99-070 § 2, 1999; Ord. 91-  
723 075, 1991).

## 724 20.68.250 Minimum lot size.

725 The minimum lot size shall be consistent with the area required to meet the building setback, lot coverage, buffer and  
726 development standards of the district. (Ord. 97-057 § 1, 1997; Ord. 96-046 § 1, 1996).

**20.68.255 Minimum lot frontage.**

For the purpose of dividing property, minimum lot frontage shall be sufficient to provide adequate access and utility development, and meet applicable building setback, buffer, and development standards of the district. In no case shall the frontage be less than 30 feet. (Ord. 99-045 § 1, 1999).

**20.68.350 Building setbacks.**

Building setbacks shall be administered pursuant to WCC 20.80.200, 20.80.254 and 20.68.550. (Ord. 99-078, 1999).

**20.68.400 Height limitations.**

No maximum height is established; however, when a building exceeds 50 feet, the setback requirements of WCC 20.80.200 shall be increased by one foot for each foot of building height in excess of 50 feet, as applicable to all setbacks.

**20.68.450 Lot coverage.**

The maximum building or structural coverage shall not exceed 60 percent of the lot size.

**20.68.500 Open space.**

*Repealed by Ord. 97-057. (Ord. 96-046, 1996).*

**20.68.550 Buffer area.**

.551 The industrial user shall establish a buffer for building sites adjoining the boundary of the Heavy Impact Industrial District (HII), which shall be located adjacent to the district boundary. The purpose of the buffer is to optimize the visual appearance of the site by obscuring industrial activity from view by passing motorists, to contribute to on-site and off-site impact abatement, and to move towards attaining compatibility with surrounding nonindustrial land uses and character.

.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.

.553 Uses other than heavy industrial will conform to the normal setback requirements as set forth in WCC 20.80.200 and 20.80.254(3) and the buffering requirements for light impact industrial uses WCC 20.66.551.

.554 If any part of said buffer area is separated from, or sold to any contiguous or adjacent owner, lessee or user, the parcel so separated or sold shall be used only as a buffer area in accordance with the above requirements. (Ord. 2019-013 § 1 (Exh. A), 2019; Ord. 2018-006 § 3 (Exh. C), 2018; Ord. 99-078, 1999; Ord. 97-057 § 1, 1997; Ord. 96-046 § 1, 1996; Ord. 89-117, 1989; Ord. 87-12, 1987; Ord. 87-11, 1987).

768 **20.68.600 Sign regulations.**  
 769 Sign regulations shall be administered pursuant to WCC 20.80.400.

770 **20.68.650 Development criteria.**  
 771 (Ord. 96-056 Att. A § A1, 1996).

772 **20.68.651 Landscaping.**  
 773 Refer to WCC 20.80.300 for landscaping requirements. (Ord. 89-117, 1989).

774 **20.68.652 Off-street parking and loading.**  
 775 Off-street parking and loading provisions shall be administered pursuant to WCC 20.80.500. In addition, loading areas must  
 776 be located in such a manner that no loading, unloading and/or maneuvering of trucks associated therewith takes place on  
 777 public rights-of-way.

778 **20.68.653 Drainage.**  
 779 All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No  
 780 project permit shall be issued prior to meeting those requirements. (Ord. 2019-013 § 1 (Exh. A), 2019; Ord. 96-056 Att. A §  
 781 A2, 1996; Ord. 94-022, 1994).

782 **20.68.654 Driveways.**  
 783 Consistent with WCC 20.80.640, driveway plans shall be reviewed by the county engineer or State Department of  
 784 Transportation, as applicable. (Ord. 2013-057 § 1 (Exh. A), 2013; Ord. 84-38, 1984).

785 **20.68.655 Access.**  
 786 Access shall conform to the provisions of WCC 20.80.565 and 20.80.660. (Ord. 89-117, 1989).

787 **20.68.656 Maintenance.**  
 788 The owner, lessee or user shall be responsible for maintaining an orderly appearance of all properties, and shall be  
 789 responsible for assuring the care and maintenance of any natural growth, where appropriate.

790 **20.68.657 Enclosure.**  
 791 All manufacturing or fabrication processes which have the potential to produce off-site impacts of a detrimental nature,  
 792 including light, glare, odors and noise impacts, shall be sufficiently enclosed to mitigate the impacts. (Ord. 99-078, 1999).

793 **20.68.700 Performance standards.**

794 **20.68.701 *Pollution control and nuisance abatement.***  
 795 Each industry is required to continuously employ the best pollution control and nuisance abatement technology when  
 796 reasonably and practicably available for each particular industry; provided, that where federal, state, or regional laws or  
 797 regulations provide for the level of technology to be employed, the appropriate standards shall apply.

798 **20.68.702 *Heat, light and glare.***  
 799 All operations and facilities producing heat, light or glare, including exterior lights, shall be so constructed, screened or used  
 800 as to not unreasonably infringe upon the use and enjoyment of property beyond the boundaries of the district.

801 **20.68.703** *Ground vibration.*

802 No ground vibration other than that caused by highway vehicles, trains or construction activity shall be permitted, which is  
803 discernible without instruments, at or beyond the property line for the use concerned.

804 **20.68.704** *Odors.*

805 No odors, dust, dirt, or smoke shall be emitted that are detectable, at or beyond the property line for the use concerned, in  
806 such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe  
807 upon the use and enjoyment of property beyond the boundaries of the district. (Ord. 91-075, 1991).

808 **20.68.705** *Noise.*

809 No use in this district shall exceed the maximum environmental noise level established by Chapter 173-60 WAC. (Ord. 91-  
810 075, 1991).

811 **20.68.706** *Toxic gases and fumes.*

812 Any release of toxic gases or fumes must be in compliance with Washington State and Northwest Air Pollution Control  
813 Authority standards. (Ord. 91-075, 1991).

814 **20.68.707** *Liquid pollutants.*

815 There shall be no off-site release to soil or surface drainage ways of water borne or liquid pollutants. (Ord. 91-075, 1991).

816 **20.68.708** *Appearance.*

817 New facilities developed in the Bellingham Urban Growth Area shall be designed, constructed, operated, and maintained so  
818 as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and such  
819 uses shall not change the essential character of the same area. (Ord. 2018-006 § 3 (Exh. C), 2018; Ord. 99-078, 1999).

820 **20.68.709** *Marijuana odor.*

821 For indoor facilities no odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a  
822 concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon  
823 the use and enjoyment of neighboring use. The applicant shall install an exhaust system that is designed and constructed to  
824 capture sources of contaminants to prevent spreading of contaminants or odors to other occupied parts of the building or  
825 surrounding area. The system must be designed by a licensed Washington State professional engineer. (Ord. 2015-006 Exh.  
826 A, 2015).

827 **20.68.800. Fossil Fuel or Renewable Fuel Refineries or Transshipment Facilities**

828 This section applies to fossil fuel refineries fossil fuel transshipment facilities, renewable fuel refineries, or renewable fuel  
829 transshipment facilities.

830 **801. Environmental Review and Greenhouse Gas Mitigation**

831 (1) State Environmental Policy Act (SEPA) review shall be conducted consistent with WCC Chapter 16.08. Fossil fuel or  
832 renewable fuel facility capacity expansions or fossil fuel or renewable fuel transshipment facility expansions are subject to  
833 applicable SEPA requirements.

834 **(2) Greenhouse gas emission analysis required:**

835 (a) For the first expansion requiring County land use permits after the date of this ordinance, a baseline calculation of  
836 existing facility emissions of greenhouse gases shall be provided by the applicant addressing the average of the prior  
837 three year throughput. See facility emissions definition in WCC 20.97.124.1 for the scope and geography of the  
838 analysis. Calculation of baseline greenhouse gas emissions shall follow the methodology used for facility

greenhouse gas reports to the State of Washington Department of Ecology, and to the US Environmental Protection Agency Electronic Greenhouse Gas Reporting Tool (e-GGRT), or successor state or federal emissions reporting tool or requirements.

(i) The data used to calculate the current actual throughput average shall be obtained from official government reports from the refinery to federal or state agencies regarding production of the refinery or a particular process unit to be expanded. This information shall be provided by the project applicant and verified by the County at the time of application for any land use or construction permits.

(ii) For crude oil, refinery capacity is based on atmospheric Crude Distillation Capacity (barrels per calendar day), consistent with data collected by the US Energy Information Administration. The zoning administrator may approve another measure of capacity or source that is consistent with (a) and (a)(i). (b) Facility emissions, defined in WCC 20.97.124.1, shall be quantified for each expansion of refining and storage capacity in the application for land use or construction permits and in SEPA documents analyzing the impacts of an expanded facility.

~~(c) The emissions analysis shall identify how mitigation will offset greenhouse gas emissions generated.~~

(d) Calculations of the baseline facility emissions and the projected increases shall be consistent with rules and methods adopted by the State of Washington Department of Ecology and shall include upstream greenhouse gas emission calculations for feedstocks used in the refining process as provided in (e) below.

(e) Emissions generated upstream of the refinery facility for production and transport of raw materials used for refinery expansions shall be quantified using the latest version of the GREET Model developed by Argonne National Laboratories or, for raw materials produced in Canada, the latest version of the GH Genius model developed by Canadian national agencies may be used.

(f) The County may condition the permit to ensure appropriate mitigation consistent with subsection (3) and may require periodic monitoring of greenhouse gas reduction measure effectiveness. Greenhouse gas mitigation proposed by the permit applicant shall be additional, real and quantifiable and shall not be required under any other regulatory mechanism.

(g) Should a national or state greenhouse gas mitigation requirement be adopted that pre-empts or would cause duplication through local greenhouse gas mitigation, the County may defer to the national or state program.

~~(3) Local mitigation of greenhouse gas emissions shall be required, whenever calculated greenhouse gas emissions above the baseline for a 3-year average (per section .801(2)(a)), after the effective date of this section [XXX].~~

(a) The applicant shall identify local carbon offset projects including the type and extent, duration, and expected greenhouse gas reductions, to the satisfaction of the County's SEPA Responsible Official. Greenhouse gas mitigation proposed by the applicant shall be additional, real and quantifiable and shall not be required under any other regulatory mechanism.

(b) The County may, upon request by the Applicant, approve a fee in lieu of providing a local mitigation project. The County shall use collected fees in lieu of mitigation for local greenhouse gas mitigation projects that are additional, real and quantifiable and not required under any other regulatory mechanism. The in-lieu fee shall be set at \$60 per ton of carbon, based on the following document: US Environmental Protection Agency, Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866 (May 2013, Revised August 2016). The fee shall be collected annually for the life of the fossil fuel facility or fossil fuel transshipment facility.

~~(c) Should a national or state greenhouse gas mitigation requirement be adopted that pre-empts or would cause duplication through local greenhouse gas mitigation, the County shall defer to the national or state program.~~

*Discussion/Note: Regarding the fee in lieu, per the US EPA, the Social cost of carbon (SC-  
CO<sub>2</sub>) "is a measure, in dollars, of the long-term damage done by a ton of carbon dioxide  
(CO<sub>2</sub>) emissions in a given year. This dollar figure also represents the value of damages  
avoided for a small emission reduction (i.e., the benefit of a CO<sub>2</sub> reduction)." See:  
<https://19january2017snapshot.epa.gov/climatechange/social-cost-carbon.html>. If the*

County wishes to increase the mitigation fee it may do so by ordinance with an accompanying rationale such as inflation, updated US EPA guidance or other factors.

Rationale for Changes (shown with highlighting): On October 24, 2019, the Planning Commission approved a motion to remove the proposed GHG mitigation requirements from the Zoning Code and keep proposed GHG provisions in SEPA (with further discussion on the SEPA language at a later date). The above changes would delete the proposed GHG provisions from the Zoning Code.

## 20.68.802 Non-Capacity Improvements

(1) Expansions of existing legal fossil fuel refineries, fossil fuel transshipment facilities, renewable fuel refineries, or renewable fuel transshipment facilities for non-capacity purposes are outright permitted uses. Examples of non-capacity improvements include, but are not limited to:

(a) accessory buildings;

(b) office space;

(c) parking lots;

(d) radio communications facilities;

(e) security buildings;

(f) storage buildings, and

(g) other similar structures or activities;

(2) Regular equipment maintenance, replacement, safety upgrades, and environmental improvements are outright permitted uses, but shall mitigate greenhouse gas emissions if required by WCC 20.68.801.

Rationale for Changes (shown with highlighting): Moving permitted uses associated with existing refineries and transshipment facilities from proposed WCC 20.68.802 above to the permitted use section of the Heavy Impact Industrial Zoning District for consistency with other sections of the Code, where additional items have been inserted as permitted uses to address public comments. Additionally, the reference to GHG mitigation provisions in the Zoning Code has been deleted.

## CHAPTER 20.74 CHERRY POINT INDUSTRIAL (CP) DISTRICT

### 20.74.010 Purpose.

The purpose of the Cherry Point Industrial District is to implement the policies of the Cherry Point Major Industrial Urban Growth Area section of the Whatcom County Comprehensive Plan by establishing a range of land uses and types of development appropriate for the Cherry Point UGA and to encourage large scale master planning of industrial sites to preserve sites of sufficient size to accommodate major port and industrial development. (Ord. 98-083 Exh. A § 57, 1998).

### 20.74.020 Applicability.

This chapter is applicable to the entire Cherry Point Major Industrial Urban Growth Area. (Ord. 98-083 Exh. A § 57, 1998).

### 20.74.030 Permitted uses.

(1) Primary permitted uses:

(a) Area south of Grandview: Uses shall include the range of port and large scale industrial uses allowed in the Heavy Impact Industrial District, Chapter 20.68 WCC, as well as large scale high technology businesses.

(b) Area north of Grandview: Uses shall include the range of port and large scale industrial uses allowed in the Light Impact Industrial District, Chapter 20.66 WCC.

(2) Secondary permitted uses shall include smaller scale industrial uses, nonretail commercial uses, and industry-related professional services, provided the secondary use supports or is supported by primary permitted uses in the Cherry Point Industrial Urban Growth Area. (Ord. 98-083 Exh. A § 57, 1998).

### 20.74.040 Accessory uses.

Accessory uses shall be the same as those permitted in the Heavy Impact Industrial District, Chapter 20.68 WCC. (Ord. 98-083 Exh. A § 57, 1998).

### 20.74.050 Conditional uses.

Conditional uses shall be the same as those permitted in the Heavy Impact Industrial District, Chapter 20.68 WCC. (Ord. 98-083 Exh. A § 57, 1998).

### 20.74.055 Prohibited uses.

Prohibited uses shall be the same as those prohibited in the Light Impact Industrial District as applicable (Chapter 20.66), the Heavy Impact Industrial District as applicable, (Chapter 20.68 WCC), and the following:

Rationale for Changes (shown with highlighting): The Cherry Point Industrial District includes both the Heavy Impact Industrial and Light Impact Industrial zone. Therefore, both should be referenced.

(1) New piers, docks, or wharves.

(2) Conversion of Renewable Fuel Refinery or Renewable Fuel Transshipment Facilities to fossil fuel facilities is prohibited, except as allowed under WCC 20.74.115 and WCC 20.68.153.

### 20.74.060 Master site plan requirements.

(1) Development in the Cherry Point Industrial District requires the review and approval of a master site plan, including SEPA review. Acceptable master site plans include site plans and supporting information submitted and approved for applications for a building permit, a short subdivision, a preliminary plat, a binding site plan, a major project permit or a planned unit development.

- 954 (2) The minimum area for a master site plan (planning block) shall be 160 acres, or the entire property under common  
955 ownership if the common ownership is less than 160 acres.
- 956 (3) Each planning block shall include one lot of not less than 40 acres in size to be designated as the site for a port or major  
957 industrial activity; provided, that if the planning block is 40 acres or smaller, the requirement for the major industrial site  
958 shall be waived.
- 959 (4) Within a planning block, one or more parcels smaller than 40 acres may be created for secondary uses.
- 960 (5) Review and approved of a master site plan for a planning block shall be included in the approval of any building permit,  
961 short subdivision, preliminary plat, binding site plan, major project permit or a planned unit development and shall be subject  
962 to the same review and approval standards, including SEPA review, as the plat, binding site plan or permit. Each master site  
963 plan shall identify, as appropriate, the proposed phasing of the development including the construction of public and private  
964 facilities and utilities. The master site plan or supporting documentation as appropriate shall also include any mitigation  
965 required under SEPA and the county critical areas ordinance. (Ord. 98-083 Exh. A § 57, 1998).

#### 966 **20.74.070 Minimum lot size and parcelization.**

967 The minimum lot size in the Cherry Point Industrial District shall be 40 acres; provided, that lots less than 40 acres may be  
968 permitted as follows:

- 969 (1) When the lots are to be located within a development approved as a major project under Chapter 20.88 WCC consistent  
970 with the master site plan requirements in this chapter.
- 971 (2) When the lots are to be located within a development approved as a planned unit development under Chapter 20.85 WCC  
972 consistent with the master site plan requirements of this chapter.
- 973 (3) When the lots are part of a short subdivision, long subdivision or binding site plan approved as consistent with the master  
974 site plan requirements of this chapter.
- 975 (4) When the administrator finds that the lot(s) will be developed with a use(s) that is consistent with the intent of the district  
976 and will not interfere with the development of the primary large uses intended by the Comprehensive Plan.
- 977 (5) When an existing lot of record is less than 40 acres, provided further division is consistent with this section. (Ord. 98-083  
978 Exh. A § 57, 1998).

#### 979 **20.74.080 Design standards.**

980 Unless otherwise modified by this chapter, building height, setbacks, landscaping, open space and other building and site  
981 design standards for areas south of Grandview Road shall be the same as those of the Heavy Impact Industrial District,  
982 Chapter 20.68 WCC; and for the area north of Grandview Road, the same as those of the Light Impact Industrial District,  
983 Chapter 20.66 WCC. (Ord. 98-083 Exh. A § 57, 1998).

#### 984 **20.74.090 Traffic demand management.**

985 RCW 36.70A.365 requires the implementation of traffic demand management (TDM) programs for designating a Major  
986 Industrial Urban Growth Area. Any employer in the Cherry Point Urban Growth Area that employs 100 or more full-time  
987 employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for at least 12  
988 continuous months during the year are required to meet the TDM requirements of Chapter 16.24 WCC.

989 (1) Employers located in Cherry Point who have not implemented a TDM program shall implement a TDM program by  
990 December 1, 2011.

991 (2) Employers in Cherry Point meeting the criteria for having to complete a plan after December 1, 2011, shall meet the  
992 requirements of this section within one year of having met the criteria. (Ord. 2009-071 § 2 (Exh. B), 2009).

#### 993 **20.74.100 Drainage.**

994 All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No  
995 project permit shall be issued prior to meeting those requirements. (Ord. 2019-013 § 1 (Exh. A), 2019).

996 **20.74.110 Change of Use**

997 A change of use occurs when the occupancy of a building or a site use changes from one use to another in whole or in part. A  
998 change of use permit is required to document a change of use, even where no alterations are planned or required by the code.  
999 This shall be processed as a Type I permit in Chapter 22.05 WCC. The new use shall ensure:

1000 (1) Applicable building and construction codes are met per Title 15;

1001 (2) Consistency with the requirements of the CP Industrial District, Chapter 20.74, and base zone; and

1002 (3) Transportation concurrency requirements are met per Chapter 20.78;

1003 Discussion/Notes: Change of Use Provisions. Focus is on consistency with the CP district where this permit  
1004 applies;

1005 Rationale for Changes (shown with highlighting): On January 30, 2020, the Planning  
1006 Commission passed a motion to delete the proposed change of use provisions above.  
1007 Concerns have been expressed relating to the potential conversion of an existing  
1008 refinery/transshipment facility into a crude oil transshipment facility (e.g. see Resolution  
1009 2019-037). The Planning Commission language for proposed WCC 20.68.153 addresses  
1010 this potential situation by requiring a conditional use permit if shipping capacity of  
unrefined fossil fuels were to increase over a certain level.

1011 **20.74.115 Change of Use of Renewable Fuels Facilities.**

1012 A change of use of a Renewable Fuel Refinery or Renewable Fuel Transshipment Facilities to a fossil fuel facility inside the  
1013 boundary of an existing legal fossil fuel refinery requires a conditional use permit subject to WCC 20.68.153. Other changes  
1014 of use from Renewable Fuel Refinery or Renewable Fuel Transshipment Facilities to fossil fuel facilities are prohibited.

1028 CHAPTER 20.88 MAJOR PROJECT PERMITS

1029 20.88.100 Major project permits.

1030 .110 All major developments shall, prior to any construction, obtain a major project permit.

1031 .120 A major project permit will be required for mitigation banks proposed in accordance with the provisions of Chapter  
1032 16.16 WCC and for any proposed development that meets any two of the following conditions:

Cost

(estimated construction cost exclusive \$5,000,000  
of land value)

Size

Retail 75,000 square feet

office or industrial (gross leasable floor space) 200,000 square feet

Residential 300 dwelling units

motel/hotel 200 units

Number of Employees 250

SEPA Review An EIS is required

1033

1034 In addition, the zoning administrator may make an administrative determination after receiving a recommendation from the  
1035 technical review committee that any project be considered a major development, if in the opinion of the administration it is of  
1036 a nature that council review would be appropriate.

1037 .130 Pursuant to WCC 22.05.120 the hearing examiner shall recommend to the county council project approval, approval  
1038 with conditions, or denial, based upon written findings and conclusions supported by the evidence of record. The hearing  
1039 examiner's recommendation and county council's decision shall determine the adequacy of a major project permit application  
1040 based on the following criteria:

1041 (1) Will comply with the development standards and performance standards of the zone in which the proposed major  
1042 development will be located; provided where a proposed major development has obtained a variance from the development  
1043 and performance standards, standards as varied shall be applied to that project for the purposes of this act.

1044 (2) Where the project is conditionally permitted in the zone in which it is located, the project must satisfy the standards for  
1045 the issuance of a conditional use permit for the zone in which the project is located.

1046 ~~(3) Will be consistent with applicable laws and regulations.~~

1047 (3) Prior to commencement of any site preparation or construction activities, W will obtain, if required, a state aquatic lands  
1048 lease, and all other necessary permits consultations and authorizations, including federal determinations that the project will

not interfere with treaty fishing rights of tribal nations, the limits set forth in the “Magnuson Amendment” under 33 U.S.C. § 476(b) (2004), Section 10 of the Rivers and Harbors Act (for structures in or over navigable waters of the U.S.), the Coastal Zone Management Act (including any state Department of Ecology shoreline conditional use or variance approval), the Clean Air Act, and/or under the Clean Water Act, including but not limited to a federal Section 404 authorization (for fill into waters of the U.S.) and a state Section 401 water quality certification, prior to issuance of any site preparation or construction permits necessary to construct a facility authorized under a major project permit.

(4) Will not substantially interfere with the operation of existing uses.

(5) Will be served by, or will be provided with essential utilities, facilities and services necessary to its operation, such as roads, drainage facilities, electricity, water supply, sewage disposal facilities, and police and fire protection. Standards for such utilities, facilities and services shall be those currently accepted by the state of Washington, Whatcom County, or the appropriate agency or division thereof.

(6) Will not impose uncompensated requirements for public expenditures for additional utilities, facilities and services, and will not impose uncompensated costs on other property owned.

(7) Will be appropriately responsive to any EIS prepared for the project.

.140 In addition, the hearing examiner may recommend or county council may impose any reasonable conditions precedent to the establishment of the major development as may be required to mitigate impacts of the proposal on the natural environment of the county, and to protect the health, safety and general welfare of the people of the county consistent with the policies for environmental protection set forth in the Comprehensive Plan. The County decision maker may approve a major project permit with a condition to obtain relevant leases and complete any necessary federal and state permitting requirements, and may restrict the major project permittee from undertaking site preparation or construction activities until it has fulfilled that condition.

.150 The hearing examiner may recommend or county council may also approve alternative mitigation plans for major project permits in accordance with WCC 16.16.260(E) which may be used to satisfy the requirements of Chapter 16.16 WCC and provide relief from the specific standards and requirements thereof.

## 20.88.200 Procedure.

.205 If a major project permit is determined to be required, an application shall be completed and filed along with the appropriate fees, and the application shall be processed in accordance with Chapter 22.05 WCC. A master plan is required as part of the application for a major project permit. The master plan document shall include all elements required per the department’s administrative manual.

.210 Development Standards. The master planmajor project permit may propose standards that will control development of the possible future uses that are in addition to, or substitute for, requirements of this chapter. These may be such things as height limits, setbacks, frontage, landscaping requirements, parking requirements, signage, view corridors or facade treatments. Proposed standards that do not meet the minimum county standards must obtain the appropriate variance prior to county approval of the proposed standards. If the proposed design standards will apply to property located partially or totally within an urban growth area, concurrence of the affected city will be required.

.215 Procedures. Master plan Major project permit review shall be conducted under current review procedures. Other land use reviews may be conducted concurrently with the master plan-major project permit review.

(a) Any modifications, additions or changes to an approved master plan are subject to the following:

(i) Minor changes shall be reviewed for compliance and compatibility with the approved master planmajor project permit.

(1) A determination is made by the director. The director is authorized to consult a technical committee at his/her discretion.

(2) Minor changes are those amendments which may affect the dimensions, location and type of improvements of facilities; provided, the amendment maintains the basic character of the major project permit application approved by the county council including general type and location of dwellings and other land use activities, arrangement of buildings, density of the development, and provisions of the

1095 project to meet density bonus and open space requirements, or capacity limits, and maintains required  
1096 conditions or mitigation.

1097 (ii) Major changes shall be subject to the original procedural application type, subject to the fees as contained in  
1098 the unified fee schedule.

1099 (iii) ~~Master plans~~Major project permits may include, as a condition of their approval, a requirement for periodic  
1100 progress reports and mandatory updates on a predetermined interval.

1101

1102 Rationale for Changes (shown with highlighting): A master plan is one component  
1103 of the major project permit. The procedures above should relate to the entire  
1104 permit (not just one component of the permit).

1105 .220 through .265 *Reserved.*

1106 .270 Where a project requires a major project permit, that project shall be exempt from the requirement of obtaining a  
1107 conditional use permit.

1108 .275 Major project permits: Where an applicant has applied for a planned unit development or a development agreement, that  
1109 project shall be exempt from the requirement to obtain a major project permit except in the Cherry Point Industrial District.

1110 .280 Major project permits in the Cherry Point Industrial District: where a project in the Cherry Point Industrial District  
1111 requires a major project permit, the major project permit shall be concurrently processed with other required land use permits  
1112 including but not limited to: Cherry Point master site plan, conditional use permit, planned unit development, or development  
1113 agreement.

1114 Rationale for Changes (shown with highlighting): The master plan is part of a permit application (not a permit in  
1115 itself). Additionally, when a major project permit is required, it is exempt from the conditional use permit (WCC  
1116 20.88.270 above).

1117

1118

1119

1120

1121

1122

1123

1124

1125

1126

1127

1128

## CHAPTER 20.97 DEFINITIONS

*Discussion/Notes: Definitions added are based on a review of federal (US Energy Information Administration, US Census, Code of the Federal Register, Revised Code of Washington), County Ordinance NO. 2018-007, Resolution 2019-004 and examples addressed in the White Paper.*

### 20.97.052.1 Change of Use

“Change of use” means when a building or occupancy is altered or replaced, for example from manufacturing to office.

Renumber Section 20.97.052.1 Child care facilities to 20.97.052.2 Child care facilities.

### 20.97.124.1 Facility Emissions.

“Facility Emissions” are greenhouse gas emissions associated with fossil fuel or renewable fuel refineries or fossil or renewable fuel transshipment facilities based upon:

(1) the transportation within the borders of Whatcom County of refined and unrefined fossil fuels to and from a facility located within the Cherry Point Heavy Industrial area, and

(2) the refining and processing of fossil fuels located within the Cherry Point Heavy Industrial area, and

(3) the upstream emissions generated by the production and transport of raw products to the facility such as crude oil feedstocks or other fuels used in production or energy generation at facilities.

Rationale for Changes (shown with highlighting): On October 24, 2019, the Planning Commission approved a motion to remove the proposed GHG mitigation requirements from the Zoning Code and keep proposed GHG provisions in SEPA (with further discussion on the SEPA language at a later date). The term “facility emissions” is no longer is used in the Zoning Code. Therefore, this definition has been moved to the County’s SEPA rules, where it would be used.

### 20.97.160.2 Fossil Fuels.

“Fossil fuels” include coal, petroleum, crude oil, natural gas, oil shales, bitumens, tar sands, propane, butane, and heavy oils. All contain carbon and were formed as a result of geologic processes acting on the remains of organic matter. Renewable fuels are not fossil fuels.

Rationale for Changes (shown with highlighting): The U.S. Energy Information Administration defines “Petroleum” as:

A broadly defined class of liquid hydrocarbon mixtures. Included are crude oil, lease condensate, unfinished oils, refined products obtained from the processing of crude oil, and natural gas plant liquids. Note: Volumes of finished petroleum products include non hydrocarbon compounds, such as additives and detergents, after they have been blended into the products.

While crude oil is a type of petroleum, it might be useful to insert it in the definition so the reader can know that without going to another source. This would be consistent with the definition of “Fossil-Fuel Refinery” below, which specifically refers to crude oil.

### 20.97.160.3 Fossil or Renewable Fuel Transshipment Facilities.

"Fossil Fuel Transshipment Facility" is a facility engaging primarily in the process of off-loading of fossil fuel or renewable fuel materials, refined or unrefined, refinery feedstocks, products or by products, from one transportation method (such as a ship, truck, or railcar) facility and loading it onto another transportation method facility for the purposes of transporting the fossil fuel such products into and/or out of Whatcom County. Examples of transportation facilities include ship, truck, or freight car. Fossil fuel transshipment facilities may also include pump and compressor stations and associated facilities. This definition shall include bulk storage or transfer facilities for the shipment of crude oil without refining or consuming within the Cherry Point Industrial District and shall exclude Small Fossil or Renewable Storage and Distribution Facilities.

Rationale for Changes (shown with highlighting): On August 13, 2020, in response to the joint Industry/RE Sources proposal, the Planning Commission approved a motion to modify proposed WCC 20.68.160.3 as shown above. Planning Commission also approved a motion to insert a separate definition of Renewable Fuel Transshipment Facilities (proposed WCC 20.97.350.4 below).

### 20.97.160.4 Fossil-Fuel Refinery.

A "Fossil-Fuel Refinery" means a facility that converts crude oil and other liquids into petroleum products including but not limited to gasoline, distillates such as diesel fuel and heating oil, jet fuel, petrochemical feedstocks, waxes, lubricating oils, and asphalt. Activities that support refineries include but are not limited to: bulk storage, manufacturing, or processing of fossil fuels or by products. This definition excludes Small Fossil or Renewable Storage and Distribution Facilities.

### 20.97.160.5 Fossil-Fuel Refinery Capacity.

"Fossil-Fuel Refinery Capacity" means the extent of refinery production capacity in relation to storage capacity. "Storage Capacity" is defined as total volume of all tanks at a facility and "Refining Production Capacity" is defined as the current actual throughput averaged over the latest three year reporting period prior to the date of a completed application for any necessary County permits obtained from official government reports from the refinery to federal or state agencies regarding production of the refinery or a particular process unit to be expanded.

Rationale for Changes (shown with highlighting): "Fossil-Fuel Refinery Capacity" does not occur in the proposal. "Refinery Capacity" appeared one time (proposed WCC 20.68.801(2)(a)(ii)), but the Planning Commission recommends deleting this section of the proposal. Therefore, a definition is not needed.

### 20.97.163 Greenhouse Gas Emissions

"Greenhouse Gas Emissions" means gases that trap heat in the atmosphere. "Greenhouse gas," "greenhouse gases," "GHG," and "GHGs" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and any other gas or gases designated by the federal clean air act (United States Code Title 42, Chapter 85), or state clean air act (Chapter 70.94 RCW) or state limiting greenhouse gas emissions law (Chapter 70.235 RCW).

Discussion/Notes: See RCW 70.235.010 and RCW 70.94.030 regarding State laws.  
See also <https://www.epa.gov/ghgemissions/overview-greenhouse-gases>.

### 20.97.201 Lifecycle Greenhouse Gas Emissions

"Lifecycle greenhouse gas emissions" means the aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions), related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the

ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

Discussion/Notes: Considers a definition under the Clean Air Act. See:  
<https://www.epa.gov/renewable-fuel-standard-program/lifecycle-analysis-greenhouse-gas-emissions-under-renewable-fuel> and  
<https://www.govinfo.gov/content/pkg/USCODE-2010-title42/html/USCODE-2010-title42-chap85.htm>.

### 20.97.202 Living Wage

“Living wage” means the hourly rate that an individual must earn to support their family, if they are the sole provider and are working full time (2080 hours per year). For the purposes of this definition family includes four individuals.

Discussion/Notes: Based on a definition published by Massachusetts Institute of Technology. See <http://livingwage.mit.edu/counties/53073>. There is a living-wage calculator for each state and each county within. Living wage ordinances vary in their wage rates, and they often set the hourly wage a full-time, year-round worker must earn to bring a family of four out of poverty. See: <http://www.forworkingfamilies.org/resources/policy-tools-living-wage>.

Rationale for Changes (shown with highlighting): On January 30, 2020, the Planning Commission passed a motion to delete the “living wage” job language from the conditional use permit approval criteria (proposed WCC 20.68.153). This term does not appear elsewhere in the proposal.

### 20.97.230 Maximum Atmospheric Crude Distillation Capacity

“Maximum Atmospheric Crude Distillation Capacity” or “MACDC” is the maximum number of barrels of input that the atmospheric distillation unit can process within a 24-hour period when running at maximum capacity. Maximum capacity is defined as the physical constraints of the atmospheric distillation process equipment as determined by a professional engineer licensed in the State of Washington and shall be measured in barrels per day.

NOTE: Renumber existing WCC 20.97.230 (definition of “May”) to WCC 20.97.231.

Rationale for Changes (shown with highlighting): On January 30, 2020, the Planning Commission approved a motion adding the above definition to the Zoning Code (the definition was proposed by industry). This term is used in proposed WCC 20.68.153.

### 20.97.350.1 Renewable Biomass

“Renewable biomass” includes but is not limited to the following:

- (1) Planted crops and crop residue harvested from agricultural land.
- (2) Planted trees and tree residue from a tree plantation.
- (3) Animal waste material and animal byproducts.
- (4) Slash and pre-commercial thinnings.

1236 (5) Organic matter that is available on a renewable or recurring basis.

1237 (6) Algae.

1238 (7) Separated yard waste or food waste, including recycled cooking and trap grease.

1239 (8) Items 1 through 7 including any incidental, de minimis contaminants that are impractical to remove and are related to  
1240 customary feedstock production and transport.

1241 *Discussion/Notes: Adapted from based on federal renewable fuel definition,*  
1242 <https://www.law.cornell.edu/cfr/text/40/80.1401>.

## 1243 20.97.350.2 Renewable Fuel

1244 "Renewable Fuel" means liquid fuels produced from renewable biomass and limited in terms of blending with fossil fuels.  
1245 Common renewable fuels include ethanol and biodiesel:

1246 (1) "E85 motor fuel" means an alternative fuel that is a blend of ethanol and hydrocarbon of which the ethanol portion is  
1247 nominally seventy-five to eighty-five percent denatured fuel ethanol by volume that complies with the most recent version of  
1248 American society of testing and materials specification D 5798.

1249 (2) "Renewable diesel" means a diesel fuel substitute produced from nonpetroleum renewable sources, including vegetable  
1250 oils and animal fats, that meets the registration requirements for fuels and fuel additives established by the federal  
1251 environmental protection agency in 40 Code of Federal Regulations (C.F.R.) Part 79 (2008) and meets the requirements of  
1252 American society of testing and materials specification D 975.

1253 

Rationale for Changes (shown with highlighting): Federal regulations may be amended over time.

  
1254

1255 (3) Renewable fuels shall include those designed to result in a lifecycle greenhouse gas emission reduction of at least 50% or  
1256 more under the Federal Clean Air Act. Renewable fuels shall not include products produced from palm oil or other  
1257 feedstocks that cannot be proven to reduce greenhouse gas emissions utilizing accepted methods of the Washington State  
1258 Department of Ecology or US EPA.

1259 *Discussion/Notes: A basic renewable fuel energy source is biomass. From biomass,*  
1260 *common liquid fuel forms include ethanol and biodiesel. See:*  
1261 [https://www.eia.gov/energyexplained/?page=renewable\\_home](https://www.eia.gov/energyexplained/?page=renewable_home).

1262 Washington State defines renewable diesel and E85 motor fuel in the motor fuel  
1263 quality act (Chapter 19.112 RCW), which are integrated in the definition.

1264 Limiting fossil fuel percentages to 5% is workable for buses and power cars. See  
1265 <http://www.cleanairtrust.org/Differences-Between-E85-and-E95.html>. E85 includes 15-  
1266 25% fossil fuels and is used by flexibly fueled vehicles. See  
1267 <https://www.fueleconomy.gov/feg/flextech.shtml>.

1268 Under the EPA renewable fuel standard, three of four renewable fuel categories must  
1269 meet a 50% or 60% lifecycle greenhouse gas (GHG) reduction. A fourth conventional  
1270 renewable ethanol must meet a 20% lifecycle GHG reduction. See:  
1271 [https://www.epa.gov/renewable-fuel-standard-program/overview-renewable-fuel-](https://www.epa.gov/renewable-fuel-standard-program/overview-renewable-fuel-standard)  
1272 [standard](https://www.epa.gov/renewable-fuel-standard-program/overview-renewable-fuel-standard).

### 20.97.350.3 Renewable Fuel Refinery

A “Renewable Fuel Refinery” means a facility that processes or produces renewable fuels. This definition excludes Small Fossil or Renewable Storage and Distribution Facilities.

### 20.97.350.4 Renewable Fuel Transshipment Facilities.

“Renewable Fuel Transshipment Facility” is a facility engaging primarily in the process of off-loading renewable fuel from one transportation method (such as a ship, truck, or railcar) and loading it onto another transportation method for the purposes of transporting the renewable fuel into and out of Whatcom County. This definition shall include bulk storage or transfer facilities for the shipment of renewable fuels without refining or consuming within the Cherry Point Industrial District and shall exclude Small Renewable Storage and Distribution Facilities.

Rationale for Changes (shown with highlighting): On August 13, 2020, the Planning Commission approved a motion to insert a new definition of Renewable Fuel Transshipment Facilities (it was previously combined with the definition of Fossil Fuel Transshipment Facilities).

### 20.97.425.1 Small Fossil or Renewable Fuel Storage and Distribution Facilities

“Small Fossil or Renewable Fuel Storage and Distribution Facilities” means:

(1) Equipment and buildings used for purposes of direct sale or distribution to consumers of fossil fuels or renewable fuels, or  
(2) Accessory equipment that supplies fossil fuels or renewable fuels to an onsite allowed commercial or industrial operation, and that does not meet the definitions of fossil-fuel refinery, renewable fuel refinery, or fossil or renewable fuel transshipment facilities.

Rationale for Changes (shown with highlighting): Buildings may also be needed at small scale facilities.

### 20.97.434.1 Technical committee.

“Technical committee” or “technical review committee” means the designated representatives of the Whatcom County Planning and Development Services Director, who shall act as chairperson, the Whatcom County Public Works Director, and the Whatcom County Health Department Director.

# Exhibit D

## CHAPTER 22.05 PROJECT PERMIT PROCEDURES

### 22.05.020 Project permit processing table.

(1) Marked boxes in the table below indicate the required general steps for processing all project permit applications or administrative actions. The requirements for each step listed in the top row of the table are provided in WCC 22.05.040 through 22.05.160, as indicated. Specific requirements for each project permit can be found through the references given in the table.

Permit Application Processing Table	WCC Reference for Specific Requirements	Pre-Application Required (see 22.05.040)	Determination of Completeness Required (see 22.05.050)	Notice of Application Required (see 22.05.070)	Site Posting Required (see 22.05.080)	Notice of Open Record Hearing Required (see 22.05.090)	Open Record Hearing Held By: (see 22.05.090)	County Decision Maker (see 2.11.210, 22.05.120)	Appeal Body (see 2.11.210, 22.05.160, 23.60.150(H))
<b>Type I Applications (Administrative Decision with No Public Notice or Hearing)</b>									
Boundary Line Adjustment	21.03							Administrator	Hearing Examiner
Building Permit	15.04	(f)						Administrator	Hearing Examiner (i)
Natural Resource Assessment	Title 16							Administrator	Hearing Examiner
<u>Change of Use, Cherry Point Industrial District</u>	<u>Chapter 20.74</u>							<u>Administrator</u>	<u>Hearing Examiner</u>
Commercial Site Plan Review								Administrator	Hearing Examiner
Exempt Land Division	21.03							Administrator	Hearing Examiner
Floodplain Development Permit	Title 17							Administrator	Hearing Examiner
Land Disturbance Permit	15.04 and 20.80							Administrator	Hearing Examiner
Lot of Record/Lot Consolidation	20.83 and 20.97.220							Administrator	Hearing Examiner
Nonconforming Use	20.83							Administrator	Hearing Examiner
Removal of Development Moratorium	20.80.738(3)								
Shoreline Exemption	23.60	(a)						Administrator	Hearing Examiner
Zoning	22.20							Administrator	Hearing

Permit Application Processing Table	WCC Reference for Specific Requirements	Pre-Application Required (see 22.05.040)	Determination of Completeness Required (see 22.05.050)	Notice of Application Required (see 22.05.070)	Site Posting Required (see 22.05.080)	Notice of Open Record Hearing Required (see 22.05.090)	Open Record Hearing Held By: (see 22.05.090)	County Decision Maker (see 2.11.210, 22.05.120)	Appeal Body (see 2.11.210, 22.05.160, 23.60.150(H))
Interpretation									Examiner
<b>Type II Applications (Administrative Decision with Public Notice; No Public Hearing)</b>									
Administrative Use	20.84.235							Administrator	Hearing Examiner
Lot Consolidation Relief	20.83.070							Administrator	Hearing Examiner
Reasonable Use (b)	16.16							Administrator	Hearing Examiner
Shoreline Substantial (c)	23.60	(a)						Administrator (d)	Shorelines Hearings Board (h)
Shoreline Conditional Use (c)	23.60	(a)						Administrator (d)	Hearing Examiner
Short Subdivision	21.04							Administrator	Hearing Examiner
<b>Type III Applications (Hearing Examiner Decision with Public Notice and Public Hearing)</b>									
Conditional Use	20.84.200						Hearing Examiner	Hearing Examiner	Superior Court
Floodplain Development Variance	Title 17						Hearing Examiner	Hearing Examiner	Superior Court
Long Subdivision	21.05						Hearing Examiner	Hearing Examiner (g)	Superior Court
Binding Site Plan	21.07						Hearing Examiner	Hearing Examiner (g)	Superior Court
Reasonable Use (e)	16.16						Hearing Examiner	Hearing Examiner	Superior Court
Removal of Development Moratorium	20.80.738(2)						Hearing Examiner	Hearing Examiner	Superior Court
Shoreline Conditional Use	23.60	(a)					Hearing Examiner	Hearing Examiner (d)	Shorelines Hearings Board (h)
Shoreline Substantial	23.60	(a)					Hearing Examiner	Hearing Examiner (d)	Shorelines Hearings Board (h)
Shoreline Variance	23.60	(a)					Hearing Examiner	Hearing Examiner (d)	Shorelines Hearings Board (h)
Zoning or Critical	20.84.100 or						Hearing	Hearing	Superior Court

Permit Application Processing Table	WCC Reference for Specific Requirements	Pre-Application Required (see 22.05.040)	Determination of Completeness Required (see 22.05.050)	Notice of Application Required (see 22.05.070)	Site Posting Required (see 22.05.080)	Notice of Open Record Hearing Required (see 22.05.090)	Open Record Hearing Held By: (see 22.05.090)	County Decision Maker (see 2.11.210, 22.05.120)	Appeal Body (see 2.11.210, 22.05.160, 23.60.150(H))
Areas Ordinance Variance	16.16.270						Examiner	Examiner	
<b>Type IV Applications (County Council Decision with Public Notice and Public Hearing)</b>									
Development Agreement	2.11.205						Hearing Examiner	County Council	Superior Court
Major Project Permit	20.88						Hearing Examiner	County Council	Superior Court
Planned Unit Development	20.85						Hearing Examiner	County Council	Superior Court

Check marks indicate a step is required; reference letters refer to the notes in subsection (2) of this section.

*Discussion/Notes: Scrubbing the Existing Code for consistency with new provisions and desired review process.*

Rationale for Changes (shown with highlighting): On January 30, 2020, the Planning Commission passed a motion to delete the proposed change of use provisions of WCC 20.74.110. Therefore, the "Change of Use" permit type is no longer needed.

## 22.05.110 Final decisions – **Type I, II, and III applications.**

(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) **Requirements:**

(i) Performance bonds or other security, acceptable to the prosecuting attorney, may be required to ensure compliance with the conditions, modifications and restrictions.

(ii) **Fossil or Renewable Fuel Refinery or Fossil or Renewable Fuel Transshipment Facilities: The applicant shall provide insurance or other financial assurance acceptable to the prosecuting attorney consistent with Section 22.05.125.**

(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. (Ord. 2019-013 § 1 (Exh. A); Ord. 2018-032 § 1 (Exh. A)).

#### ~~22.05.120 Recommended~~Recommendations and final decisions to county council. Type IV applications

(1) For Type IV applications per WCC 22.05.020 the hearing examiner's recommendations to the county council may be to grant, grant with conditions or deny an application. The hearing examiner's recommendation may include conditions, modifications or restrictions as may be 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.

(2) Each recommended decision of the hearing examiner for an application identified as a Type IV application per WCC 22.05.020 shall be in writing to the clerk of the county council and shall include findings and conclusions based upon the record to support the decision. Such findings and conclusions shall also set forth the manner in which the decision carries out and conforms to the county's comprehensive plan and complies with the applicable statutes, ordinances or regulations.

(3) The deliberation of the county council on quasi-judicial actions shall be in accordance with WCC 22.05.090(4) and Chapter 42.36 RCW.

(4) For planned unit developments and major project permits the following shall apply:

(a) The recommendation of the hearing examiner regarding planned unit developments and major project permits shall be based upon the criteria set forth in WCC 20.85.335 and 20.88.130, respectively.

(b) The hearing examiner shall file the recommendation with the clerk of the county council within 21 calendar days following the conclusion of the open record hearing.

(c) The county council shall conduct the following within the specified time frames, except as provided in subsection (4)(c)(iii) of this section:

(i) Hold a public meeting, not an open record public hearing, to deliberate on the project application within 28 calendar days after receiving the hearing examiner's recommendation.

(ii) Issue a final written decision within 21 calendar days of the public meeting.

(iii) The county council may exceed the time limits in subsection (4)(c)(i) or (ii) of this section if the county council meeting schedule does not accommodate a meeting within the above time frames, or if the county council makes written findings that a specified amount of additional time is needed to process a specific application or project type, per RCW 36.70B.080(1).

(5) The county council's final written decision may include conditions when the project is approved and shall state the findings of fact upon which the decision is based.

(a) Performance bonds or other security, acceptable to the prosecuting attorney, may be required to ensure compliance with the conditions, modifications and restrictions.

(b) Fossil or Renewable Fuel Refinery or Fossil or Renewable Fuel Transshipment Facilities: The applicant shall provide insurance or other financial assurance acceptable to the prosecuting attorney consistent with Section 22.05.125.

(6) Any deliberation or decision of the county council shall be based solely upon consideration of the record established by the hearing examiner, the recommendations of the hearing examiner and the criteria set forth in ~~county code applicable state laws and regulations, county code, the county comprehensive plan if applicable, and the county shoreline management program, including but not limited to compliance with SEPA, WAC 197-11 (SEPA Rules) as adopted and modified in the county code, and the county's adopted SEPA policies.~~ (Ord. 2018-032 § 1 (Exh. A)).

Rationale for Changes (shown with highlighting): Other parts of the proposal require that state permits be obtained. However, that is different than the County Council or hearing examiner evaluating criteria in state laws and regulations. It's the applicable state agency's job to evaluate state criteria, determine if those criteria are met, and then issue the permit. A copy of that permit can then be submitted to the County.

## 22.05.125 Proof of insurance for hazards created in the County

Permit applicant to provide proof of insurance naming Whatcom County as additional insured for any of the following that require a conditional use permit or major project permit:

(1) Expansion of existing fossil fuel refinery or existing fossil fuel transshipment facility;

(2) Expansion of or new renewable fuel refinery or renewable fuel transshipment facility.

Rationale for Changes (shown with highlighting): On November 14, 2019 and June 25, 2020, the Planning Commission approved motions inserting the insurance language above. The Planning Commission recommended deleting the insurance language below from the original Council proposal.

~~At the time of Type I, II, III, or IV applications addressing production capacity or storage tank increases at fossil fuel refineries, fossil fuel transshipment facilities, renewable fuel refineries, or renewable fuel transshipment facilities (Facilities), the applicant shall provide proof of insurance or other financial security acceptable to the prosecuting attorney, which may include a parent company corporate guarantee to cover loss or damages to the County and to County residents from any fire, explosion, spill or other sudden incident from operations of the Facility or from transport of materials, goods, products or waste within the boundaries of Whatcom County. This requirement shall also be met for Type I changes in use from fossil fuel refineries or transshipment facilities to renewable fuel refineries or transshipment facilities. The required policies and any parent company corporate guarantee shall contain the following Coverage Terms:~~

~~(1) Insureds: The Primary Named Insured shall include the Permitted Entity(ies). The County shall be included as additional Insured and shall be provided complete copies of applicable insurance policies and endorsements.~~

~~(2) Insuring Agreements: Insurance shall pay on behalf of the Insured for loss from third party bodily injury, property damage or environmental remediation and restoration expenses resulting from sudden pollution conditions commencing on or after the Permit effective date, either:~~

~~(a) emanating from and beyond the boundaries of a Permitted Facility, or~~

~~(b) arising from materials or waste during transportation to or from a Permitted Facility.~~

~~(3) Policy Limits: Policy limits shall be no less than \$100 million for each Loss / total for all Losses. The required limits may be revised periodically by the County based on factors including inflation adjustments and Permit or Facility specific risks.~~

~~Discussion/Note: Minimum insurance amounts could be increased, but at levels above \$50 million to \$100 million may not be available in the insurance market. We suggest taking out the \$100 million liability limit and substituting language that determines the liability limit as each permit is reviewed and made part of a development agreement. Other forms of financial assurance instruments could be allowed such as a letter of credit a parent company corporate guarantee or other financial assurance acceptable to the County Prosecutor as a substitute for commercial insurance. We have included code language to~~

~~that effect in this draft. The County could also indicate that the amount of financial assurance is to be determined at the point of an approval decision for a facility expansion rather than specifying an amount here.~~

~~(4) Policy Deductibles: If the Policy has a deductible, the Insurer shall be liable for the payment of amounts within any deductible or self insured retention amount applicable to the policy, with a right of reimbursement by the Insured for any such payment made by the Insurer. If the Policy has a self insured retention (SIR) amount, the Primary Named Insured shall declare how it intends to provide a financial assurance to the County for such SIR amount, where acceptable forms of financial assurance are letters of credit and certificates of deposit.~~

~~(5) Term and Cancellation Notice:~~

~~(a) Insurance shall be carried for the lifetime of the Permitted Facility.~~

~~(b) Cancellation of the insurance, whether by the Insurer, the Insured, or other entity having an insurable interest in and obtaining insurance on behalf of the owner or operator of the Permitted Facility, will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the County as evidenced by the return receipt.~~

~~(6) Bankruptcy: Bankruptcy or insolvency of the Insured shall not relieve the Insurer of its obligations under the policy.~~

~~(7) Choice of Law and Forum: The Policy shall not specify that the laws of a state other than the State of Washington apply in the event of any dispute regarding the validity or formation of the Policy or the meaning, interpretation or operation of any term, condition, definition or provision of the Policy. Policies may remain silent on choice of law and forum.~~

~~(8) Insurance Company Financial Strength— Minimum Rating: The Insurer shall meet or exceed a Financial Strength Rating from A.M. Best of “A” (Excellent) with a minimum Financial Size Category of XIV and a “Stable” or stronger Outlook, or the equivalent from another major financial rating agency.~~

~~(9) Definitions: For the purposes of this section, terms are defined as follows:~~

~~(a) Permitted Facility: Permitted Facility means a location identified in the applicable County Permit, including any fixed conveyances and terminal distribution systems, as well as pump and compressor stations and related facilities.~~

~~(b) Loss shall include:~~

~~(i) monetary awards or settlements of compensatory damages; and~~

~~(ii) where allowable by law, punitive, exemplary, or multiple damages; and~~

~~(iii) civil fines, penalties, or assessments.~~

~~(c) Pollution conditions shall include discharge, dispersal, release or escape, including by fire or explosion, of any solid, liquid, gaseous or thermal irritant or contaminant, including, but not limited to, petroleum hydrocarbons, smoke, vapors, soot, fumes, acids, alkalis, or other chemicals.~~

~~(d) Sudden pollution conditions may be defined by reasonable time limits for discovery and reporting to the insurer.~~

~~(e) Transportation means movement by any vehicle or mode of transit including but not limited to automobile, truck, or watercraft, as well as and is inclusive of loading, temporary placement during transit prior to final delivery, or unloading, of materials goods, products or waste, either:~~

~~(i) intended for delivery to a Permitted Facility, or~~

~~(ii) being sent from a Permitted Facility.~~

August 14, 2020  
Whatcom County Council  
311 Grand Avenue, Suite 105  
Bellingham, WA 98225

## Cherry Point Amendments – Planning Commission Minority Opinion

### County Council Members

I want to first thank the community, staff and commission members for the work that has been put into improving the Comprehensive Plan Amendments. I believe we came a long way in compromise from what was originally proposed and what effected industry sees as workable regulations. That said, I still cannot support the amendments. Changes in our county regulations and land use policy should show obvious benefit to our community. And while the intentions of environmental improvement and job security at Cherry Point are good, these amendments by their nature will have the opposite effect.

The proposed amendments to the Comprehensive Plan are a substantial shift from historical priorities on land use and will undoubtedly have impacts on the current and future health of our county. These impacts deserve thorough review.

**Environmental:** Global greenhouse gas emissions are not reduced by limiting local production of fossil fuels. Unchanged demand will likely shift production to facilities with lower efficiency and environmental standards, increasing global emissions. GHG reduction can only be accomplished through a reduction in consumption of fossil fuels. If the goal of these amendments is to reduce GHG emissions, a full environmental review to quantify these benefits should be expected.

**Economic:** Planning goals stated by the Growth Management Act require both environmental protection as well as economic development – specifically to promote the retention and expansion of existing businesses. Regulatory burden and uncertainty of permit approval increases risk when evaluating investment prospects and threatens the long-term sustainability of existing industry. Projects offering economic opportunity to our county will likely pass without us ever knowing, including renewable fuel developments.

**Legality:** The current amendments guarantee legal challenge, costing taxpayers while taking time and resources away from staff.

#### Areas of concern include:

- Violation of the Takings Clause – 5<sup>th</sup> Amendment US Constitution – WA State Constitution
- Equal Protections Clause – US Constitution – WA State Constitution
- Due Process – Pertaining to property rights – US Constitution – WA State Constitution
- Commerce Clause – US Constitution
- Gives inappropriate authority to the county, attempting to enforce State and Federal Laws
- Conflicts with our own Planning Goals as required by the GMA

I strongly recommend the County Council postpone the passage of the Cherry Point Comprehensive Plan and Code Amendments until a sufficient Environmental Impact Study, Economic Impact Study, and Legal Liability Review have been evaluated.

These actions will come at a cost to our community while the benefit is unknown. Encouraging these industries to thrive locally, under their already strict environmental standards, is best not only for our county's economy but for the global environment.



Jon Maberry



SEPA Distribution List  
SEP2019-00083  
Date of Re-Issuance: July 28, 2020

Please review this determination. If you have further comments, questions or would like a copy of the SEPA checklist, phone the responsible official at (360) 778-5900. Please submit your response by the comment date noted on the attached notice of determination.

WA State Department of Archaeology and Historic Preservation via email -  
Gretchen Kaehler, [gretchen.kaehler@dahp.wa.gov](mailto:gretchen.kaehler@dahp.wa.gov)

SEPA Unit, WA State Department of Ecology, Olympia via email -  
[sepaunit@ecy.wa.gov](mailto:sepaunit@ecy.wa.gov)

WA State Department of Fish and Wildlife via email -  
Joel Ingram, [joel.ingram@dfw.wa.gov](mailto:joel.ingram@dfw.wa.gov)

WA State Department of Natural Resources via email -  
Rochelle Goss, [sepacenter@dnr.wa.gov](mailto:sepacenter@dnr.wa.gov)  
Brenda Werden, [Brenda.werden@dnr.wa.gov](mailto:Brenda.werden@dnr.wa.gov)

SEPA Unit, WA State Department of Transportation, Burlington via email -  
Roland Storme, [stormer@wsdot.wa.gov](mailto:stormer@wsdot.wa.gov)  
Ray McEwan, [mcewanr@wsdot.wa.gov](mailto:mcewanr@wsdot.wa.gov)

Randel Perry, US Army Corps of Engineers via email -  
[Randel.J.Perry@usace.army.mil](mailto:Randel.J.Perry@usace.army.mil)

City of Blaine  
Michael Jones, AICP via email - [mjones@cityofblaine.com](mailto:mjones@cityofblaine.com)

City of Bellingham  
Kurt Nabbeffeld via email - [knabbefeld@cob.org](mailto:knabbefeld@cob.org)  
Brent Baldwin via email - [bbaldwin@cob.org](mailto:bbaldwin@cob.org)  
Clare Fogelsong via email - [cfogelsong@cob.org](mailto:cfogelsong@cob.org)

City of Ferndale  
Jori Burnett via email - [joriburnett@cityofferndale.org](mailto:joriburnett@cityofferndale.org)

Lummi Nation Natural Resources  
Merle Jefferson, Sr. via email - [merlej@lummi-nsn.gov](mailto:merlej@lummi-nsn.gov)  
Tamela Smart via email - [tamelas@lummi-nsn.gov](mailto:tamelas@lummi-nsn.gov)

Nooksack Indian Tribe

George Swanaset, JR via email - [george.swanasetjr@nooksack-nsn.gov](mailto:george.swanasetjr@nooksack-nsn.gov)

Trevor Delgado via email - [tdelgado@nooksack-nsn.gov](mailto:tdelgado@nooksack-nsn.gov)

Suquamish Indian Tribe via email -

[aleigh@suquamish.nsn.us](mailto:aleigh@suquamish.nsn.us)

Swinomish Indian Tribal Community via email -

[bcladoosby@swinomish.nsn.us](mailto:bcladoosby@swinomish.nsn.us)

Tulalip Tribe via email -

[tbrewer@tulaliptribes-nsn.gov](mailto:tbrewer@tulaliptribes-nsn.gov)

Whatcom County PUD No. 1 via email -

[stevej@pudwhatcom.org](mailto:stevej@pudwhatcom.org)

Birch Bay Water & Sewer District via email -

[dan@bbwsd.com](mailto:dan@bbwsd.com)

Point Roberts via email – All Points Bulletin [editor@allpointbulletin.com](mailto:editor@allpointbulletin.com)

Whatcom County Council via email - [council@whatcomcounty.us](mailto:council@whatcomcounty.us)

Foster Pepper

Richard Settle via email - [Richard.settle@foster.com](mailto:Richard.settle@foster.com)

Stoel Rives LLP

Patrick Mullaney via email- [patrick.mullaney@stoel.com](mailto:patrick.mullaney@stoel.com)

Arnold & Porter

Peggy Otum via email – [Peggy.Otum@arnoldporter.com](mailto:Peggy.Otum@arnoldporter.com)

Petrogas West, LLC

Amanda Lund via email – [LundA@LanePowell.com](mailto:LundA@LanePowell.com)

Phillips 66

Tim Johnson via email – [Tim.d.johnson@p66.com](mailto:Tim.d.johnson@p66.com)

WSPA

Holli Johnson via email - [hjohnson@wsipa.org](mailto:hjohnson@wsipa.org)

BP Cherry Point

Pam Brady via email - [Pamela.Brady@bp.com](mailto:Pamela.Brady@bp.com)

**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

## SEPA Determination of Nonsignificance (DNS)

**File:** SEP2019-00083

**Project Description:** A proposed non-project action to amend the County's development regulations, State Environmental Policy Act (SEPA) provisions, permit review procedures and Comprehensive Plan relating to fossil fuel facilities, renewable fuel facilities, transshipment fuel facilities and other similar land use activities. The proposal is intended to address the risks to public health, safety, and the environment associated with fossil fuel facilities. The proposal is also intended to address the negative impacts on public safety, transportation, the economy, and environment from crude oil, coal, liquefied petroleum gases, and natural gas transshipments from the Cherry Point Industrial District.

The scope of environmental review includes two proposals: Whatcom County Resolution #: 2019-037 which incorporates recommendations from the Cascadia Law Group's February 23, 2018 report to the Whatcom County Council and the Planning Commission's draft amendments. A copy of Whatcom County Resolution #: 2019-037 and the Planning Commission's draft recommendations can be found on the Whatcom County website at [www.whatcomcounty.us/2914/Public-Notice](http://www.whatcomcounty.us/2914/Public-Notice).

**Proponent:** Whatcom County Council – Contact: Cathy B. Halka, AICP

**Address and Parcel #:** Cherry Point Urban Growth Area

**Lead Agency:** Whatcom County Planning & Development Services

**Zoning:** HII/LII **Comp Plan:** Major/Port Industrial UGA

**Shoreline Jurisdiction:** Cherry Point Management Area

The lead agency for this proposal has determined that with proper mitigation, no significant adverse environmental impacts are likely. Pursuant to RCW 43.21C.030(2)(c), an environmental impact statement (EIS) is not required. This decision was made following review of a completed SEPA environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☐ There is no comment period for this DNS.

☒ Pursuant to WAC 197-11-340(2), the lead agency will not act on this proposal for 14 days from the date of issuance indicated below. Comments must be received by 4:00 p.m. on August 11, 2020 and should be sent to: Matt Aamot, [maamot@whatcomcounty.us](mailto:maamot@whatcomcounty.us).

**Responsible Official:** Mark Personius, [mpersoni@whatcomcounty.us](mailto:mpersoni@whatcomcounty.us)

**Title:** Director

**Telephone:** 360-778-5900

**Address:** 5280 Northwest Drive  
Bellingham, WA 98226

**Date of Issuance:** July 28, 2020

**Signature:** \_\_\_\_\_

A handwritten signature in black ink, appearing to be "M Personius", written over a horizontal line.

An aggrieved agency or person may appeal this determination to the Whatcom County Hearing Examiner. Application for appeal must be filed on a form provided by and submitted

to the Whatcom County Current Planning Division located at 5280 Northwest Drive, Bellingham, WA 98226, during the ten days following the comment period, concluding August 21, 2019.

You should be prepared to make a specific factual objection. Contact Whatcom County Current Planning Division for information about the procedures for SEPA appeals.



SEPA Determination of Nonsignificance (DNS)  
Legal Notice

To be published one time only on: **July 28, 2020**

CHARGE TO: Whatcom County Planning & Development Services  
5280 Northwest Drive  
Bellingham, Washington 98226  
**Acct #451232**

---

**WHATCOM COUNTY GIVES PUBLIC NOTICE THAT THE FOLLOWING SEPA  
THRESHOLD DETERMINATION OF NON-SIGNIFICANCE (DNS) HAS BEEN  
ISSUED TODAY SUBJECT TO THE 14 DAY COMMENT PERIOD  
CONCLUDING ON, AUGUST 11, 2020.**

**File:** SEP2019-00083

**Project Description:** A proposed non-project action to amend the County's development regulations, State Environmental Policy Act (SEPA) provisions, permit review procedures and Comprehensive Plan relating to fossil fuel facilities, renewable fuel facilities, transshipment fuel facilities and other similar land use activities. The proposal is intended to address the risks to public health, safety, and the environment associated with fossil fuel facilities. The proposal is also intended to address the negative impacts on public safety, transportation, the economy, and environment from crude oil, coal, liquefied petroleum gases, and natural gas transshipments from the Cherry Point Industrial District.

The scope of environmental review includes two proposals: Whatcom County Resolution #: 2019-037 which incorporates recommendations from the Cascadia Law Group's February 23, 2018 report to the Whatcom County Council and the Planning Commission's draft amendments. A copy of Whatcom County Resolution #: 2019-037 and the Planning Commission's draft recommendations can be found on the Whatcom County website at [www.whatcomcounty.us/2914/Public-Notice](http://www.whatcomcounty.us/2914/Public-Notice).

**Proponent:** Whatcom County Council- Contact: Cathy B. Halka, AICP

**Address and Parcel #:** Cherry Point Urban Growth Area

**Lead Agency:** Whatcom County Planning & Development Services

**Zoning:** HII/LII      **Comp Plan:** Major/Port Industrial UGA  
**Shoreline Jurisdiction:** Cherry Point Management Area

**ANY PERSON OR AGENCY MAY APPEAL THE COUNTY'S COMPLIANCE WITH WAC 197-11 BY FILING AN APPEAL WITH THE WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES LOCATED AT 5280 NORTHWEST DRIVE, BELLINGHAM, WA 98226. APPEALS MUST BE MADE WITHIN 10 DAYS AFTER THE END OF THE COMMENT PERIOD.**

**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

**REVISED**  
**07/17/2020**

SEP 2019 - 00083

## SEPA Environmental Checklist

### Purpose of Checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### Use of Checklist for Non-Project Proposals:

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the Supplemental Sheet for Non-project Actions (Part C). Please completely answer all questions that apply and note that the words "project", "applicant", and "property or site" should be read as "proposal", "proponent" and "affected geographic area", respectively. The lead agency may exclude (for non-projects) questions in Part B – Environmental Elements that do not contribute meaningfully to the analysis of the proposal.

## A Background

- 1 Name of proposed project, if applicable:  
Cherry Point UGA Comprehensive Plan and Zoning Code Amendments
- 2 Name of applicant: Whatcom County Council  
Applicant phone number: 360-778-5010  
Applicant address: 311 Grand Avenue, Suite 105  
City, State, Zip or Postal Code: Bellingham, WA 98225  
Applicant Email address: council@co.whatcom.wa.us
- 3 Contact name: Cathy B. Halka, AICP  
Contact phone number: 360-778-5010  
Contact address: 311 Grand Avenue, Suite 150  
City, State, Zip or Postal Code: Bellingham, WA 98225  
Contact Email address: chalka@co.whatcom.wa.us
- 4 Date checklist prepared: August 20, 2019 Updated July 17, 2020
- 5 Agency requesting checklist: Whatcom County
- 6 Proposed timing or schedule (including phasing, if applicable):  
Recommendations by the Planning Commission to the County Council are expected in Summer 2020 and final County Council action is expected in Fall 2020.
- 7 Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? Yes ☐ No ☒  
If yes, explain:
- 8 List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:  
The environmental documents listed in the attached 'Cherry Point Amendments SEPA Checklist - Supporting Documents Incorporated by Reference' are relevant to this proposal and are hereby incorporated by reference.
- 9 Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? Yes ☐ No ☒  
If yes, explain.

- 10 List any government approvals or permits that will be needed for your proposal, if known.

The Whatcom County Council and Whatcom County Planning Commission, following an extensive public review process, are considering a range of alternative amendments to the Comprehensive Plan and County development regulations related to the Cherry Point Industrial area and other areas of the County. Recommendations by the Planning Commission to the County Council are expected in Summer 2020 and final County Council action is expected in Fall 2020. A summary of the range of proposed amendments is described in Section 11 below. Adoption of an ordinance by the Whatcom County Council is required for approval of the amendments.

- 11 Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

See additional information attached.

- 12 Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed amendments cover all areas in Whatcom County, including the Heavy Impact Industrial and Light Impact Industrial Districts, with primary effect on the Cherry Point Industrial District. New SEPA provisions apply county-wide. Responses pertaining to questions pertaining the nature of the site will focus on the Cherry Point Industrial District.

## B Environmental Elements

### 1 Earth

a. General description of the site:

- ☒ Flat
- ☒ Rolling
- ☒ Hilly
- ☒ Steep Slopes
- ☐ Mountainous
- ☐ Other

b. What is the steepest slope on the site (approximate percent slope)?

Vertical bluffs along the coastline, 3-8% slopes in other areas

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

There are various soil types throughout the Cherry Point UGA including silt loam, silt clay loam, loess and volcanic ash, and glaciomarine drift.

d. Are there surface indications or history of unstable soils in the immediate vicinity? Yes ☒ No ☐

If so, describe.

There are naturally eroding bluffs along the coastal shore.

e. Describe the purpose, type, total area, approximate quantities and total affected area of any filling excavation or grading proposed.

N/A: non-project

Indicate source of fill.

N/A: non-project

Indicate where excavation material is going.

N/A: non-project

- f. Could erosion occur as a result of clearing, construction, or use?

Yes ☐ No ☒

If so, generally describe.

N/A: non-project

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

N/A: non-project

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

N/A: non-project

## 2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation and maintenance when the project is completed (i.e., dust, automobile, odors, or industrial wood smoke)?

N/A: non-project

If any, generally describe and give approximate quantities if known.

N/A: non-project

- b. Are there any off-site sources of emissions or odor that may affect your proposal? Yes ☐ No ☒

If so, generally describe.

N/A: non-project

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

See additional information attached.

### 3. Water

#### a. Surface:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? Yes ☒ No ☐

If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The Cherry Point UGA abuts the Strait of Georgia to the west and to the east is Lake Terrell. Wetlands are scattered throughout the Cherry Point area.

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? Yes ☐ No ☒

If yes, please describe and attach available plans.

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. N/A: non-project

Indicate the source of fill material.

N/A: non-project

- (4) Will the proposal require surface water withdrawals or diversions? Yes ☐ No ☒

N/A: non-project

Give general description, purpose, and approximate quantities if known.

N/A: non-project

Does the proposal lie within a 100-year floodplain?

Yes ☐ No ☒

If so, note location on the site plan.

- (5) Does the proposal involve any discharges of waste materials to surface waters?

Yes ☐ No ☒

If so, describe the type of waste and anticipated volume of discharge

N/A: non-project

b. Ground Water:

- (1) Will ground water be withdrawn from a well for drinking water or other purposes? Yes ☐ No ☒

If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

N/A: non-project

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals.....; agricultural; etc.). Describe the general size of the system, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

N/A: non-project

c. Water runoff (including stormwater):

- (1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known).

N/A: non-project

Where will this water flow? N/A: non-project

Will this water flow into other waters? Yes ☐ No ☐

If so, describe.

(2) Could waste materials enter ground or surface waters?

Yes ☐ No ☒

If so, generally describe.

N/A: non-project

(3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site: Yes ☐ No ☒

If so, describe.

N/A: non-project

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

N/A: non-project

#### 4 Plants

a. Check types of vegetation found on the site:

- ☒ Deciduous tree: alder, maple, aspen, other
- ☒ Evergreen tree: fir, cedar, pine, other
- ☒ Shrubs
- ☒ Grass
- ☒ Pasture
- ☐ Crop or grain
- ☐ Orchards, vineyards or other permanent crops
- ☒ Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☒ Water plants: water lily, eelgrass, milfoil, other
- ☒ Other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

N/A: non-project

- c. List threatened or endangered species known to be on or near the site.

Southern Resident Killer Whale and bocaccio rockfish, canary and yelloweye rockfish, Chinook salmon, marbled murrelet, and steelhead trout

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

N/A: non-project

- e. List all noxious weeds and invasive species known to be on or near the site.

N/A: non-project

## 5. Animals

- a. Check any birds and animals, which have been observed on or near the site or are known to be on or near the site:

### Birds:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Hawk,            | <input checked="" type="checkbox"/> Heron, |
| <input checked="" type="checkbox"/> Eagle,           | <input type="checkbox"/> Songbirds;        |
| <input checked="" type="checkbox"/> Other: see below |  |

### Mammals:

- |  |                                  |
|--|----------------------------------|
| <input checked="" type="checkbox"/> Deer,  | <input type="checkbox"/> Bear,   |
| <input type="checkbox"/> Elk,              | <input type="checkbox"/> Beaver; |
| <input checked="" type="checkbox"/> Other: |                                  |

### Fish:

- |  |  |
|--|--|
| <input type="checkbox"/> Bass,                 | <input checked="" type="checkbox"/> Salmon,          |
| <input checked="" type="checkbox"/> Trout,     | <input checked="" type="checkbox"/> Herring,         |
| <input checked="" type="checkbox"/> Shellfish; | <input checked="" type="checkbox"/> Other: see below |

- b. List any threatened or endangered species known to be on or near the site.

The Cherry Point Environmental Aquatic Reserve Management Plans (2010, 2017) identify endangered species including the Southern Resident Killer Whale and bocaccio rockfish. Canary and yelloweye rockfish are listed as threatened, as well as Chinook salmon, marbled murrelet, and steelhead trout.

- c. Is the site part of a migration route? Yes ☒ No ☐

If so, explain.

The Cherry Point UGA is a migration point for the marbled murrelet, surf scoter, and other birds. It is also a migration route for killer whales.

- d. Proposed measures to preserve or enhance wildlife, if any:

See additional information attached.

- e. List any invasive species known to be on or near site.

The Cherry Point Environmental Aquatic Reserve Management Plans (2010, 2017) identify nonnative species such as the European Green Crab (*Carcinus maenas*) and brown algae (*Sargassum*)

## 6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

See additional information attached.

- b. Would your project affect the potential use of solar energy by adjacent properties?

Yes ☐ No ☒

If so, generally describe.

N/A: non-project

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

See additional information attached.

## 7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal?

Yes ☒ No ☐

If so, describe.

See additional information attached.

- (1) Describe any known or possible contamination at the site from present or past uses.

Legacy sources of contamination from historic, unregulated industrial waste exist on uplands adjacent to the Cherry Point Aquatic Reserve (CPAR). Birch Bay Sewage treatment Plant discharges into the Reserve.

- (2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

N/A: non-project

- (3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the projects development or construction, or at any time during the operating life of the project.

N/A: non-project

- (4) Describe special emergency services that might be required.

N/A: non-project

- (5) Proposed measure to reduce or control environmental health hazards, if any:

N/A: non-project

b. Noise

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

N/A: non-project

- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

N/A: non-project

- (3) Proposed measures to reduce or control noise impacts, if any:

N/A: non-project

## 8 Land and Shoreline Use

### a. What is the current use of the site and adjacent properties?

Heavy impact industrial and light impact industrial uses in the Major/Port Industrial UGA

Will the proposal affect current land uses on nearby or adjacent properties? Yes ☒ No ☐

If so, describe.

One intention of the new code is to be consistent with the CPAR Management Plan and to protect marine resources that are currently threatened or endangered.

### b. Has the project site been used as working farmlands or working forest lands? Yes ☒ No ☐

If so, describe.

Current users maintain small areas of forests and farmlands.

How much agriculture or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any?

N/A: non-project

If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?

N/A: non-project

### (1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling and harvesting? Yes ☐ No ☒

If so, how:

### c. Describe any structures on the site.

Major developments with many structures related to power generation, fuel refining, tank storage, and aluminum smelting, all with rail and port access (3 piers). In addition there are structures that serve as storage and distribution facilities for bulk shipments of LPG by railcar, tank truck, pipeline, and ship. DNR's CPAR restricts additional leases for piers and the new code is consistent with this.

- d. Will any structures be demolished? Yes ☐ No ☒  
If so, what?
- e. What is the current zoning classification of the site?  
Heavy Impact Industrial, Light Impact Industrial
- f. What is the current comprehensive plan designation of the site?  
Major Port, Industrial UGA
- g. If applicable, what is the current shoreline master program designation of the site?  
Cherry Point Management Area
- h. Has any part of the site been classified as a critical area by the city or county? Yes ☒ No ☐
- i. If so, specify.  
The area includes geological hazards, low/moderate aquifer susceptibility, deciduous forest, wetlands, and wildlife habitat conservation areas.
- j. Approximately how many people would reside or work in the completed project?  
N/A: non-project
- k. Approximately how many people would the completed project displace?N/  
A: non-project
- l. Proposed measures to avoid or reduce displacement impacts, if any:  
N/A: non-project
- m. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:  
See additional information attached.
- n. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any?  
Conditional Use Permit and Major Project Permit processes require compatibility with nearby existing uses.

## 9 Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

<input type="checkbox"/>	High	Number of Units	0
<input type="checkbox"/>	Middle		
<input type="checkbox"/>	Low-income		

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

<input type="checkbox"/>	High	Number of Units	0
<input type="checkbox"/>	Middle		
<input type="checkbox"/>	Low-income		

- c. Proposed measures to reduce or control housing impacts, if any:

N/A: non-project

## 10 Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

There is no maximum height established in the heavy or light industrial zone, and current height regulations will not change with the new proposal.

- b. What views in the immediate vicinity would be altered or obstructed?

N/A: non-project

- c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A: non-project

## 11 Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A: non-project

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A: non-project

- c. What existing off-site sources of light or glare may affect your proposal?

N/A: non-project

- d. Proposed measures to reduce or control light and glare impacts, if any:

N/A: non-project

## 12 Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

To the north is Birch Bay State Park, Pt. Whitehorn Marine Reserve, Terrell Creek Heron Rookery. To the east is Lake Terrell State Game Refuge and Hovander Park. To the west is the Strait of Georgia

- b. Would the proposed project displace any existing recreational uses? If so, describe.

N/A: non-project

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

N/A: non-project

## 13 Historic and Cultural Preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state or local preservation registers located on or near the site? Yes ☐ No ☒  
If so, specifically describe.

- b. Are there any landmarks, features, or other evidence of Indian, historic use or occupation, this may include human burials or old cemeteries?

Yes ☒ No ☐

Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Yes ☒ No ☐

Please list any professional studies conducted at the site to identify such resources.

The Cherry Point UGA is near Lummi Reservation and tribal lands. There are treaty fishing rights in the waters off Cherry Point, and the Corps of Eng. reported on the impacts of more piers, vessels- see Docs Incorporated by Ref, #4. This proposal is a non-project action and future archaeological review and study will occur for future project actions at the time of application.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples: Include consultation with tribes and the Department of Archeology and Historic Preservation, archaeological surveys, historic maps, GIS data, etc.

N/A: non-project

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

The new regulations would prohibit new piers in the district to minimize impacts and establish consistency with DNR CPAR regulations.

#### 14 Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plan, if any.

The Cherry Point UGA is on the coast, accessed from the east via Mountain View Road, Slater Road, and Grandview Road. Additional access is from Blaine Road, Kickerville Road, and Lake Terrell Road.

- b. Is site or geographic area currently served by public transit?

Yes ☐ No ☒

If not, what is the approximate distance to the nearest transit stop?

Approximately 4 miles to the Whatcom Transit Authority bus stop on Mountain View Road for Route 27.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

N/A: non-project

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? Yes ☐ No ☒

If so, generally describe (indicate whether public or private).

- e. Will the project use (or occur in the immediate vicinity of)

- ☒ Water,  
☒ Rail, or  
☐ Air transportation?  
If so, generally describe.

The Cherry Point UGA has rail and water access.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

N/A: non-project

- g. Proposed measures to reduce or control transportation impacts, if any:

See additional information attached.

## 15 Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)?

Yes ☐ No ☒

If so, generally describe.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

The conditional use permit provisions and additional SEPA policies are intended to provide for project proposals and mitigation to address public facilities adequacy.

## 16 Utilities

- a. Check utilities currently available at the site:

- ☒ Electricity,  
☒ Water,  
☒ Telephone,  
☒ Septic system,

- ☒ Natural gas,  
☒ Refuse service,  
☒ Sanitary sewer,  
☐ Other

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

N/A: non-project

### Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:   
Cathy B. Halka, AICP

Date Submitted: August 29, 2019 **Resubmitted July 17, 2020**

---

### FOR OFFICE USE ONLY

Reviewed by Whatcom County Planning & Development Services Staff

  
Staff Signature

07/21/2020  
Date

## C Supplemental Sheet for Non-project Actions

*(It is not necessary to use this sheet for project actions)*

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1 How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

[See additional information attached.](#)

Proposed measures to avoid or reduce such increases are:

[Reporting of emissions and mitigation above the baseline established at the time of permit is required. Local carbon offsets would be required or a fee in lieu of mitigation would be required which the County would use to provide local greenhouse gas mitigation projects.](#)

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

[See additional information attached.](#)

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

[In SEPA rules, analysis and mitigation of impacts to priority habitats and species and high biodiversity areas is required. Critical area and shoreline regulations would also apply.](#)

3. How would the proposal be likely to deplete energy or natural resources?

[See additional information attached.](#)

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Both proposals would prohibit new "fossil fuel" refineries and transshipment facilities, and new docks/piers and require conditional use/major project permits for expansions of existing "fossil fuel" facilities, thereby limiting impacts on environmentally sensitive areas and creating consistency with DNR's CPAR Management Plan.

Proposed measures to protect such resources or to avoid or reduce impacts are:

In addition to the measures stated above, applicants would be required to demonstrate consistency with federal and state laws and permit requirements, such as consistency with the CPAR Management Plan, federal review of consistency with treaty rights, etc. before any site modifications or construction could occur.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Both proposals would affect land and shoreline use by prohibiting new "fossil fuel" refineries and transshipment facilities, requiring conditional use/major project permits for expansions of existing "fossil fuel" facilities, and prohibiting new docks/piers. It would not allow or encourage uses incompatible with existing plans.

Proposed measures to avoid or reduce shoreline and land use impacts are:

See above.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal would not increase such demands.

Proposed measures to reduce or respond to such demand(s) are:

The intent of the new regulations is to more completely assess projects to ensure they meet the compatibility criteria of the conditional use and major projects permit provisions including providing mitigation for transportation/public service impacts. In addition, insurance/financial assurance provisions offer protection from any disruption to public services as a result of a hazard created by facility operation or transport of materials.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Applicants would be required to demonstrate consistency with federal and state laws and permit requirements aimed at protection of the environment.

## ADDITIONAL INFORMATION, INCORPORATED BY REFERENCE

---

(See Page 3 of 20 - SEPA Environmental Checklist)

### A. Background

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. *There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.* (Lead agencies may modify this form to include additional specific information on project description.)

The Planning Commission and County Council have been considering a range of possible options to protect county residents and the environment from the impacts of refineries and other fossil fuel facilities in the Cherry Point Heavy Industrial District and other areas of the County. The alternatives have included options from a report to the Council prepared by Cascadia Law Group dated February 23, 2018 (attached by reference to this checklist), draft amendments considered by the County Council between June and August, 2019 forwarded to the Planning Commission by the County Council under Resolution 2019-037, comments received from the public, amendments to the County Council draft considered by the Planning Commission, and recommendations from Whatcom County Planning and Development Services.

**1. Major elements of the proposals forwarded by the County Council to the Planning Commission under Resolution 2019-037 included the following:**

- **Comprehensive Plan amendments** that add language acknowledging that existing refineries provide significant employment and have produced and shipped fossil fuels for decades; adds language “to act conservatively on land use matters at Cherry Point to prevent further harm to habitat important to Cherry Point Herring stocks and Southern Resident Killer Whales”; adds new language directing the use of adopted SEPA policies to limit the negative impacts on public safety, transportation, the economy and environment from new fossil fuel facilities; amends policy 2CC-17 to provide that existing facilities may have limited expansions consistent with policies 2CC-3 and 2CC-11; adds a new policy 2CC-18 to treat renewable fuel facilities in a similar fashion to fossil fuel facilities; and amends policy 2WW-4 to add language regarding marine terminals at Cherry Point to provide consistency with the State Department of Natural Resource’s Cherry Point Aquatic Reserve Management Plan.
- **Land use code amendments** contained in draft under Resolution 2019-037 include the following major provisions: explicitly retains outright permitted use status for existing refineries at WCC Section 20.68.050; explicitly retains permitted use status for non-capacity increasing maintenance and safety purposes and limited accessory uses such as but not limited to office expansions and environmental improvements at WCC 20.68.802; requires a conditional use permit for capacity expansions of

existing refineries and fossil fuel transshipment facilities at WCC Sections 20.68.150 and 20.68.800; establishes criteria for conditional use permits for expansions of existing refineries and fossil fuel transshipment facilities including those at WCC 20.84.220; requires documentation of the anticipate sources, types and volumes of substances to be transferred in bulk at the facility, requires mitigation of transportation impacts consistent with WCC Chapters 20.78 and 16.24; requires mitigation of impacts to services including fire and emergency response capabilities and water supply and fire flow; demonstrated consistency with applicable state and federal requirements prior to site preparation or construction; greenhouse gas mitigation for permitted expansions if required by WCC 20.68.801 (only if there is a gap in mitigation under state, federal or regional regulations and processes); a demonstration that the proposal will retain living wage jobs or contribute to the Whatcom County economy; prohibits new fossil fuel refineries and transshipment facilities and associated piers, docks and wharves and coal-fired power plants in the Cherry Point Heavy Industrial District at WCC 20.68.204 through 206; at WCC 20.68.801, requires analysis of greenhouse gas emissions above baseline emissions for refinery or fuel transshipment facilities using state of the art models; local mitigation of greenhouse gas emissions is required only where mitigation has not been required under other regulatory mechanisms at the state, federal or regional level WCC 20.68.801(3)(C); provide that non-capacity maintenance, safety and environmental improvements to existing refineries and transshipment facilities are specifically identified as outright permitted uses at WCC 20.68.802 with examples not limited to accessory buildings, office space, parking lots, communications facilities, security buildings, storage buildings and other similar structures or activities; requires greenhouse gas mitigation for accessory improvements if required under the provisions of WCC 20.68.801; establishes a new “change of use” provision at WCC 20.74.110 to ensure that zoning and building code and transportation concurrency requirements are met; establishes a new provision at WCC 20.74.115 requiring a conditional use permit be obtained for conversion of renewable fuels facilities within the boundaries of an existing legal fossil fuel refinery and prohibits other changes of use of renewable fuel refineries and transshipment facilities to fossil fuel facilities; establishes new Major Project Permit provisions at WCC 20.88.100 requiring facilities to obtain all necessary federal and state authorizations for projects prior to issuance of site preparation or construction permits authorized under Major Project Permit procedures; establishes definitions for certain terms at WCC Chapter 20.97; at WCC 22.05.120, establishes new provisions specifying that performance bonds and other security to ensure compliance with the conditions, modifications and restrictions may be required in forms acceptable to the County Prosecuting Attorney; establishes at WCC 22.05.120 that decisions of the County Council on Type IV applications be based on the record established by the hearing examiner and be consistent with the County Code and other applicable regulations; and establishes an insurance requirement for all refinery and fuel transshipment facility expansions at WCC 22.05.125.

- **New State Environmental Policy Act provisions and procedures** are established in WCC Chapter 16.08 which include the following: at WCC 16.08.090, establishes a new “Worksheet for Fossil and Renewable Fuel Facilities” be provided to evaluate air and climate impacts of fossil and renewable fuel facility applications to supplement the required SEPA Checklist pursuant to WAC 197-11-906(1)(c); at WCC 16.08.160E, adds provisions allowing the county to defer to other state, federal and regional agencies for SEPA mitigation unless there is an unanticipated gap making such mitigation inadequate; at WCC 16.08.160F1, establishes new air quality and climate SEPA policies recognizing the impacts of climate change and air pollution and requiring analysis of greenhouse gas emissions and providing authority for mitigation of projects pursuant to the provisions contained in SEPA; at WCC 16.08.160F2, establishes new SEPA policies related to plants and animals and stating the County’s policy to minimize or prevent loss of fish and wildlife habitat that have substantial ecological, educational and economic value and recognizing the importance of consistency with federal and state laws regarding water quality, endangered species act requirements and tribal treaty rights.

## 2. **Major Elements of Planning Commission Draft:**

- **Recommendations from the Planning Commission regarding proposed Comprehensive Plan Amendments** include amended language in Policy 2CC-17 that reflect the Planning Commission’s desire that greenhouse gas analysis and mitigation requirements reside in the SEPA process rather than in the land use code and to amend the policy to “Allow existing operations or maintenance of existing fossil-fuel related facilities operating as of 2020”; addition of a new Comprehensive Plan Policy 2CC-18 that states that the intent of the County is to allow the on-going operation, maintenance and repair of existing facilities, modifications designed to comply with adoption and implementation of new product standards and fuel standards, operational safety and site safety improvements environmental improvements, and regulatory compliance projects; and replacement of Policy 2CC-18 from the County Council draft to reflect the intention of the Planning Commission that renewable fuel refineries and transshipment facilities be outright permitted uses rather than conditional uses.
- **Planning Commission Recommendations for Modifications to land use code provisions proposed by the County Council in Resolution 2019-037 include:** recommend removing language at WCC 20.66.204 referring to existing refineries as none exist in the Light Impact Industrial Zone; remove language at WCC 20.66.054(3) and replace with expanded permitted use provisions at WCC 20.68.068 to reflect public comments to make it clearer what types of accessory uses, maintenance, environmental improvements, safety improvements and other uses may be modified without requiring conditional use approval; recommend adding renewable fuel refineries and renewable fuel transshipment facilities to the permitted use list at WCC 20.68.070; recommend adding language at WCC 20.68.071 providing that expansions of existing renewable fuel refineries and renewable fuel transshipment

facilities should be treated as permitted uses not requiring conditional use permit approval; recommend modifications at WCC 20.68.153 to conditional use permit requirements for expansion of existing fossil fuel refineries and transshipment facilities to set a threshold for requiring a conditional use permit only for cumulative expansions increasing distillation capacity or transshipment capacity by 10,000 barrels (or 420,000 gallons) per day or increases fossil fuel tank storage capacity by more than 200,000 barrels (or 8,400,000 gallons) for the transshipment of fossil fuels outside of Whatcom County without value added processing; recommendation at WCC 20.68.153 that the baseline for determining the cumulative increases triggering a conditional use permit requirement be reset if a conditional use permit has been obtained; recommend removal of language in the conditional use permit criteria contained at WCC 20.68.153(3) that the “sources” of raw materials be identified; recommend that the conditional use permit criteria at WCC 20.68.153(7) be removed as the Commission considered the criteria at 20.68.153(9) as adequate to address federal and state permitting requirements; recommend removing the criteria at WCC 20.68.153(11) to demonstrate retention or creation of living wage jobs; recommend removing provisions at WCC 20.68.159 requiring a conditional use permit for new renewable fuel refineries or transshipment facilities; recommend at WCC 20.68.204 that language regarding “primary manufacturing of products thereof” be removed as fossil fuel refineries are a defined term at WCC 20.97.160.4 and the language is deemed unnecessary; recommend that the zoning code revisions at WCC 20.68.800 regarding quantification and mitigation of greenhouse gases be removed and that greenhouse gas review and mitigation be conducted as part of the SEPA analysis for projects instead; recommend removing the provisions at WCC 20.68.802 as those provisions have been recommended to be contained in the permitted use section of the Heavy Impact Industrial Zoning District for consistency with other sections of the Code and to reflect public comments; recommend adding language at WCC 20.74.055 to reflect that prohibited uses in the Cherry Point Industrial District should be consistent with both the provisions of the Light Industrial District and the Heavy Industrial District; recommend removal of “change of use” provisions at WCC 20.74.110 from the County Council draft; recommend modifications to language proposed at WCC 20.88.210 and 215 to refer “major project permit” rather than “master plan” to reflect that the provisions of those sections should apply to the entire permit rather than to just the master plan; recommend removal of the definition of “Facility Emissions” from WCC 20.97.124.1 as the Planning Commission has recommended the greenhouse gas provisions be moved to the SEPA requirements and the term would no longer be used in the Zoning Code; recommend expanding the proposed definition of “Fossil Fuels” at WCC 20.97.160.2 to include “crude oil” to be clearer and consistent with other sections of the amendments; recommend adding “or Renewable” to WCC 20.97.160.3 to be consistent with the title of the section; recommends that the definition of “Fossil Fuel Refinery Capacity” at WCC 20.97.160.4 be removed as unnecessary; recommends deleting the definition of “Living Wage” from the definitions at WCC 20.97.202 to be consistent with their recommendation that living

wage job retention and creation be removed from conditional use criteria; recommend adding a new definition of “Maximum Atmospheric Crude Distillation Capacity” at WCC 20.97.230 to be consistent with the Commission’s recommendation at WCC 20.68.153; recommends that the definition of “Renewable diesel” be modified to exclude the date of the applicable federal regulation in recognition of the fact that federal regulations may be revised over time; at WCC 20.97.425.1, recommend that the definition of “Small Fossil or Renewable Fuel Storage and Distribution Facilities” include “buildings” in addition to equipment; and recommend that WCC 22.05.125 be simplified to merely require permit applicants provide proof of insurance naming Whatcom County as an additional insured

- **Planning Commission Recommendations for Modifications to State Environmental Policy Act provisions** include the following: changes to the language in the SEPA environmental checklist requirements at WCC 16.08.090 to reflect the process for development of the required supplemental SEPA worksheet for evaluating greenhouse gas emissions for fossil and renewable fuel facilities to include a commitment that the SEPA Responsible Official will consult with the Planning Commission when preparing or updating the worksheet; amendments to the language at WCC 16.08.160E to more closely align with language in the state SEPA Rules regarding consultation with and deferral to other agencies’ SEPA mitigation decisions; language changes at WCC 16.08.160F to reflect that the Washington Department of Ecology has jurisdiction over PSD permits and to change “criteria pollutants” to just “air pollutants”; changes to the language in WCC 16.08.160F(1)(b) to reflect the Planning Commission’s desire to place requirements for greenhouse gas analysis in the SEPA provisions and remove them from land use code requirements;

---

*(See Page 5 of 20 - SEPA Environmental Checklist)*

## ***B. Environmental Elements***

### ***2 Air.***

#### ***c. Proposed measures to reduce or control emissions or other impacts to air, if any:***

One intent of the code revisions is to ensure that greenhouse gas and air emissions have been mitigated through state, federal or regional greenhouse gas mitigation regulations of other agencies such as the Department of Ecology or the Northwest Clean Air Agency or by Whatcom County. These federal, state, and regional agencies currently have jurisdiction to regulate air emissions through permitting programs and other authorities granted under the Washington Clean Air Act at RCW 70.94. The County Council draft of the regulations includes both SEPA policies and Zoning Code provisions to backstop the authorities of state, federal and regional air regulations but provides for deference to those agencies where they have provided comprehensive mitigation. The Planning Commission draft recommendations are to take the greenhouse gas quantification and mitigation provisions from the Council draft out of the Zoning Code and rely on the SEPA review provisions. Both express the intent that the County should defer to other agencies with expertise where emissions have been effectively regulated

and mitigated. However, the new provisions both provide mitigation authority for the County should there be a significant gap in the regulation and mitigation at the other levels of government.

Some commenters have suggested that the effect of the new regulations on existing refineries would create greenhouse gas emissions through “leakage”. That is, they speculate that if the regulations prevent the current refineries and associated transshipment facilities from meeting demand for fuels that the fuels would be produced elsewhere by refineries that are not as modern or efficient as the existing Cherry Point refineries. This is highly speculative and is not the intent of the County with the proposed regulations. The proposed regulations explicitly recognize the existing refineries as outright permitted uses and provide for expansions to occur through a conditional use permit review and approval process. In addition, both the County Council draft and Planning Commission recommendations include provisions allowing outright permitted use status for safety, routine maintenance and other accessory improvements to continue. The Planning Commission recommendation includes a threshold for expansions of both existing refinery and transshipment facilities while the County Council draft merely requires a discretionary approval with mitigation prior to facility expansions beyond safety, routine maintenance and other accessory improvements. The creation of “leakage” emissions is not a probable consequence of the proposed action and is a remote and speculative consequence given that existing refineries continue as outright permitted uses, are allowed to do maintenance and safety and accessory improvements and may expand in the future either under the threshold proposed by the Planning Commission or if they meet proposed conditional use approval criteria.

---

*(See Page 10 of 20 - SEPA Environmental Checklist)*

## ***B. Environmental Elements***

### **5. Animals**

#### **d. Proposed measures to preserve or enhance wildlife, if any:**

The revised code and SEPA proposals contain provisions to be consistent with the Washington State Department of Natural Resources’ Cherry Point Aquatic Reserve Management Plan. The State Department of Natural Resources has also, by Order of the State Lands Commissioner, prohibited issuance of aquatic land leases for any new docks or piers outside of the footprint of existing structures. The new plan and code provisions therefore provide that new docks and piers in the Cherry Point Heavy Industrial District are prohibited uses. The revisions also require that state and federal regulatory requirements be met prior to issuance of site clearing or construction permit issuance. This is to ensure that project applicants demonstrate that they have received federal and state authorizations for consistency with federal and state permitting requirements. These include evaluations by those agencies regarding Endangered Species Act for listed species in the vicinity of Cherry Point, consistency with enforceable treaty fishing rights, the Magnuson Amendment regarding transport of fossil fuel shipments in Puget Sound and other regulatory requirements. Additional SEPA policies and code provisions regarding

protection of habitat and species should ensure environmental protection of animals is addressed for future land use activities authorized once the amendments are adopted.

---

*(See Page 10 of 20 - SEPA Environmental Checklist)*

***B. Environmental Elements***

**6. Energy and Natural Resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

While this is a non-project action, the new provisions are directed, at least in part, at the existing and future of fuel production and transshipment from the Cherry Point Heavy Industrial Area. The revisions are intended to allow the existing fossil fuel refining and transshipment facilities to continue as outright permitted uses and to allow expansions of those facilities to occur through obtaining conditional use permit review and SEPA review. There are also a number of provisions allowing safety, maintenance and accessory uses to continue for existing facilities as outright permitted uses. The County Council and Planning Commission have considered a range of alternative approaches to the new regulations including the alternatives discussed in the attached report from Cascadia Law Group and have considered a range of comments on alternative treatments under the land use code received in public comments.

The County Council draft allows existing refinery and transshipment operations to continue as outright permitted uses but require conditional use permit review and approval for expansions beyond pre-existing production levels. The Planning Commission draft recommends an alternative under which the existing facilities would remain outright permitted uses and development would be allowed under a threshold for increases in maximum atmospheric distillation capacity of fossil fuels by more than 10,000 barrels per day (or 420,000 gallons per day). A new provision is also recommended by the Planning Commission to allow increases in tank capacity of by less than 200,000 barrels (8,400,000 gallons) without value added processing to be permitted outright where the County Council draft would require conditional use permit approval for all tank capacity expansions. Coal fired power plants are also now proposed to be a prohibited use as are additional piers and docks to be consistent with recent decisions of the Washington Department of Natural Resources to prohibit additional aquatic land leases in the Cherry Point Aquatic Reserve.

The County Council draft proposes that new renewable fuel refineries and transshipment facilities obtain a conditional use permit while the Planning Commission recommends that such facilities be outright permitted uses at Cherry Point. While both would allow new renewable fuel facilities to be established, the County Council draft would require discretionary review of new facilities under the County's conditional use permit processes. Under the existing Zoning Code, a Major Project Permit is required for either a permitted use or conditional use, if the criteria of WCC 20.88.120 are met (neither alternative would change this). Both alternatives

would continue to receive reviews under SEPA as specific project proposals come before the county for permit review.

Under the most stringent of the alternatives, there are no probable significant adverse effects on energy supplies as the existing refineries are allowed to continue as outright permitted uses and may continue to expand with a discretionary review under the county's conditional use permit process. Renewable fuel facilities would be allowed as outright permitted uses under the Planning Commission recommendation but would also be allowed through the conditional use permit process under the County Council's draft proposal. Quantification and mitigation of greenhouse gas impacts from specific energy production projects may be required under SEPA review under either the Planning Commission or County Council drafts when mitigation is not accomplished under federal, state or regional reviews by entities such as the Washington Department of Ecology or the Northwest Clean Air Agency. The County Council draft would require quantification and mitigation of greenhouse gases under the zoning code provisions as well as SEPA provisions.

---

*(See Page 10 of 20 - SEPA Environmental Checklist)*

#### ***B. Environmental Elements***

##### **6. Energy and Natural Resources**

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

New zoning code provisions in the Council proposal require mitigation of greenhouse gas impacts from facilities that could be allowed through the conditional use/major project permit processes. The Planning Commission draft recommends removing the greenhouse gas quantification and mitigation provisions from the zoning code and rely on the SEPA review provisions. Both express the intent that the County should defer to other agencies with expertise where emissions have been effectively regulated and mitigated. However, the new provisions both provide mitigation authority for the County should there be a significant gap in the regulation and mitigation at the other levels of government.

---

*(See Page 10 of 20 - SEPA Environmental Checklist)*

***B. Environmental Elements***

**7. Environmental Health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe:

A principal intention of the County Council's proposed revisions is to protect human and environmental health by quantifying and evaluating the impacts of expansions of existing fossil fuel refining and transshipment facilities and prohibiting the establishment of entirely new fossil fuel refining and transshipment facilities. New fossil fuel refining and transshipment facilities create the potential for air and climate pollution, risks of fire, explosion and hazardous substance releases and the County Council has determined under its police power that the County has taken its fair share of the risks of such facilities. The Council proposal allows the existing facilities to expand with appropriate conditional use review and environmental mitigation. The lifecycle greenhouse gas emissions of these facilities and the products shipped to, processed and shipped out of the facilities are a significant component of the State of Washington and Whatcom County's greenhouse gas emissions. Emissions from transportation produce between 40 and 50 percent of the total greenhouse gas emissions in the state's inventory and the existing facilities are two of the four largest refineries in the state. The land use code and SEPA provisions in the proposal require the quantification and mitigation of the impacts of facility expansions but allow the facilities to continue as outright permitted uses and expand under a discretionary review process under the County Council option. The County Council has expressed its intention in the whereas clauses of Resolution 2019-037 that existing facilities be allowed to continue and prosper but that expansions of those facilities be required to demonstrate that the impacts have been quantified and addressed by state, federal or regional regulations. And if that can't be demonstrated, that the impacts be mitigated through the gap filling provisions of SEPA and the land use code. It is anticipated that for most facility expansions the existing federal state and regional regulations will be adequate. The County Council has also expressed through the Resolution that the county has accepted its fair share of fossil fuel refineries and fossil fuel transshipment facilities and that no completely new facilities be permitted at Cherry Point. In addition, the Council has proposed that no new coal fired power plants be established at Cherry Point. The County Council is exercising its police powers to protect human and environmental health by limiting the impacts on the County to those from existing facilities and to make sure that expansions of the existing facilities and permitting processes for establishment of new renewable fuel facilities demonstrate compatibility and mitigation of impacts through the discretionary processes available under SEPA and the conditional use permit review process. As discussed above, the Planning Commission recommendations would establish thresholds for expansion of existing fossil fuel refining facilities under which no conditional use permit would be required.

---

*(See Page 13 of 20 - SEPA Environmental Checklist)*

*B. Environmental Elements*

8. Land and Shoreline Use

I. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

New code provisions will require conditional use/major project permits for expansions of refinery capacity and storage. Permit review will address compatibility and impacts, and consistency with plans. In contrast to the Council proposal, the Planning Commission proposal allows for the expansion of existing renewable fuel refineries and renewable fuel transshipment facilities and new renewable fuel refineries and renewable fuel transshipment facilities as permitted uses not requiring conditional use permit approval, except that new piers, docks, or wharves are prohibited in the Cherry Point Industrial District (see proposed WCC 20.68.070).

---

*(See Page 17 of 20 - SEPA Environmental Checklist)*

*B. Environmental Elements*

14. Transportation

g. Proposed measures to reduce or control transportation impacts, if any:

The proposed code amendments require consideration of transportation impacts and mitigation when individual projects are proposed. SEPA review and mitigation of specific project transportation impacts may be required and financial assurance (e.g. insurance) would be required under the new land use code provisions. The new provisions will also limit potential impacts from marine transportation on Cherry Point herring stocks, endangered salmon species and the Southern Resident Orca by prohibiting additional docks and piers to be consistent with the State Department of Natural Resources Cherry Point Aquatic Reserve Management Plan and recent decisions to prohibit further aquatic lands leases for such facilities.

---

*(See Page 19 of 20 - SEPA Environmental Checklist)*

*C. Supplemental Sheet for Non-Project Actions*

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise.

The Council's proposed zoning code amendments require reporting of emissions and mitigation above the baseline established at the time of permit. Local carbon offsets would be required or a fee in lieu of mitigation would be required which the County would use to provide local greenhouse gas mitigation projects. The County Council draft of the regulations includes both

SEPA policies and zoning code provisions to backstop the authorities of state, federal and regional air regulations but provides for deference to those agencies where they have provided comprehensive mitigation. The Planning Commission draft recommends removing the greenhouse gas quantification and mitigation provisions from the zoning code and rely on the SEPA review provisions. Both express the intent that the County should defer to other agencies with expertise where emissions have been effectively regulated and mitigated. However, the new provisions both provide mitigation authority for the County should there be a significant gap in the regulation and mitigation at the other levels of government.

---

*(See Page 19 of 20 - SEPA Environmental Checklist)*

*C. Supplemental Sheet for Non-Project Actions*

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed amendments would prohibit new fossil fuel refineries, new docks and piers and coal fired power plants within the Cherry Point Heavy Industrial Zone. This would eliminate the potential impacts on plants, animals, fish and marine life from such facilities. The amendments may also require the quantification and mitigation of air, climate and other impacts under SEPA and establish new substantive policies and procedures for ensuring impacts have been quantified for expansions of existing facilities. The proposal also includes language requiring a review of consistency with federal, state and regional permitting requirements to ensure that environmental impacts have been addressed under those processes. Additional SEPA policies are added to ensure that gaps in mitigation are filled if County officials determine that is necessary during individual project permitting reviews.

---

*(See Page 19 of 20 - SEPA Environmental Checklist)*

*C. Supplemental Sheet for Non-Project Actions*

3. How would the proposal be likely to deplete energy or natural resources?

The proposed amendments would allow existing refineries to continue in operation and therefore there would be some continuing depletion of crude oil resources worldwide. Because the proposed amendments would allow both existing refineries to continue in operation and to expand under conditional use or Major Project Permit discretionary reviews it is not expected there would be any reduction in the ability to meet regional fuel production demands.

## Cherry Point Amendments SEPA Checklist – Supporting Documents Incorporated by Reference

1. Commissioner’s Order Dated 1/3/2017 Regarding Cherry Point Aquatic Reserve -  
[https://www.dnr.wa.gov/publications/aqr\\_resv\\_cp\\_cplorder\\_201701.pdf?cn6va](https://www.dnr.wa.gov/publications/aqr_resv_cp_cplorder_201701.pdf?cn6va)
2. Cherry Point Aquatic Reserve Map -  
[https://www.dnr.wa.gov/sites/default/files/publications/aqr\\_resv\\_cp\\_ownership\\_map\\_20161205.pdf?cn6va](https://www.dnr.wa.gov/sites/default/files/publications/aqr_resv_cp_ownership_map_20161205.pdf?cn6va)
3. DNR’s Cherry Point Environmental Aquatic Reserve Management Plan -  
[https://www.dnr.wa.gov/publications/aqr\\_resv\\_cp\\_mgmtplan\\_amend\\_201702.pdf?cn6va](https://www.dnr.wa.gov/publications/aqr_resv_cp_mgmtplan_amend_201702.pdf?cn6va)
4. U.S. Army Corps of Engineers Memorandum For Record dated May 9, 2016 finding more than a de minimis impact on treaty fishing rights for Gateway Pacific Terminal -  
<http://www.nws.usace.army.mil/Portals/27/docs/regulatory/NewsUpdates/160509MFRUADeMinimisDetermination.pdf>
5. Northwest Sea Farms v. U.S. Army Corps of Engineers, 931 F. Supp 1515 (W.D. Wash. 1996), holding that more than a de minimis impact on treaty fishing rights precludes issuance of a Corps permit.  
[https://scholar.google.com/scholar\\_case?case=14211548503198922436&q=Northwest+Seafarms+v.+U.S.+Army+Corps+of+Engineers&hl=en&as\\_sdt=6,48&as\\_vis=1](https://scholar.google.com/scholar_case?case=14211548503198922436&q=Northwest+Seafarms+v.+U.S.+Army+Corps+of+Engineers&hl=en&as_sdt=6,48&as_vis=1)
6. 2015 Ecology Vessel Traffic Risk Assessment;  
<https://fortress.wa.gov/ecy/publications/documents/1708009.pdf>
7. February 12, 2018 Cascadia Law Group Report to the County Council:  
<http://www.co.whatcom.wa.us/DocumentCenter/View/32762/ab2018-076?bidId=>
8. County Council Draft Amendments Referred to the County Planning Commission under Resolution 2019-037:  
<http://documents.whatcomcounty.us/weblink8/0/doc/4451795/Page1.aspx?searchid=d1af0c6d-d6bf-42fa-be07-fcc87960b08d>
9. Planning Commission’s Final Recommendations for Amendments to County Council Dated July 10, 2020:
  - Exhibit A: <https://www.whatcomcounty.us/DocumentCenter/View/48821/12a-Exhibit-A-Comp-Plan-Amendments---July-10-2020>
  - Exhibits B – D: <https://www.whatcomcounty.us/DocumentCenter/View/48822/12b-Exhibits-B---D-Code---Amendments---July-10-2020>

Proposed Cherry Point Amendments  
Requested Clarifications and Other Items from Councilmembers  
Updated 9.22.2020

From 9.15.2020

Definition of inter-refinery  
Clarification on what triggers CUP requirements

From Councilmember Donovan

Additional findings of fact  
Additional discussion regarding change of use  
Differential treatment of renewal and non-renewal fuels  
Discussion/revision of greenhouse gas mitigation language  
Inter-refinery matter related to transshipment exemption

**16.08.090**

Line 16

Retain consultation with "Climate Impacts Advisory Group and its members".

Add "with final approval of county council"

**Green House Gas & SEPA**

Retain Green House language but have it sunset once equivalent language is provided for in State law

**16.08.160**

Line 164

Delete "that create specific adverse environmental" as this could be interpreted as saying that only the portion of GHG emissions produced in Whatcom – that has remains to have a "*specific adverse environmental*" impact in Whatcom is what has to be mitigated

**20.68.150**

Line 551

.153 Expansion of existing legal Fossil or renewable Fuel or expansion of existing legal Fossil or renewable Fuel Transshipment Facilities. For purposes of this section, an expansion is any Fossil Fuel Refinery and/or Fossil Fuel Transshipment Facility development (including otherwise permitted or accessory uses), vested after the effective date of this ordinance, that meets any one of the following thresholds:

A. Cumulatively increases its maximum atmospheric crude distillation capacity of fossil fuels by more than 10,000 barrels (or 420,000 gallons) per day based upon an evaluation of physical equipment limitations conducted by a licensed professional engineer; or

B. Cumulatively increases the maximum transshipment capacity of the facility by more than 10,000 barrels (or 420,000 gallons) per day; or

C. Cumulatively increases the maximum ~~transshipment fossil fuels storage~~ capacity of ~~unrefined fossil fuels from~~ the facility by more than 10,000 barrels (or 420,000 gallons) ~~per day~~.

If a conditional use permit is obtained, the baseline for determining the cumulative increases is reset.

Line 598

Retain (10) Minimization of greenhouse gas emissions and inclusion of local carbon offset mitigation projects; and

## **20.68.200 Prohibited uses.**

Line 708

.205. New Fossil Fuel Transshipment Facilities; provided that, the following uses of facilities are not prohibited: (i) inter-refinery shipments of refined petroleum products, (ii) transferring petroleum products during emergency scenarios where contingencies require petroleum products to be moved, and (iii) necessary petroleum product transfers during turn-arounds or maintenance periods., including bulk storage or transfer facilities for fossil fuels [XXX effective date].

.206 ...

.207 ...

.208. New Unrefined Fossil Fuel Transshipment Facilities

## **20.68.800**

Line 830

.801 Environmental Review and Greenhouse Gas Mitigation

Retain Green House language but have it sunset once equivalent language is provided for in State law

Retain local mitigation requirement after state law is updated

## **20.74.110 Change of Use**

Line 996

Retain

A change of use occurs when the occupancy of a building or a site use changes from one use to another in whole or in part. A change of use permit is required to document a change of use, even where no alterations are planned or required by the code. This shall be processed as a Type I permit in Chapter 22.05 WCC. The new use shall ensure:

- (1) Applicable building and construction codes are met per Title 15;
- (2) Consistency with the requirements of the CP Industrial District, Chapter 20.74, and base zone; and
- (3) Transportation concurrency requirements are met per Chapter 20.78.

## **20.88.100 Major project permits.**

.110 All major developments shall, prior to any construction, obtain 1030 a major project permit.

.120 A major project permit will be required for mitigation banks proposed in accordance with the provisions of Chapter 16.16 WCC and for any proposed development that meets any two of the following conditions:

- Cost (estimated construction cost exclusive of land value) \$5,000,000
- Size Retail 75,000 square feet office or industrial (gross leasable floor space) 200,000 square feet
- Residential 300 dwelling units
- motel/hotel 200 units
- Number of Employees 250
- SEPA Review An EIS is required
- Increases the maximum fossil fuels transshipment capacity by more than 10,000 barrels per day
- Increases the maximum storage capacity of fossil fuels by more than 10,000 barrels.

## **20.97.124.1 Facility Emissions.**

Retain

## **20.97.160.5 Fossil-Fuel Refinery Capacity.**

Retain

## **22.05.125 Proof of insurance for hazards created in the County**

Retain for further discussion

Need to establish who responsible party is for all scenarios. If it's not clear who will pay to clean up and compensate it likely means the community will have to

Rail engine failure – likely BNSF

Rail employee negligence – likely BNSF

Rail track failure – likely BNSF

Leased rail car failure – often Third Party rail car leasing companies

Inside refinery fence line - likely Refinery

- BNSF - likely has adequate assets/insurance to compensate
- Refinery - likely has adequate assets/insurance to compensate
- Third Parties – multiple companies, assets/insurance to compensate may be zero. If so the Refinery should provide guarantee to cover any uncovered liability because they have control over the choice of provider



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-422

---

<b>File ID:</b>	AB2020-422	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/28/2020	<b>Entered by:</b>	DBrown@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Report		
<b>Assigned to:</b>	Council Criminal Justice and Public Safety Committee	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: BBuchanan

### TITLE FOR AGENDA ITEM:

Presentation on the CPacer Program

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Presentation on the CPacer Program

---

### HISTORY OF LEGISLATIVE FILE

---

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

---

---

Attachments:



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-421

---

<b>File ID:</b>	AB2020-421	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/28/2020	<b>Entered by:</b>	MAamot@co.whatcom.wa.us		
<b>Department:</b>	Planning and Development Services Department	<b>File Type:</b>	Discussion		
<b>Assigned to:</b>	Council Planning and Development Committee	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: maamot@co.whatcom.wa.us

### **TITLE FOR AGENDA ITEM:**

Discussion and Council motion to approve the Public Participation Plan for Whatcom County Comprehensive Plan and Development Regulation Amendments

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

The Growth Management Act requires counties to develop public participation programs for comprehensive plan and development regulation amendments. A draft Public Participation Plan for Whatcom County Comprehensive Plan and Development Regulation Amendments has been developed for Council review and approval. This plan will guide public participation efforts relating to comprehensive plan and development regulation amendments.

---

### **HISTORY OF LEGISLATIVE FILE**

---

<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
--------------	---------------------	----------------	-----------------

---

---

**Attachments:** Staff Memo, Draft Public Participation Plan

**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

September 28, 2020

TO: The Honorable Satpal Sidhu, Whatcom County Executive  
The Honorable Whatcom County Council

FROM: Matt Aamot, Senior Planner

THROUGH: Mark Personius, Director

RE: Draft Public Participation Plan

---

The Growth Management Act (GMA) requires counties to develop public participation programs for comprehensive plan and development regulation amendments. The Whatcom County Council approved the 2019 Public Participation Plan last May, after review by the Planning Commission. The County is updating the Plan a little later this year because of the COVID-19 meeting restrictions earlier in the year.

The Public Participation Plan identifies statutory requirements (GMA provisions) and lists docketed comprehensive plan and development regulation amendments that have been initiated for further review by the County Council.

The Plan classifies proposed comprehensive plan and development regulation amendments as level 1, 2 or 3 projects for determining the public participation approach. The process for each level is summarized below:

**Level 1** – Requires a staff report, notice in the newspaper, posting the proposal on the website, and sending it to the County’s e-mail list. It also requires two public hearings, one before the Planning Commission and one before the County Council, prior to final Council action.

**Level 2** – Requires all Level 1 processes, plus developing alternatives (when appropriate) and review by and advisory committee, department, city, or agency.

**Level 3** – Requires all Level 2 processes, plus a town hall meeting.

Proposed changes from last year's Public Participation Plan include:

1. Inserting New Docketed Amendments - Inserting the new comprehensive plan and development regulation amendments that the County Council initiated for review in 2020 (Resolution 2020-027).
2. Inserting the Cherry Point-Ferndale Subarea Plan Repeal – This project was docketed and placed on the Public Participation Plan in 2018. However, Council removed it from the Public Participation Plan in 2019. This project is included on the 2020 Docket, so we are proposing to insert it in the Public Participation Plan.
3. Removing Amendments - Deleting amendments that were previously initiated but have completed the review process or were withdrawn.

Notice of the Planning Commission hearing was published in the Bellingham Herald on September 11, 2020. The draft Public Participation Plan was posted on the County website on September 14, 2020. Notice of the Planning Commission hearing was sent to the people and agencies on the County's e-mail list on September 14, 2020.

The Planning Commission held a public hearing and issued their recommendations on September 24, 2020. The Commission recommended approval of the Public Participation Plan (8-0), with the following additions to the staff draft:

- *Remote Participation* - New Section 1.2 in Chapter 1 (p. 1-3): "Planning and Development staff should identify methods for remote public participation for all public hearings (for example, on-line or telephonic participation)." We are currently using these methods because of the COVID-19 pandemic. The Planning Commission wanted to provide the option for the public to participate remotely once in-person meetings are resumed (so people would have the option of either coming to the meeting or making comments from a remote location). Since the Council holds hearings under the Public Participation Plan, staff would suggest modifying this new section as follows:

~~Planning and Development staff~~ The County should identify methods for remote public participation for all public hearings (for example, on-line or telephonic participation).

- *Comprehensive Plan and Development Regulation Appeals* – Modify Section 2.3 in Chapter 2 (p. 2-6) as follows: "Publishing notice of the hearing in the newspaper and on the County website and, if urban growth areas are being modified, e-mailing notice to cities at least 10 days prior to the public hearing."

Thank you for your review and consideration of the proposal. We look forward to discussing it with you.

# Public Participation Plan

## **Whatcom County Comprehensive Plan and Development Regulation Amendments**

Planning Commission Version – September 24, 2020

~~Approved by County Council~~

~~May 7, 2019~~

# Table of Contents

---

<b>Chapter 1. Introduction .....</b>	<b>1-1</b>
1.1. Public Participation Plan Format.....	1-2
1.2. Remote Participation .....	1-3
<b>Chapter 2. The Issues.....</b>	<b>2-1</b>
2.1. Statutory Requirements.....	2-1
2.2. Docketed Amendment Requests .....	2-2
2.3. Comprehensive Plan and Development Regulation Appeals ..	2-6
<b>Chapter 3. Project Participants .....</b>	<b>3-1</b>
3.1. The Public .....	3-1
3.1.1. Interested Property Owners and Developers .....	3-1
3.1.2. Community Organizations .....	3-1
3.1.3. Other Groups and Individuals .....	3-2
3.2. Governmental/Quasi-Governmental Groups .....	3-2
3.2.1. Planning Commission .....	3-3
3.3. The Cities .....	3-3
<b>Chapter 4. Public Participation Approach .....</b>	<b>4-1</b>
4.1. Overall Approach.....	4-1
4.2. Level 1 Issues.....	4-2
4.2.1. Approach .....	4-2
4.2.2. Level 1 Projects .....	4-2
4.3. Level 2 Issues.....	4-3
4.3.1. Approach .....	4-3
4.3.2. Level 2 Projects .....	4-4
4.4. Level 3 Issues.....	4-4
4.4.1. Approach .....	4-4
4.4.2. Level 3 Projects .....	4-5
<b>Chapter 5. Conclusion.....</b>	<b>5-1</b>

# Chapter 1. Introduction

This Public Participation Plan (PPP) is intended to guide the County in reviewing comprehensive plan and development regulation amendments. The Plan is required by state law (RCW 36.70A.140), which indicates:

***“Comprehensive plans – Ensure public participation. Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. . . .”***

The bolded sentence of RCW 36.70A.140 above guided the County in developing this PPP. Prior to implementation, this plan will have been reviewed by the planning commission and the county council, with opportunity for the public to comment. The plan will be implemented as adopted.

The issues that will be considered as part of County’s review and amendment of the comprehensive plan and development regulations are divergent and far-reaching. A one-size-fits-all approach to this public participation plan for all of these very different types of issues would not be effective and would do a disservice to the residents of Whatcom County.

This PPP outlines the public participation approach that will be taken with each issue rather than a generic overall approach. The objective of this plan is to provide a clear process for each

issue so residents can easily determine how best to be involved in the issues they care about most.

There are other planning issues that require public participation that may not be mentioned in this plan, including standard map and text amendments to Title 20 Zoning that are initiated for review after approval of this plan. At minimum, these items will be processed as Level 1 projects. If additional public participation is required or another approach is appropriate, the Planning and Development Services Department will upgrade the item to a more vigorous approach. Please see Chapter 4 for more information about public participation approaches.

Ongoing programs administered through the Planning Department also provide opportunities for public participation through their respective advisory committees. The Agricultural Advisory Committee, Purchase of Development Rights Oversight Committee, Forestry Advisory Committee, Surface Mining Advisory Committee, and Wildlife Advisory Committee meet as needed to assist in the administration of their programs, and may recommend amendments to the comprehensive plan and County Code. These advisory committee meetings are open to the public. More information on these programs can be found at: <http://www.whatcomcounty.us/210/Boards-Commissions> .

### *The PPP is designed to meet the following objectives:*

- Provide a roadmap for the public, outlining a clear and accessible public process for comprehensive plan and development regulation amendments;
- Ensure input is sought from a broad base of public participants and is elicited in a timely fashion, considered, and incorporated as appropriate into review of Comprehensive Plan and Development Regulation amendments; and
- Make a concerted and continuous effort to ensure that elected officials and staff are fully aware of and understand community and stakeholder concerns.

## **1.1. Public Participation Plan Format**

To meet PPP objectives consistent with GMA goals this document:

- Outlines the **issues** that will be considered (Chapter 2);
- Identifies the potential project **participants** in the comprehensive planning process (Chapter 3), and;
- States the **approach** that will be taken with each issue (Chapter 4).

## **1.2. Remote Participation**

Planning and Development staff should identify methods for remote public participation for all public hearings (for example, on-line or telephonic participation).

## Chapter 2. The Issues

The issues that Comprehensive Plan and development regulation amendments will address can be divided into two categories: statutory requirements and docketed requests. This section of the PPP outlines these issues, within these categories. Each issue has been assigned a number beginning first with an “S” or “D” for “statutory” or “docket” respectively. These numbers will carry with each issue to Chapter 4 of this document. Chapter 4 will go into greater detail on the public participation approach that the County will take on each of these issues.

### 2.1. Statutory Requirements

The Growth Management Act (GMA) requires Whatcom County to address certain issues in the comprehensive plan and/or development regulations. The following is a current list of identified statutory requirements:

- S-1. **Forest Practices** (RCW 36.70A.570, amended in 2007 by SHB 1409) – Relating to the transfer of jurisdiction over conversion-related forest practices to local governments. For counties planning under the GMA, if more than 25 Class IV applications had been filed with the DNR between certain dates, then the county, and the cities within it, are required to adopt forest practices approval ordinances.
- S-2. **Utilities to Schools in Rural Areas** (RCW 36.70A, amended in 2017 by HB 2243) – The State Legislature amended the GMA to indicate it does not prohibit extension of public facilities and utilities to serve a school in a rural area if certain conditions are met.
- S-3. **Buildable Lands / Review and Evaluation Program** (RCW 36.70A.070, .115, .215, amended in 2017 by ESSSB 5254) – Whatcom County is now subject to the buildable lands (review and evaluation) program requirements of the GMA, which formerly only applied to six large counties in the state. This bill requires the County to address a number of issues, which include updating the County-wide Planning Policies. Additionally, the

County will issue a buildable lands report that compares growth assumptions in the comprehensive plan with actual growth that has occurred and, if necessary, develop reasonable measures to reconcile any inconsistencies. This process involves determining if there is sufficient suitable land to accommodate growth projections. It is anticipated that the Countywide Planning Policies will be reviewed in ~~2020-21~~2019-20. The buildable lands report is due by June 30, ~~2022~~2021. This report must be considered in the next countywide Comprehensive Plan and development regulation update, which is due by June 30, ~~2025~~2024.

- S-4. **Shoreline Management Program Update** (RCW 90.58.080). Review and, if necessary, revise the Whatcom County Shoreline Management Program to assure it complies with applicable law and guidelines and to assure consistency with the County's comprehensive plan and development regulations. The Shoreline Management Program update is due by June 30, 2020.

## 2.2. Docketed Amendment Requests

The items in this section were initiated for further review by the County Council under Resolution ~~2020-027~~2019-015. As with statutory requirements in the previous section, this list will be updated on an annual basis.

D-1. Capital Facilities Planning (PLN2020-00002) - Amend the capital facilities element of the Whatcom County Comprehensive Plan, including the Six-Year Capital Improvement Program (Appendix F).

D-2. Neighborhood Commercial to Residential Rezone (PLN2020-00003) - Rezone approximately 1.25 acres from Neighborhood Commercial (NC) to Residential Rural (RR-1).

D-3. Rural Forestry Designation and Text Amendment (PLN2020-00004) - Amend the comprehensive plan designation from Mineral Resource Lands (MRL) to Rural Forestry on approximately 66 acres in the Nooksack Falls exclave (off Mt. Baker Hwy). Amend the Zoning Code to allow certain conditional uses in the Nooksack Falls exclave within the Rural Forestry zone (WCC 20.42.155).

D-4. Whatcom County Code Amendments (PLN2020-00005) - Review and revise the Whatcom County Zoning Code and other sections of the County Code to implement Comprehensive Plan policies and/or address issues identified in the administration of the codes. Revisions needed to achieve consistency with the Growth Management Act may also be considered.

D-5. Shoreline Program Update (PLN2020-00006) - Update the Whatcom County Shoreline Management Program (Title 23). Move the goals and policies of the Shoreline Management Program to the Whatcom County Comprehensive Plan. NOTE: This is the same project as S-4 above.

D-6. Countywide Planning Policy Amendments (PLN2020-00007) - Amend the Countywide Planning Policies (CWPPs) by adding new sections relating to the Review and Evaluation Program (Buildable Lands), Dispute Resolution Procedures, and Countywide Planning Policy Amendment Procedures. The CWPPs are inserted into Appendix C of the Whatcom County Comprehensive Plan. NOTE: This includes some of the work set forth in project S-3 above.

**D-74. MRL Expansion – Breckenridge Rd.** (PLN2019-00002) - Amend the comprehensive plan designation from Rural to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 22.8 acres off Breckenridge Rd., east of Nooksack. The underlying zoning is Rural one dwelling/five acres (R5A).

**D-82. Lummi Island Ferry Amendments** (PLN2019-00004) - Amend Whatcom County Comprehensive Plan provisions relating to the Lummi Island Ferry. Modify Policy 6A-1 relating to ferry level of service and delete Policy 6C-9 relating to a ferry feasibility study as shown in Resolution 2018-026.

**D-93. Density Credit Program - Zoning Code Amendments** (PLN2019-00005) - Amend the Whatcom County Zoning Code to implement the following recommendations contained in the TDR/PDR Multi-Stakeholder Work Group Final Report dated October 3, 2018: (1) modify the UR4 zone in the Birch Bay Urban Growth Area to allow increased density if density credits are purchased and (2) modify the code to allow larger accessory dwelling unit size if density credits are purchased.

~~D-4. **Whatcom County Code Amendments** (PLN2019-00006) - Review and, if needed, revise the Whatcom County Zoning Code and other sections of the Whatcom County Code to implement Comprehensive Plan policies and/or address issues identified in the administration of the codes. Additionally, any revisions needed to achieve consistency with the Growth Management Act may also be considered.~~

**D-105. Point Roberts Subarea Plan and Point Roberts Special District** (PLN2019-00007) - Review and, if needed, revise the Point Roberts Subarea Plan and the Point Roberts Special District (WCC 20.72).

**D-116. Surface Mining Pipeline Buffer** (PLN2019-00010) - Amend the Whatcom County Comprehensive Plan and Whatcom County Code to determine the minimum safe distance to allow surface mining to be conducted from a petroleum pipeline to ensure a pipeline will not become exposed or rupture during an earthquake event and contaminate an aquifer. Determination should be based on independent sources where possible and assume a magnitude 9.0 or greater earthquake could occur.

**D-127. Surface Mining of Dry Meander Zones** (PLN2019-00011) - Amend the Whatcom County Comprehensive Plan and Whatcom County Code to allow the seasonal extraction of sand and gravel from dry upland areas located within the 1,000 year meander zone of the Nooksack River, provided that such extraction has no negative impact on salmon spawning habitat. The intent is to (a) reduce the conversion of land currently used for farming, forestry and wildlife habitat into gravel pits, and (b) safely remove some of the significant sediment load

that enters the Nooksack every year in an effort to reduce flooding and the need to build higher flood prevention berms along the river as the climate continues to change.

**D-138. Density Credit Program – Comprehensive Plan Amendments** (PLN2018-00002) - Amend the Whatcom County Comprehensive Plan to reflect a shift in emphasis from a traditional transfer of development rights program to a density credit program. Density credits allow development incentives, such as increased density, in exchange for a voluntary contribution towards preserving agricultural lands and open space.

**D-14. Repeal Cherry Point-Ferndale Subarea Plan (PLN2018-00003) - Repeal the Cherry Point-Ferndale Subarea Plan, which was adopted in 1981. The proposal would also amend related provisions in the Whatcom County Comprehensive Plan and Zoning Code.**

**D-159. CAO On-Going Agriculture** (PLN2018-00005) – The Critical Areas Ordinance (CAO) was adopted by the County Council in December 2017 (Ordinance 2017-077). Section 4(a) of this Ordinance states “Planning and Development Services staff shall work with the farming community to develop creative solutions that would allow farmers to maintain or attain ‘ongoing agriculture’ status pursuant to applicable laws.

**D-160. Wind Energy System Amendments** (PLN2018-00008) – Review and, if needed, revise WCC 20.14 Wind Energy Systems.

**D-174. Cherry Point Amendments** (PLN2018-00009) – Amend the Whatcom County Comprehensive Plan and Whatcom County Code to address ways the County may limit the negative impacts on public safety, transportation, the economy, and the environment from crude oil, coal, liquefied petroleum gases, and natural gas exports from the Cherry Point Urban Growth Area, in accordance with Whatcom County Comprehensive Plan Policy 2CC-16.

**D-182. Sustainable Salmon Harvest Goal** (PLN2018-00010) – Amend the Comprehensive Plan to create a new policy to work with Lummi and Nooksack Nations, the State Department of Fish and Wildlife (WDFW) and other stakeholders to establish a sustainable salmon harvest goal for the county.

**D-193. Mineral Resource Lands County-wide Designation Process** (PLN2017-00004) – Through a county-led countywide assessment, seek to identify and designate potential commercially significant mineral resource lands, to meet future demand, compatible with water resources, agricultural lands, forest lands and other GMA goals pursuant to Comprehensive Plan Policy 8R-1.

**D-2014. Wireless Communication Facilities** (PLN2016-00006) - Review and update provisions in WCC 20.13 (Wireless Communication Facilities) to ensure consistency with: (1) New 2015 FCC rules (80 FR 1238) which are designed to implement and enforce Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and (2) New 2018 FCC rules entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment.”

**D-2145. Sign Regulations Update** (PLN2016-00009) - Review and revise Whatcom County Code 20.80.400 (Sign Regulations), including updating the code for consistency with the U.S. Supreme Court's decision in *Reed v. Town of Gilbert* (2015).

**D-2246. Vacation Rental Regulations** (PLN2014-00020/PLN2016-00011) - Amend Whatcom County Code Title 20 (Zoning) & Title 23 (Shoreline Management Program) to allow vacation rentals under certain conditions as a use within certain zones and shoreline designations.

**D-2347. Code Enforcement Amendments** (PLN2015-00003) - Create a new Whatcom County Code (WCC) Chapter 22.15, called "Code Compliance Procedures," to establish an efficient system to address enforcement of building, critical areas and zoning codes. The proposal would consolidate the existing code enforcement provisions from WCC 15, 16.16, and 20 into a new WCC 22.15. The proposed amendments include provisions that would allow the County to record a document at the Whatcom Auditor's office indicating that there is a code violation on a property.

**D-2448. Boundary Line Adjustments** (PLN2014-00001) - Amend Section 20.83.110 of the Whatcom County Zoning Ordinance relating to boundary line adjustments. The amendment would allow boundary line adjustments to nonconforming parcels to resolve encroachments such as fences, trees and other occupational indicators. The amendment would also allow boundary line adjustments that modify the boundaries between two nonconforming parcels based upon land owner preferences, as long as the smallest parcel is not decreased in size.

**D-2549. Weddings and Special Events** (PLN2014-00016) - Amend the Official Whatcom County Zoning Ordinance (Title 20) to allow for "Weddings and Special Events" in specific zone districts through an approved Conditional Use Permit (CUP). Authorization to approve this amendment will result in the county needing to define "Special Events" under the "Definitions" section of WCC 20.97 and an additional amendment made to the "Parking Space Requirements" under WCC 20.80.580.

~~**D-20. Bellingham Development Standards** (PLN2013-00003) - Review and potentially revise the Whatcom County Code to adopt City of Bellingham Development Standards for the Bellingham Urban Growth Area (UGA).~~

**D-264. Agricultural Strategic Plan Implementation** (PLN2012-00007) - Resolution 2018-027 was approved by the County Council on 8/8/2018 declaring support for the updated Whatcom County Agricultural Strategic Plan. Immediate priorities in this plan include reviewing designation of Agricultural Lands of Long-term Commercial Significance and the agricultural zoning code. Reviewing the Rural Study Areas as listed in the 2007 Rural Land Study and making recommendations for possible changes in accordance with Resolution 2009-040 (100,000 acre target), Resolution 2018-027 (Updated Agricultural Strategic Plan) and RCW 36.70A.170 and .177 will be included. Other short-term and medium-term priorities in this plan include development of policies and regulations that provide for protection of the best agricultural areas while supporting development at zoned densities and continued work on development of

the Natural Resource Marketplace. These activities may lead to proposed changes to the agricultural portions of the Comprehensive Plan and zoning regulations.

D-272. **Mineral Resource Lands Expansion – North Star Rd.** (PLN2012-00009) – Consider proposal to amend the comprehensive plan designation from Rural to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 19.7 acres on the west side of North Star Rd., south of Brown Rd. The underlying zoning is Rural one dwelling/five acres (R5A).

## 2.3. Comprehensive Plan and Development Regulation Appeals

The Whatcom County Council may ~~continue to~~ address appeals brought to the Growth Management Hearings Board (GMHB) or the courts. Public participation for settlement activities that will result in an ordinance amending the comprehensive plan and/or development regulations will include, at a minimum:

- Posting an initial draft proposal on the County website and sending it to anyone requesting notification at least 30 days prior to the public hearing. Posting any revised draft on the County website and sending it to anyone requesting notification at least 10 days prior to the public hearing.
- If urban growth areas are being modified, sending the draft proposal to cities and any citizen planning groups for non-City UGAs at least 30 days prior to the public hearing. Sending any revised draft to cities and any citizen planning groups for non-City UGAs at least 10 days prior to the public hearing.
- Publishing notice of the hearing in the newspaper and the on County website and, if urban growth areas are being modified, e-mailing notice to cities at least 10 days prior to the public hearing; and
- Holding a public hearing.

## Chapter 3. Project Participants

The Public Participation Plan is designed to reach all audiences that may have an interest in Comprehensive Plan and development regulation amendments. It is also designed to reach out to other groups and individuals – those that may not yet have an interest or be inclined to participate – to encourage their awareness, understanding and involvement in the process. The PPP also promotes use of existing communication networks to encourage involvement in the Whatcom County Comprehensive Plan and development regulation amendment process.

### 3.1. The Public

The general public is defined as members of the community including residents, groups, property owners, farmers, business owners and any others that might be interested in the Comprehensive Plan and development regulation amendments. The following sections contain a breakdown of some specific types of community groups and organizations that the County will attempt to engage in the process.

#### 3.1.1. Interested Property Owners and Developers

Interested property owners and developers are defined as members of the community that have an interest in growth and development regulations, especially as they relate to their private property rights. They may have an interest in developing or preserving their property. This might include farmers, real estate and development groups and other related professionals.

#### 3.1.2. Community Organizations

Community organizations are loosely defined as groups, associations, or committees that come together for a common interest or cause. This includes service groups, environmental groups, chambers of commerce, non-profit organizations, advocacy groups, community councils, neighborhood associations, local granges, social service organizations, religious organizations,

and others. Community organizations also include groups that are centered around non-city UGAs like the Birch Bay steering committee and others.

### 3.1.3. Other Groups and Individuals

WAC 365-196-600(4) states that “Each county or city should try to involve a broad cross-section of the community, so groups not previously involved in planning become involved.” People may add themselves to County e-mail lists on the “Notify Me” site at:

<http://www.co.whatcom.wa.us/list.aspx>

## 3.2. Governmental/Quasi-Governmental Groups

Governmental and quasi-governmental groups are defined as organizations that have a connection to local government, including Whatcom Council of Governments; Whatcom County Council; City Councils; Whatcom County and individual cities’ Planning Commissions; area tribes; local special purpose districts; citizen advisory committees and others. Groups typically consist of elected officials, appointed or volunteer community members, or jurisdictional staff. Table 1 below shows a selected group of advisory committees that may be asked to comment on comprehensive plan and development regulation amendments.

**Table 1: Selected Whatcom County Advisory Boards/Committees and Commissions**

Agricultural Advisory Committee	Portage Bay Shellfish Protection District Advisory Committee
Bicycle/Pedestrian Advisory Committee	Public Health Advisory Board
Birch Bay Shellfish Protection District Advisory Committee	Purchase of Development Rights Oversight Committee
Birch Bay Watershed and Aquatic Resources Management Advisory Committee	Rural Library Board
Business and Commerce Advisory Committee	Surface Mining Advisory Committee
Development Standards Technical Advisory Committee	Whatcom County Family & Community Network
Climate Impact Advisory Committee	Whatcom County Housing Advisory Committee
Drayton Harbor Shellfish Protection District Advisory Committee	Whatcom Council of Governments: Citizens’ Transportation Advisory Group
Flood Control Zone District Advisory Committee	Whatcom Transportation Authority’s Citizen Advisory Panel
Flood Control Sub-Zone District Advisory Committee	Wildlife Advisory Committee
Marine Resource Committee	WRIA 1 –Management Team
Forestry Advisory Committee	WRIA 1 – Planning Unit
Parks and Recreation Committee	

### 3.2.1. Planning Commission

Implementation of the GMA as it relates to public participation is covered within WAC 365-196-600 “Public Participation.” WAC 365-196-600(3)(c) states: “The public participation program should clearly describe the role of the planning commission, ensuring consistency with requirements of chapter 36.70, 35.63, or 35A.63 RCW.” RCW 36.70 is the Planning Enabling Act, which requires:

- Notice of the time, place and purpose of any public hearing shall be given by one publication in a newspaper of general circulation in the county at least ten days before the hearing (RCW 36.70.390 and .590).
- A recommendation of approval of comprehensive plan or official control (e.g. development regulation) amendments shall be by the affirmative vote of not less than a majority of the total members of the planning commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the planning commission and the reasons for its action (RCW 36.70.400 and .600).

The Planning Commission is an appointed group of citizens that work directly with Planning and Development Services to craft legislation and make recommendations to the County Council. They also hear and make recommendations on applications for amendments to the Whatcom County Code and the Comprehensive Plan from private individuals, agencies and other applicants. Currently, the Planning Commission hears from the public primarily during public hearings and through written correspondence.

It is the goal that most town hall meetings, open houses and other public participation activities will occur with some involvement of the Planning Commission. In this way, the Planning Commission will hear straight from the public on each issue and will be more involved in crafting policies, earlier in the process. The public is encouraged to communicate with planning commissioners through the email and mailing address listed in Chapter 5 of this document in addition to attending planning commission meetings.

### 3.3. The Cities

Whatcom County will continue to engage with the Cities on issues of common interest, including the buildable lands (review and evaluation) program and UGA planning.

## Chapter 4. Public Participation Approach

### 4.1. Overall Approach

The Washington Administrative Code (WAC) provides guidelines and rules for public involvement in comprehensive planning. WAC 365-196-600 “Public Participation” states that “The public participation program should clearly describe the role of the planning commission, ensuring consistency with requirements of chapter 36.70, 35.63, or 35A.63 RCW.”

Through this public participation program the planning commission will act as a central hub for many public participation activities. In this way, the planning commission will have maximum exposure to the public perspective no matter how complex or minute the issue.

Starting in section 4.2, issues are broken down into 3 types for the purposes of public participation. Each type of issue has a different approach and the approach is described in each section. All the issues retain the numbers assigned to them in Chapter 2, so if more information is needed about an issue, the reader may refer back to Chapter 2.

## 4.2. Level 1 Issues

Level 1 issues are generally less complicated, have already been through extensive public process or are quasi-judicial actions<sup>1</sup>. This level is also appropriate for most standard map and text amendments to Title 20 Zoning. A more vigorous public participation approach may be assigned at the discretion of the Planning and Development Services Department, which may include referring the proposal to an advisory committee for review.

### 4.2.1. Approach

Level 1 issues will be subject to the public process required by the code. Typically, they will follow this process:

- 1) **Proposal:** Staff generates a proposal or a recommendation on an application.
- 2) **Proposal posted:** Proposal is posted to the website and announced through email list. Legal notice will be given as required and applicable. Public may make comment to the Planning Commission via email and/or US mail.
- 3) **Public hearing:** Planning Commission holds public hearing on issue.
- 4) **Work session and recommendation:** Planning Commission conducts work session on issue and recommends action to the County Council. Public may make comment to the County Council via email and/or US mail.
- 5) **County Council:** County Council will review the recommendation of the Planning Commission and hold a work session in committee and a public hearing. The Council will approve the recommendation, modify, or deny.

### 4.2.2. Level 1 Projects

S-1. **Forest Practices** (RCW 36.70A.570, SHB 1409)

S-2. **Utilities to Schools in Rural Areas** (RCW 36.70A, amended in 2017 by HB 2243)

S-3/[D-6](#). **Buildable Lands / Review and Evaluation Program** (RCW 36.70A.070, .115, .215, amended in 2017 by ESSSB 5254), [including Countywide Planning Policies \(PLN2020-00007\)](#)

[D-1. Capital Facilities Planning \(PLN2020-00002\)](#)

[D-2. Neighborhood Commercial to Residential Rezone \(PLN2020-00003\)](#)

[D-3. Rural Forestry Designation and Text Amendments – Nooksack Falls \(PLN2020-00004\)](#)

---

<sup>1</sup> Quasi-judicial actions of local decision-making bodies are “those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding” (RCW 42.36.010). These require adjudication in a court-like process, in which the guidelines for public participation are different from other actions. Notice requirements for quasi-judicial rezones are set forth in the Whatcom County Code.

~~D-4. Whatcom County Code Amendments (PLN2020-00005)~~

D-~~71~~. MRL Expansion – Breckenridge Rd. (PLN2019-00002)

D-~~82~~. Lummi Island Ferry Amendments (PLN2019-00004)

D-~~93~~. Density Credit Program - Zoning Code Amendments (PLN2019-00005)

~~D-4. Whatcom County Code Amendments (PLN2019-00006)~~

D-~~105~~. Point Roberts Subarea Plan and Point Roberts Special District (PLN2019-00007)

D-~~138~~. Density Credit Program – Comprehensive Plan Amendments (PLN2018-00002)

~~D-14. Repeal Cherry Point-Ferndale Subarea Plan (PLN2018-00003)~~

D-~~159~~. CAO On-Going Agriculture (PLN2018-00005)

D-~~2044~~. Wireless Communication Facilities (PLN2016-00006)

D-~~2145~~. Sign Regulations Update (PLN2016-00009)

D-~~2246~~. Vacation Rentals (PLN2014-00020/PLN2016-00011)

D-~~2347~~. Code Enforcement Amendments (PLN2015-00003)

D-~~2448~~. Boundary Line Adjustments (PLN2014-00001)

D-~~2549~~. Weddings and Special Events (PLN2014-00016)

~~D-20. Bellingham Development Standards (PLN2013-00003)~~

D-~~2722~~. Mineral Resource Lands Expansion – North Star Rd. (PLN2012-00009)

## 4.3. Level 2 Issues

Level 2 issues require a little more than the code-required public process. The issues in this category are of a sensitive or political nature and/or the public has come out to oppose or support them in the past. They are generally more complicated.

### 4.3.1. Approach

Typically, level 2 issues will follow this process:

- 1) **Alternatives:** Staff generates alternative approaches to the issue, when applicable.
- 2) **Alternatives posted:** Alternatives are posted to the website and announced through email list.

- 3) **Advisory Committee/Agency/City Review and Comment:** The alternatives will be submitted to the appropriate advisory committee, department, city or agency for review and comment.
- 4) **Proposal:** Staff generates a proposal considering any feedback received on the alternatives.
- 5) **Proposal posted:** Proposal is posted to the website and announced through email list and legal notice as required and applicable. Public may make comment to the Planning Commission via email and/or US mail.
- 6) **Public hearing:** Planning Commission holds public hearing on issue.
- 7) **Work session:** Planning Commission conducts work session on issue and recommends action to the County Council. Public may make comment to the County Council via email and/or US mail.
- 8) **County Council:** County Council will review the recommendation of the Planning Commission and hold a work session in committee and a public hearing. The Council will approve the recommendation, modify, or deny.

### 4.3.2. Level 2 Projects

- D-1~~60~~. **Wind Energy System Amendments** (PLN2018-00008)
- D-1~~82~~. **Sustainable Salmon Harvest Goal** (PLN2018-00010)
- D-2~~64~~. **Agricultural Strategic Plan Implementation** (PLN2012-00007). Coordination with the Agriculture Advisory Committee and applicable Cities.

## 4.4. Level 3 Issues

These issues are generally more complicated and are of interest to the general public. All of these issues will have many opportunities for public comment, including a town-hall style meeting where people are able to openly share their feelings on the alternatives proposed or just the issue in general. When appropriate, town hall meetings will be planned close to areas that will be or are being impacted by the issue.

### 4.4.1. Approach

Typically, level 3 issues will follow this process:

- 1) **Alternatives:** Staff generates alternative approaches to the issue, when appropriate.
- 2) **Alternatives posted:** Alternatives are posted to the website and announced through email list.

- 3) **Advisory Committee/Agency/City Review and Comment:** The alternatives will be submitted to the appropriate advisory committee, department, city or agency for review and comment.
- 4) **Town hall meeting(s):** A town hall style meeting(s) is held to seek public input on the issue and the proposed alternatives. When appropriate, the meeting is held in a location that is reasonably located near an area affected by the issue. Planning Commission may be in attendance at this town hall meeting. Announcements of town hall meetings will be done through the website, email list, media releases, and local postings as appropriate.
- 5) **Proposal:** Staff generates a proposal considering feedback received on the alternatives, including feedback heard at the town hall meeting.
- 6) **Proposal posted:** Proposal is posted to the website and announced through email list. Legal notice will be given as required and as appropriate. Public may make comment to the Planning Commission via email and/or US mail.
- 7) **Public hearing:** Planning Commission holds public hearing on issue.
- 8) **Work session:** Planning Commission conducts work session on issue and recommends action to the County Council. Public may make comment to the County Council via email and/or US mail.
- 9) **County Council:** County Council will review the recommendation of the Planning Commission and hold a work session in committee and a public hearing. The Council will approve the recommendation, modify, or deny.

#### 4.4.2. Level 3 Projects

- D-~~116~~      **Surface Mining Pipeline Buffer** (PLN2019-00010)
- D-~~127~~      **Surface Mining of Dry Meander Zones** (PLN2019-00011)
- D-~~174~~      **Cherry Point Amendments** (PLN2018-00009)
- D-~~193~~.      **Mineral Resource Lands County-wide Designation Process** (PLN2017-00004)
- S-4/~~D-5~~.      **Shoreline Management Program Update** (~~PLN2020-00006~~)

It is anticipated that projects D-~~116~~ and D-~~127~~ will be incorporated into review of project D-~~193~~.

## Chapter 5. Conclusion

This public participation plan will guide the review of comprehensive plan and development regulations amendments. It is a living document that should be updated as conditions change or new methods are discovered. This public participation plan meets the requirements of the RCW and the requirements of the WAC. Specifically, the Planning and Development Services Department hopes that this public participation program will “involve a broad cross-section of the community, so groups not previously involved in planning become involved” as WAC 365-196-600(4) suggests it should.

To provide written feedback on this public participation plan, please contact Planning and Development Services at [aubil@co.whatcom.wa.us](mailto:aubil@co.whatcom.wa.us). If you wish to provide comment on any issue to the Planning Commission or County Council, please utilize the following addresses:

Whatcom County Planning and Development Services  
5280 Northwest Drive  
Bellingham, WA 98226

Planning Commission  
c/o ~~Ashley Ubil~~  
Secretary  
5280 Northwest Drive  
Bellingham, WA 98226  
[PDS\\_Planning\\_Commission@co.whatcom.wa.us](mailto:PDS_Planning_Commission@co.whatcom.wa.us)

County Council  
  
311 Grand Ave, Ste 105  
Bellingham, WA 98225  
[council@co.whatcom.wa.us](mailto: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: AB2020-414

---

<b>File ID:</b>	AB2020-414	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/22/2020	<b>Entered by:</b>	DBrown@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Discussion		
<b>Assigned to:</b>	Council Planning and Development Committee			<b>Final Action:</b>	
<b>Agenda Date:</b>	10/13/2020			<b>Enactment #:</b>	

---

Primary Contact Email: TByrd@co.whatcom.wa.us

### **TITLE FOR AGENDA ITEM:**

Discussion regarding proposed ordinance amending Whatcom County Code 24.02, Mobile Home Park Regulations, to create additional housing options within mobile home parks

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

This proposal would amend Whatcom County Code 24.02, Mobile Home Park Regulations, related to creation of additional housing options by expanding the number of affordable housing units available in the County

---

### **HISTORY OF LEGISLATIVE FILE**

---

Date:	Acting Body:	Action:	Sent To:
09/29/2020	Council Planning and Development Committee	DISCUSSED	

---

**Attachments:** Proposed Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**AMENDING WHATCOM COUNTY CODE 24.02, MOBILE HOME PARK REGULATIONS,  
TO CREATE ADDITIONAL HOUSING OPTIONS WITHIN MOBILE HOME PARKS**

**WHEREAS**, Whatcom County's vacancy rate fell to 0.2% in Q1 of 2019; and

**WHEREAS**, the City of Bellingham defines a balanced rental market as a vacancy rate between 5% - 7%; and

**WHEREAS**, a University of Washington market analysis published in 2019 reported that Whatcom County recorded the greatest decline in vacancy rates among the 18 counties studied in Washington State; and

**WHEREAS**, Whatcom County's 2020 Point-In-Time (PIT) count found nearly 3,000 people required assistance with shelter or housing in 2019; and

**WHEREAS**, the median price of a home sold in Whatcom County increased from \$250,000 in 2010 to \$400,000 in 2019; and

**WHEREAS**, the Whatcom County Council would like to increase the availability of affordable housing options by expanding the number of housing units available; and

**WHEREAS**, Washington State adopted HB 1085 on June 7<sup>th</sup>, 2018; and

**WHEREAS**, HB 1085 authorizes local governments to adopt regulations eliminating any minimum gross floor area requirements for single-family dwellings; and

**WHEREAS**, HB 1085 expands the definition of factory-built housing in RCW 43.22.450 to include tiny houses and tiny houses with wheels, thereby incorporating prefabricated tiny houses into the L&I certification process for factory-built housing; and

**WHEREAS**, the International Code Council issued tiny house building standards, in 2018, under Appendix Q of the International Residential Code (IRC); and

**WHEREAS**, Washington State adopted ESSB 5383 on July 29<sup>th</sup>, 2019; and

**WHEREAS**, ESSB 5383 established a new zoning category for tiny houses allowing them to be distinguished separately from recreational vehicles and other types of housing; and

**WHEREAS**, ESSB 5383 expands RCW 58.17.040 to include tiny houses and tiny houses with wheels which allows the use of the local binding site plan process to create tiny house communities or villages; and

**WHEREAS**, ESSB 5383 extends protections of Chapter 59.20 RCW to tenants of tiny house communities.



# EXHIBIT A

## Chapter 24.02 MOBILE HOME PARK REGULATIONS

Sections:

**24.02.010 Definitions.**

**24.02.020 New construction standards – Plans and specifications.**

**24.02.030 Water supply.**

**24.02.040 Plumbing.**

**24.02.050 Sewage disposal.**

**24.02.060 Toilet, lavatory and bathing facilities.**

**24.02.070 Operation and maintenance.**

**24.02.080 Park management.**

**24.02.090 Severability.**

**24.02.010 Definitions.**

“Health officer” means the legally designated health officer as defined in RCW [70.05.010](#)(2) or the health officer’s authorized representative.

“Mobile home” means a factory-assembled structure or structures constructed so as to be readily movable as a dwelling unit on its own running gear and designed to be used as a dwelling unit without a permanent foundation.

“Tiny house” means a factory-assembled structure or structures constructed so as to be readily moveable as a dwelling unit on its own wheels without a permanent foundation or a structure which is built to be a dwelling unit on a permanent foundation, that is 400 square feet (37 m<sup>2</sup>) or less in floor area excluding sleeping lofts.

“Sleeping Loft” means a sleeping space on a floor level located more than 30 inches (726 mm) above the main floor and open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm).

“Mobile home park” means a parcel of land on which any combination of three or more mobile homes or tiny houses are located for use as dwellings.

“Permanent-type sewer and water connections” means a durable pipe with tight-fitting connections.

“Person” means any individual, firm, corporation, partnership, association or an agent of any individual, firm, corporation, partnership, association or an agency of state, county or municipal government.

“Service building” means a building within a park which contains toilet, lavatory and/or bathing facilities and/or laundry facilities. (Ord. 90-10 Exh. A (part); Ord. 89-24 (part)).

1 **24.02.020 New construction standards – Plans and specifications.**

2 A. No person shall construct or establish a new park unless plans and specifications containing  
3 information adequate to evaluate the proposal for compliance with these regulations shall have first been  
4 submitted to and approved in writing by the health officer. Plans and specifications for additions,  
5 extensions or modifications to an existing park must also be submitted to and approved by the health  
6 officer if such changes are covered by provisions of this regulation. Any proposed deviations from said  
7 approved plans and specifications must first be approved in writing by the health officer.

8 B. The content of plans and specifications submitted pursuant to this section shall include, but not be  
9 limited to, the following information:

10 1. The area and dimensions of the tract of land;

11 2. The number, size and location of spaces;

12 3. The location of service buildings and other structures;

13 4. Specifications of the water supply, sewage disposal and solid waste management systems;

14 5. Specifications of all service buildings to be constructed.

15 C. Evaluation of land and specifications may include a site evaluation by health department personnel to  
16 determine if there are site limitations relating to installation of sewage systems, water supplies or other  
17 factors of environmental health concern which may make the site unsuitable for the proposed  
18 development.

19 D. Within 30 calendar days following receipt of plans and specifications, the health officer shall issue a  
20 written approval, disapproval, or inform the applicant in writing of any changes necessary to comply with  
21 these regulations. (Ord. 90-10 Exh. A (part); Ord. 89-24 (part)).

22 **24.02.030 Water supply.**

23 A. Water supplies serving parks shall conform to the requirements of WAC [248-54](#), Rules and  
24 Regulations of the State Board of Health governing public water supplies. Where an existing public water  
25 supply of satisfactory quantity and quality is reasonably available, the health officer may require  
26 connection to and exclusive use of, that supply.

27 B. Individual water service connections shall meet the following requirements:

28 1. Water riser pipes shall extend at least six inches above ground elevation. Surface drainage shall  
29 be diverted away from the riser pipe.

30 2. Underground stop and waste valves shall be required and located so as to preclude sewage or  
31 other contaminants from entering the stop and waste valve. (Ord. 89-24 (part)).

32 **24.02.040 Plumbing.**

33 Plumbing shall conform with current edition of the Uniform Building Code. (Ord. 89-24 (part)).

34 **24.02.050 Sewage disposal.**

35 A. All sewage shall be discharged into a sewage disposal system approved by the local health officer.  
36 Where connection to a public sewer system is not feasible, the park shall have sewage disposal facilities  
37 constructed in accordance with applicable state and local regulations.

38 B. All spaces shall have sewer connections.

- 1 1. The sewer riser pipe shall be so constructed as to be protected from damage and surface water  
2 drainage. A concrete apron or equivalent shall be used.
- 3 2. The sewer riser pipe shall be capped in an approved manner when not in use. (Ord. 89-24  
4 (part)).
- 5 **24.02.060 Toilet, lavatory and bathing facilities.**
- 6 A. Service buildings shall be well-lit and ventilated and constructed of materials which are easily cleaned.  
7 Floors in service buildings shall be constructed of water-impervious material and sloped to a floor drain.
- 8 B. Walls and partitions around showers, lavatories and other plumbing fixtures shall be constructed of  
9 nonabsorbent, waterproof material or covered with moisture-resistant material.
- 10 C. Toilet partitions shall be raised 12 inches from the floor and shall be so constructed as to be easily  
11 cleanable.
- 12 D. All service buildings and sanitary facilities shall be kept clean and in good repair.
- 13 E. Buildings shall conform with the current edition of the Uniform Building Code.
- 14 F. Hot water shall be provided for lavatories, showers and other bathing units between the minimum  
15 temperature of 100 degrees Fahrenheit and the maximum temperature of 130 degrees Fahrenheit.
- 16 G. If soap is provided, liquid or powdered soap in a suitable dispenser shall be used. Bar soap shall not  
17 be provided. (Ord. 89-24 (part)).
- 18 **24.02.070 Operation and maintenance.**
- 19 All mobile home parks, newly constructed or existing on the effective date of the ordinance codified in this  
20 title shall be required to meet all maintenance and operation standards.
- 21 A. Water Supply. Water supplies serving parks shall conform to the requirements of WAC [248-54](#), Rules  
22 and Regulations of the State Board of Health regarding public water systems.
- 23 B. Sewage Disposal. Sewer riser pipe shall be capped in an approved manner when not in use. Sewer  
24 line connections shall be tight-fitting.
- 25 C. Service Buildings/Sanitary Facilities. All service buildings and sanitary facilities shall be kept clean and  
26 in good repair.
- 27 1. Existing lavatories, showers and other bathing units shall provide hot water between the  
28 minimum temperature of 100 degrees Fahrenheit and the maximum temperature of 130 degrees  
29 Fahrenheit.
- 30 2. If soap is provided, liquid or powdered soap in a suitable dispenser shall be used. Bar soap shall  
31 not be provided.
- 32 D. Solid Waste Containers. Each park shall be equipped with adequate solid waste containers. All solid  
33 waste containers shall be constructed so as to be insectproof and rodentproof, watertight and easily  
34 cleanable.
- 35 E. Occupancy Limits. Occupancy of the park shall not exceed the capacity of the sanitary facilities serving  
36 the park. (Ord. 89-24 (part)).

1  
2 **24.02.080 Park management.**

3 Any person operating a park shall operate in compliance with the rules and regulations provided by this  
4 title and shall provide adequate supervision to maintain the park, its facilities and equipment in good  
5 repair and in a clean and sanitary manner. (Ord. 89-24 (part)).

6 **24.02.090 Severability.**

7 If any provision of this chapter or its application to any person or circumstance is held to be invalid, the  
8 remainder of this chapter or the application of the provision to other persons or circumstances is not  
9 affected. (Ord. 89-24 (part)).

10



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-419

---

<b>File ID:</b>	AB2020-419	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/25/2020	<b>Entered by:</b>	MAamot@co.whatcom.wa.us		
<b>Department:</b>	Planning and Development Services Department	<b>File Type:</b>	Discussion		
<b>Assigned to:</b>	Council Public Works & Health Committee	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: maamot@co.whatcom.wa.us

### **TITLE FOR AGENDA ITEM:**

Discussion relating to the draft Six-Year Capital Improvement Program for Whatcom County Facilities (2021-2026)

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

The Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities addresses County parks, trails, activity centers, maintenance & operations, general government buildings and sites, Sheriff's Office, emergency management, adult corrections, juvenile detention, transportation, and stormwater facilities. The Whatcom County Comprehensive Plan indicates that the Six-Year CIP should be updated every two years. The last CIP update was approved by the County Council in 2018. Therefore, the CIP is being updated in 2020.

---

### **HISTORY OF LEGISLATIVE FILE**

---

Date:	Acting Body:	Action:	Sent To:

---

**Attachments:** Staff Memo, Draft Ordinance, Exhibit A, Exhibit B, Planning Commission Findings

**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

September 30, 2020

To: The Honorable Satpal Sidhu, Whatcom County Executive  
The Honorable Whatcom County Council

From: Matt Aamot, Senior Planner

Through: Mark Personius, Director

RE: Capital Facilities Planning – Comp Plan Amendments (PLN2020-00002)

The subject proposal is to modify the Whatcom County Comprehensive Plan as follows:

- Adopt the new Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities 2021-2026, which is Appendix F of the Whatcom County Comprehensive Plan (Exhibit A).
- Repeal the existing Six-Year CIP for Whatcom County Facilities 2019-2024 (Exhibit B).

The Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities addresses County parks, trails, activity centers, maintenance & operations, general government buildings and sites, Sheriff's Office, emergency management, adult corrections, juvenile detention, transportation, and stormwater facilities. The Whatcom County Comprehensive Plan indicates that the Six-Year CIP should be updated every two years. The last CIP update was approved by the County Council in 2018. Therefore, the CIP is being updated in 2020.

The Whatcom County Planning Commission issued recommendations on the Six-Year CIP on September 24, 2020. The Planning Commission made the following changes to Exhibit A from the version proposed by the Executive branch of County government:

- Added the following description of the Birch Bay Drive & Pedestrian Facility: beach restoration and berm project (p. F-7).
- Change "New Jail" to "Public Health, Safety, and Justice Facilities" (p. F-15).

- Change funding sources for the Public Health, Safety, and Justice Facilities from debt and new sales tax to "Investigate alternative funding sources outside of debt and sales tax" (p. F-15).

The Planning Commission also added Finding 25 stating: "The Planning Commission recommends that the County Council carefully consider sources of funding and budgetary restraints."

The County Administration requested adding the Real Estate Excise Tax as a funding source for the Central Shop Roof Replacement after the Planning Commission process. This change has been made on p. F-9 of the draft Six-Year CIP. Additionally, the "Total Cost" for Transportation on p. F-22 was updated to reflect the approved Six-Year Transportation Improvement Program (Resolution 2020-034).

It is anticipated that the County Council will make a final decision on these amendments with approval of the biennial budget in November.

Thank you for your review and consideration of this matter. We look forward to discussing it with you.

PROPOSED BY: Planning & Development Services  
INTRODUCTION DATE: \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**ADOPTING AMENDMENTS TO THE  
WHATCOM COUNTY COMPREHENSIVE PLAN  
RELATING TO CAPITAL FACILITIES PLANNING**

**WHEREAS,** The Whatcom County Planning Commission held a public hearing and issued recommendations on the proposed amendments; and

**WHEREAS,** The County Council considered Planning Commission recommendations;

**WHEREAS,** The County Council held a public hearing; and

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

**FINDINGS OF FACT**

1. The proposal is to amend the Whatcom County Comprehensive Plan as follows:
  - a. Adopting the new Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities 2021-2026 (Appendix F of the Whatcom County Comprehensive Plan).
  - b. Repealing the existing Six-Year CIP for Whatcom County Facilities 2019-2024.
2. Notice of the subject amendments was submitted to the Washington State Department of Commerce on August 21, 2020.
3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on August 28, 2020.
4. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on September 11, 2020.
5. Notice of the Planning Commission hearing was posted on the County website on September 14, 2020.

6. Notice of the Planning Commission hearing was sent to citizen, media, cities and other groups on the County's e-mail list on September 14, 2020.
7. The Planning Commission held a public hearing on the subject amendments on September 24, 2020.
8. Pursuant to WCC 22.10.060(1), in order to approve the proposed comprehensive plan amendments the County must find all of the following:
  - a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
  - b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.
  - c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
    - i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
    - ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
    - iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.
  - d. The amendment does not include or facilitate spot zoning.
9. The Growth Management Act (GMA) establishes planning goals in RCW 36.70A.020 to guide adoption of comprehensive plan amendments.
10. GMA planning goal # 12 is to "Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and

use without decreasing current service levels below locally established minimum standards” (RCW 36.70A.020(12)).

11. The subject amendments include updating the Six-Year CIP for Whatcom County Facilities for the 2021-2026 planning period. Updating the CIP is one step in the process of planning regional facilities provided by the County to serve the people of Whatcom County.
12. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include a capital facilities plan element consisting of:
  - a. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.
  - b. A forecast of the future needs for such capital facilities.
  - c. The proposed locations and capacities of expanded or new capital facilities.
  - d. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.
  - e. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.
13. The Six-Year CIP for Whatcom County Facilities contains an inventory of existing facilities, a forecast of future needs based upon the level of service standards adopted in the Whatcom County Comprehensive Plan and/or other relevant factors, proposed renovated, expanded or new capital facilities, costs and funding sources.
14. Existing Comprehensive Plan Policy 4A-4 addresses the GMA requirement to reassess the land use element if probable capital facility funding falls short.
15. County-Wide Planning Policy K-1 indicates that, as part of the comprehensive planning process, the County must identify appropriate land for public facilities that meets the needs of the community including recreation, transportation and human service facilities.
16. The Six-Year CIP identifies County park, trail, transportation and other improvements as contemplated by the County Wide Planning Policies.
17. Existing interlocal agreements between Whatcom County and the cities indicate that the County will consult with the appropriate city in planning

new road construction projects within the city's urban growth area. The interlocal agreements also address joint planning for parks.

18. The County Engineer confirmed on August 31, 2020 that the County sends a copy of the six-year transportation improvement program to cities prior to approval, requests comments, and informs cities of the hearing date. The Whatcom County Parks Director confirmed on September 10, 2020 that the County Parks' staff maintains a consistent working relationship with appropriate staff from cities on joint park projects and planning. Therefore, the type of cooperation envisioned by the interlocal agreements is occurring.
19. The Whatcom County Comprehensive Plan calls for an update of the Six-Year CIP for County facilities every other year. Specifically, Policy 4B-1 is to:

Maintain and update, on at least a biennial basis, a six-year capital improvement program (CIP) that identifies projects, outlines a schedule, and designates realistic funding sources for all county capital projects based on a review of population and revenue conditions existing at that time.
20. A revised CIP has been formulated for County owned or operated facilities, which presents improvement projects over the new six-year planning period.
21. The Six-Year CIP for Whatcom County Facilities 2021-2026 is based upon anticipated population growth over the six-year planning period and other relevant factors. Therefore, the proposal should complement the County's growth and development plans.
22. The Six-Year CIP for Whatcom County Facilities will have a positive impact on the County's ability to provide public facilities by planning ahead for such facilities.
23. The goal of the Six-Year CIP for Whatcom County Facilities is to plan for County owned or operated parks, trails, activity centers, maintenance & operations, general government buildings and sites, Sheriff's Office, emergency management, adult corrections, juvenile detention, transportation, and stormwater facilities to serve the people of Whatcom County. Planning for such County facilities is in the public interest.
24. The subject proposal does not involve rezoning property.

## **CONCLUSION**

The subject Whatcom County Comprehensive Plan amendments are consistent with the approval criteria in WCC 22.10.060.

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

Section 1. The Six-Year Capital Improvement Program for Whatcom County Facilities 2021-2026 (Appendix F of the Whatcom County Comprehensive Plan) is hereby adopted as shown on Exhibit A.

Section 2. The Six-Year Capital Improvement Program for Whatcom County Facilities 2019-2024 is hereby repealed as shown on Exhibit B.

Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

ATTEST:

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Chairperson

APPROVED as to form:

( ) Approved    ( ) Denied

\_\_\_\_\_  
Civil Deputy Prosecutor

\_\_\_\_\_  
Satpal Sidhu, Executive

Date: \_\_\_\_\_

# Exhibit A

## Six-Year Capital Improvement Program For Whatcom County Facilities 2021-2026

### Table of Contents

Chapter 1 – Introduction.....	3
Growth Management Act Requirements.....	3
Charter Provisions and the County Budget.....	4
Chapter 2 – Parks, Trails, and Activity Centers.....	5
Parks.....	5
Future Needs .....	6
Proposed Improvement Projects.....	6
Trails.....	6
Future Needs .....	7
Proposed Improvement Projects.....	7
Activity Centers .....	7
Future Needs .....	7
Proposed Improvement Projects.....	8
Six-Year Capital Improvement Program .....	8
Chapter 3 – Maintenance and Operations .....	9
Existing Maintenance and Operations Space .....	9
Future Needs .....	9
Proposed Improvement Projects.....	9
Chapter 4 – General Government Buildings and Sites .....	10
Existing Office Space .....	10
Future Needs .....	10
Proposed Improvement Projects.....	10
Chapter 5 – Sheriff’s Office .....	11
Existing Sheriff’s Office Space.....	11
Future Needs .....	11
Proposed Improvement Projects.....	11

---

Chapter 6 – Emergency Management .....	13
Existing Emergency Management Space.....	13
Future Needs .....	13
Proposed Improvement Projects.....	13
Chapter 7 – Adult Corrections.....	14
Existing Jail Facilities .....	14
Future Needs .....	14
Proposed Improvement Projects.....	15
Chapter 8 – Juvenile Detention .....	16
Existing Juvenile Detention Facilities .....	16
Future Needs .....	16
Proposed Improvement Projects.....	16
Chapter 9 – Transportation .....	17
Existing Roads .....	17
Future Needs .....	17
Proposed Improvement Projects.....	17
Existing Ferry Facilities .....	18
Future Needs .....	18
Proposed Improvement Projects.....	18
Total Transportation Costs.....	18
Chapter 10 – Stormwater Facilities.....	19
Existing Stormwater Management Facilities .....	19
Future Needs .....	20
Proposed Improvement Projects.....	20
Chapter 11 – Total Costs.....	22

---

## Chapter 1 – Introduction

The Growth Management Act requires that the County’s Comprehensive Plan include a “capital facilities plan element” (RCW 36.70A.070(3)). The Whatcom County Comprehensive Plan calls for the County to develop and update the Six-Year Capital Improvement Program (CIP) for County projects every two years. The main purpose of the Capital Improvement Program is to identify priority capital improvement projects and estimated costs, outline a schedule for project completion, and designate funding sources for these projects based on a review of existing and projected population and revenue conditions for the six year planning period.

### Growth Management Act Requirements

According to the Growth Management Act, a county’s capital facilities plan must include five items, which are shown below.

- A. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.*

Current inventories of existing County capital facilities, based upon information provided by various County departments, are included in each chapter of this document.

- B. A forecast of the future needs for such capital facilities.*

Chapter 4 of the Whatcom County Comprehensive Plan establishes numerical “level of service” standards for County parks and trails and contains policies relating to other County facilities. Capital facility needs are forecasted over the six-year planning period by applying the adopted level of service standards to the expected population in the year 2026 and by considering other relevant factors.

- C. Proposed locations and capacities of expanded or new capital facilities.*

General locations and capacities of proposed County facilities are indicated in this document (as applicable).

- D. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.*

This Six-Year Capital Improvement Program presents costs and funding sources for proposed County capital facilities (all figures are in 2020 dollars). There are a variety of funding sources that the County may utilize to pay for capital facilities, including real estate excise taxes (REET), sales tax, the Public Utilities Improvement Fund (also known as the Rural Sales Tax Fund, Economic Development Investment Fund or EDI Fund), Road Fund, state grants, federal grants and a variety of other sources.

- 
- E. *A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.*

Finally, in accordance with the Growth Management Act, a requirement to reassess the land use element of the Comprehensive Plan if probable funding falls short of meeting existing needs and to ensure consistency between plans already exists in the Comprehensive Plan (Policy 4A-4).

### **Charter Provisions and the County Budget**

In addition to Growth Management Act provisions relating to capital facilities, Section 6.30 of the County Charter also requires the County to include a six-year capital improvement program as part of the budget. Appropriations for 2021-2022 capital projects may be included in the biennial budget or may be adopted through the supplemental budget process. Ultimate funding for capital improvement projects is subject to County Council authorization in the adopted budget. Costs identified for 2023-2026 are included for planning purposes and review of potential future needs, but not for budget authorization at this time.

## Chapter 2 – Parks, Trails, and Activity Centers

### Parks

The 2020 inventory of County parks and open space areas is over 16,200 acres. This inventory is shown below.

**Table 1. Existing Parks**

Site No.	Park Name and Location	Acres
1	Alderwood Park, 3479 Willowood Rd.	1.9
2	Bay Horizon Park, 7467 Gemini St.	68.2
3	Birch Bay Beach Park, 7930 Birch Bay Dr.	13.7
4	Birch Bay Conservancy Area, 7000 Point Whitehorn Rd.	45.0
5	Birch Bay Tidelands	151.0
6	Boulevard Park, 471 Bayview Dr.	1.4
7	Broadway Beach Access, 7497 Birch Bay Dr.	0.1
8	Cagey Road, 3130 Haxton Way	20.0
9	Camp 2 RR ROW, 3775 Camp 2 Rd.	2.3
10	Canyon Lake Community Forest, 8300 Mt. Baker Hwy.	2,266.0
11	Chuckanut Mountain Park, 745 Old Samish Rd.	987.9
12	Cottonwood Beach Access, 8191 Birch Bay Dr.	5.1
13	Deming Eagle Homestead Park, 5615 Truck Rd.	33.0
14	Dittrich Park, 319 E Lake Samish Dr.	25.2
15	Drayton Harbor Tidelands	0.3
16	Euclid Park, 1570 Euclid Ave.	2.2
17	Galbraith Mountain Access, 800 Birch Falls Dr.	20.0
18	Glacier Cemetery	0.5
19	Halverson Park, 5075 Anderson Rd.	5.6
20	Haynie Road, 2876 Haynie Rd.	1.9
21	Hegg, 3845 Blue Canyon Rd.	3.5
22	Hovander Homestead Park and Tennant Lake, 5299 Nielsen Rd.	333.4
23	Jackson Rd. Beach Access, 7465 Birch Bay Dr.	0.2
24	Jensen Family Forest Park, 8051 Stein Rd.	21.5
25	Josh VanderYacht Park, 4106 Valley Highway	2.0
26	Kickerville Road, 4110 Bay Rd.	2.6
27	Lake Whatcom Park, 3220 North Shore Rd.	4,853.0
28	Lighthouse Marine Park, 811 Marine Dr. in Point Roberts	20.5
29	Lily Point Marine Park, 2315 APA Rd. in Point Roberts	262.1
30	Little Squalicum Park, 640 Marine Dr.	12.7
31	Lookout Mountain Forest Preserve, 2537 Lake Louise Rd.	4,682.8
32	Lummi Island Beach Access, 2198 N. Nugent Rd.	0.2
33	Maple Beach Tidelands	100.9
34	Maple Creek Park, 7842 Silver Lake Rd.	73.1
35	Maple Falls Community Park, 7470 Second St.	4.2
36	Monument Park, 25 Marine Dr. in Point Roberts	6.9
37	Nugent's Corner River Access, 3685 Mt. Baker Highway	14.2
38	Ostrom Conservation Site, 4304 South Pass Rd.	38.6
39	Phillips 66 Soccer Park, 5238 Northwest Dr.	36.6
40	Point Whitehorn Marine Reserve, 6770 Koehn Rd.	54.1
41	Redwood Park, 3310 Redwood Ave.	0.3
42	Samish Park, 673 N. Lake Samish Dr.	30.6
43	Samish Way, 5170 Samish Way	1.4
44	Semiahmoo Park, 9261 Semiahmoo Parkway	291.9
45	Silver Lake Park, 9006 Silver Lake Rd.	413.4
46	South Fork Park, 1530 Mosquito Lake Rd.	603.0
47	South Lake Whatcom Park, 4144 S Bay Dr.	79.5
48	South Pass East, 4900 South Pass Rd.	0.5
49	South Pass West, 4190 South Pass Rd.	0.4
50	Squires Lake Park, 2510 Nulle Rd.	84.2
51	Stimpson Family Nature Reserve, 2076 Lake Louise Rd.	400.4
52	Sunnyside Landing, 2870 Northshore Rd.	6.3
53	Sunset Beach, 2580 West Shore Dr. on Lummi Island	7.0
54	Sunset Farm Park, 7977 Blaine Rd.	69.5
55	Ted Edwards Park, 4150 Oriental Ave.	3.5
56	Teddy Bear Cove Park, 1467 Chuckanut Dr.	11.2
57	Terrell Creek Access, 7417 Jackson Rd.	0.5
58	Terrell Creek Heron Rookery, 7065 Jackson Rd.	15.0
59	Terrell Creek Point, 7685 Birch Bay Dr.	6.7
60	Turner-Jaeger, 1975 Lake Louise Rd.	3.8
61	Welcome Bridge River Access, 5585 Mosquito Lake Rd.	0.6
<b>TOTAL</b>		<b>16,204.1</b>

Pursuant to RCW 36.87.130, there are also public access properties on right-of-way ends that intersect shorelines.

### Future Needs

A level of service of 9.6 acres of developed parkland for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan. The County's existing parks will meet the adopted level of service over the six-year planning period. However, the County is proposing park improvement projects to increase quality of existing park facilities and develop the Birch Bay Community Park to meet the longer term needs of a growing population.

### Proposed Improvement Projects

Park improvement projects, totaling almost \$6.5 million, are proposed over the six-year planning period.

### Trails

Whatcom County currently has almost 74 miles of trails in various locations throughout the County. This inventory is shown below.

**Table 2. Existing Trails**

Site No.	Trail Name and Location	Miles
1	Bay Horizon/Bay Crest Trail	0.75
2	Bay to Baker Maple Falls-Glacier	4.00
3	Canyon Lake Community Forest	7.01
4	Chuckanut Mountain / Pine & Cedar Lakes	16.60
5	Deming Homestead Eagle Park, Truck Rd.	0.30
6	Hovander Homestead Park	3.20
7	Interurban, Chuckanut area	3.15
8	Jensen Family Forest Park, Stein Rd. and Birch Bay Lynden Rd.	0.67
9	Lake Whatcom Park	8.50
10	Lily Point, Point Roberts	2.00
11	Lookout Mountain Forest Preserve	6.80
12	Maple Creek Park, 7842 Silver Lake Rd., Maple Falls	1.28
13	Monument Park, 25 Marine Dr. in Point Roberts	0.35
14	Phillips 66 Soccer Park Trail (Used to be Northwest Soccer Park), Smith	0.38
15	Ostrom Conservation Site, 4304 South Pass Rd.	0.56
16	Point Whitehorn Marine Reserve, 6770 Koehn Rd, Birch Bay	0.81
17	Samish Park, 673 N. Lake Samish	1.38
18	Semiahmoo Park	0.63
19	Silver Lake Park, 9006 Silver Lake Rd.	5.28
20	South Fork Park	2.30
21	Squires Lake, 2510 Nulle Rd.	2.88
22	Stimpson Family Nature Reserve, 2076 Lake Louise Rd.	4.02
23	Sunset Farm, 7977 Blaine Rd.	0.56
24	Teddy Bear Cove	0.33
<b>TOTAL</b>		<b>73.74</b>

## Future Needs

A level of service of 0.60 miles of trails for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, about 71 additional miles of trails would be needed by the year 2026 to serve the people of Whatcom County.

## Proposed Improvement Projects

Trail improvement projects and associated facilities, totaling approximately \$4.8 million dollars, are proposed over the six-year planning period. These projects would add 9 trail miles (the South Fork Park trails project would add 5 miles and the Lake Whatcom trails project would add 4 miles). Additionally, the Birch Bay Drive & Pedestrian Facility (beach restoration and berm project) will add 1 mile of trail.

While there is a shortfall in trail miles provided by the County, there are other trails that are owned/maintained by a variety of agencies or jurisdictions that provide recreational opportunities for Whatcom County residents and visitors.

## Activity Centers

There are currently 13 activity centers that provide a variety of year-round programs for various age groups. The activity center inventory is shown below.

**Table 3. Existing Activity Centers**

Site No.	Activity Center Name and Location
1	Bay Horizon, 7511 Gemini Street
2	Bellingham Senior Activity Center, 315 Halleck Street
3	Blaine Community Senior Center, 763 G Street
4	East Whatcom Regional Resource Center, 8251 Kendall Rd.
5	Everson Senior Center, 111 W. Main Street
6	Ferndale Senior Center, 1999 Cherry Street
7	Lynden Senior Center, 401 Grover Street
8	Plantation Rifle Range, 5102 Samish Way
9	Point Roberts Senior Center, 1487 Gulf Road
10	Roeder Home, 2600 Sunset Dr.
11	Sumas Senior Center, 461 2nd Street
12	Van Zandt Community Hall, 4106 Valley Highway
13	Welcome Senior Center, 5103 Mosquito Lake Rd.

Note: The Blaine, Everson, Lynden and Sumas Centers are owned by these respective cities. The Point Roberts Center is owned by the Point Roberts Park District. Whatcom County provides and/or contracts for senior activities and recreational programming at these centers.

## Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for activity centers. Rather, Comprehensive Plan Policy 4F-5 states:

Continue to provide and support activity centers, including senior centers, to serve the growing population of Whatcom County by the following methods, as needed, which are listed in priority order: (1) implementing programming changes, (2) adding space to existing centers, and/or (3) establishing new centers.

### Proposed Improvement Projects

Two activity center projects, involving a boiler replacement at the East Whatcom Regional Resource Center and demolition of a building at Bay Horizon, are proposed. These project will cost about \$591,000 within the six-year planning period.

### Six-Year Capital Improvement Program

The park, trail, and activity center projects planned over the next six years are shown below.

**Table 4. Park, Trail, and Activity Center Projects Planned Over the Next Six Years**

Project #		Funding Source	2021	2022	2023	2024	2025	2026	Totals
1	Nugent's Corner Buiding Demolition	1	67,713						67,713
2	Parks Admin Offices HVAC Replacement & Upgrade	1	81,411						81,411
3	Lighthouse Marine Park Siding & Roofing	1		168,350					168,350
4	Silver Lake Restrooms & Day-Use Improvements	1	1,430,000	1,450,000	910,000				3,790,000
5	Birch Bay Beach Park Development	2, 3	140,000	392,825					532,825
6	Hovander Picnic Shelters	1		53,200	210,000	105,000			368,200
7	Silver Lake Cabins Capital Maintenance Program	1			250,603				250,603
8	Hertz Trail Capital Maintenance Program	1				25,000	195,000		220,000
9	Stimpson Family Nature Reserve Parking Improvements	1		80,075					80,075
10	Lookout Mtn Forest Preserve Parking Improvements	1			94,218				94,218
11	Lake Whatcom Park Trailhead	1	352,025			1,350,000	975,000		2,677,025
12	Lily Point Marine Park Parking Improvements	1					241,136		241,136
13	South Fork Park Bridges & Connector Trail	1, 2	29,000	125,000	125,000	515,000			794,000
14	Tennant Lake Interpretive Center Remodel	1					10,000	56,383	66,383
15	Hovander Park Access Improvements	1, 2						250,000	250,000
16	Samish Park Parking/Vehicular Circulation Improvement	1					75,000	225,000	300,000
17	Bay Horizon Hostel Demolition	1						456,248	456,248
18	Lake Whatcom Trail Development	1	189,000						189,000
19	Hovander Maintenance Shop	1	175,000						175,000
20	Maple Falls Park Trailhead Restroom & Parking	1, 2					182,500	750,000	932,500
21	East Whatcom Regional Resource Center-Replace Boiler	4							
<b>Parks Totals</b>			2,464,149	2,404,220	1,589,821	1,995,000	1,678,636	1,737,631	11,869,457
<b>Funding Sources:</b>									
1. Real Estate Excise Tax (REET)									
2. Grants									
3. Parks Special Revenue Fund									
4. Economic Development Investment (EDI) Funds									

## Chapter 3 – Maintenance and Operations

### Existing Maintenance and Operations Space

The 2020 inventory of maintenance & operations/facilities management space is 70,681 square feet. This inventory is shown below.

**Table 5. Existing Space**

Site No.	Facility Name	Square feet
1	Central Shop, 901 W. Smith Rd. (Maintenance and Operations)	35,773
2	3720 Williamson Way (Facilities Management)	31,248
3	Minimum Security Correction Facility - 2030 Division St. (Facilities Management Storage)	3,660
TOTAL		70,681

### Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for maintenance and operations. The County will budget for improvements to such facilities as needed.

### Proposed Improvement Projects

Improvement and maintenance projects on existing buildings and sites over the six-year planning period total over \$812,000 as shown below.

**Table 6. Proposed Maintenance and Operations Projects**

<u>Maintenance &amp; Operations</u>	<u>Funding Source</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>Total Cost</u>
1. Central Shop - Vactor Building	1	330,000						330,000
2. Central Shop - Road Oil Tank	1	236,500						236,500
3. Central Shop - Roof Replacement	2, 3	232,875						232,875
4. HVAC Programming (3720 Williamson Way)	3	13,000						13,000
		812,375						812,375
TOTAL								

#### Funding Sources

1. Road Fund
2. Equipment Rental & Revolving (ER&R) Fund
3. Real Estate Excise Tax (REET)

## Chapter 4 – General Government Buildings and Sites

### Existing Office Space

The 2020 inventory of County government office space is 331,141 square feet at nine locations. This inventory is shown below.

**Table 7. Existing County Government Office Space**

Site No.	Facility Name	Square feet
1	Civic Center Annex (322 North Commercial)	30,000
2	Central Plaza Building (215 N. Commercial)	10,307
3	County Courthouse (311 Grand Avenue)	200,000
4	Forest St. Annex (1000 North Forest St.)	14,000
5	509 Girard St.	13,189
6	3373 Mt. Baker Highway	2,110
7	1500 N. State St.	16,820
8	Northwest Annex (5280 Northwest Dr.)	20,265
9	Crisis Stabilization Center (2026 Division St.)	<u>24,450</u>
TOTAL		331,141

### Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for general government buildings. The County will budget for improvements to such facilities as needed.

### Proposed Improvement Projects

Improvement and maintenance projects on existing buildings and sites over the six-year planning period total approximately \$52.5 million as shown below.

**Table 8. Proposed Government Building and Site Improvement Projects**

	Funding Source	2021	2022	2023	2024	2025	2026	Totals
1 Courthouse Maintenance Projects (311 Grand Ave)	1, 2	311,837	1,020,514		500,000	500,000		2,332,351
2 Northwest Annex Campus	2, 3, 4	1,950,000	12,000,000	12,000,000				25,950,000
3 Courthouse Exterior Project - Phase 2 (311 Grand Ave)	1, 2	500,000	2,921,000	2,921,000				6,342,000
4 Improvements, including remodel and HVAC (1500 N. State St)	5, 6			750,000	8,717,000			9,467,000
5 Improvements, including roof, HVAC, and windows (509 Girard St)	2				80,000	1,380,000		1,460,000
6 Prosecuting Attorney - Office Update (311 Grand Ave)	1	60,514						60,514
7 Civic Center - Parking Lot (322 N. Commercial)	1, 4				75,000	400,000		475,000
8 Civic Center Building Renovation (322 N Commercial)	1, 4	3,000,000	1,600,000	400,000				5,000,000
9 Interior Painting, Carpets, Asphalt Repairs (various locations)	1	165,000	165,000	165,000	165,000	165,000	165,000	990,000
10 Central Plaza Debt Service (215 N. Commercial)	1	124,000	124,000	124,000				372,000
11 ADA Compliance (various locations)	1	40,000	40,000					80,000
<b>Totals</b>		<b>6,151,351</b>	<b>17,870,514</b>	<b>16,360,000</b>	<b>9,537,000</b>	<b>2,445,000</b>	<b>165,000</b>	<b>52,528,865</b>

#### Funding Sources

1. Real Estate Excise Tax (REET)
2. Economic Development Initiative (EDI)
3. Debt
4. Road Fund
5. State Street Project Based Budget
6. Grants

## Chapter 5 – Sheriff’s Office

### Existing Sheriff’s Office Space

The 2020 inventory of Sheriff’s office space is 22,902 square feet. This inventory is shown below.

**Table 9. Existing Sheriff’s Facilities**

Site No.	Facility Name	Square Feet
1	Public Safety Building (311 Grand Ave)	15,102
2	Minimum Security Correction Facility (2030 Division St.)	6,000
3	Laurel Substation (194 W. Laurel Rd.)	<u>1,800</u>
TOTAL		22,902

Notes: The Sheriff’s Office also has storage facilities at various locations in Whatcom County. The County has two mobile homes and an old detention facility in Point Roberts. The resident deputies operate out of their homes or utilize space at the U.S. Customs office at the border.

### Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for Sheriff’s Office facilities. Rather, Comprehensive Plan Policy 4D-2 is to:

Maintain Sheriff’s Office adult corrections facilities and headquarters to provide a safe environment for the community, staff and inmates. . . Existing facilities may be expanded, remodeled, and/or new facilities developed in response to changing need.

### Proposed Improvement Projects

A new Sheriff’s Office, satellite office, and a new public safety radio system are planned within the next six years. The comprehensive radio system update will include infrastructure (such as towers), radio systems in buildings, radios in vehicles, and hand-held radios. These improvements will cost almost \$22 million, as shown below.

**Table 10. Proposed Sheriff’s Office Improvement Projects**

<b>Project #</b>	<b>Funding Source</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Totals</b>
Sheriff’s Office & Satellite Office	1, 2			1,200,000	14,400,000			15,600,000
Public Safety Radio System	3, 4, 5, 6	1,500,000	850,000	1,425,000	1,575,000	780,000		6,130,000
<b>Totals</b>		1,500,000	850,000	2,625,000	15,975,000	780,000	-	21,730,000

Funding Source

1. Real Estate Excise Tax (REET)
2. Debt
3. Grants
4. Economic Development Investment (EDI) Fund
5. Fire Districts/Departments
6. Countywide Emergency Medical Services (EMS) Fund

## Chapter 6 – Emergency Management

### Existing Emergency Management Space

The 2020 inventory of Sheriff's Office, Division of Emergency Management space is 24,000 square feet, located at the Whatcom Unified Emergency Coordination Center (WUECC). Rented by and shared between both Whatcom County and the City of Bellingham, the WUECC is comprised of 2,000 square feet of office space and an additional 22,000 square feet of support facilities (used for meetings, training, exercises, and during emergencies). The WUECC serves as the Emergency Operations Center for both the County and the City.

**Table 11. Existing Emergency Management/EOC Facilities**

Site No.	Facility Name	Square feet
1	Whatcom Unified Emergency Coordination Center 3888 Sound Way, Bellingham	24,000

### Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for emergency management facilities. Rather, Comprehensive Plan Policy 4D-4 is to:

Maintain adequate facilities for daily emergency management activities and, during an emergency or disaster, for the emergency operations center. The facilities will provide sufficient space for activities relating to emergency/disaster planning, mitigation, response and recovery. Existing facilities may be expanded, remodeled, and/ or new facilities developed in response to changing need.

The County will budget for improvements to such facilities as needed.

### Proposed Improvement Projects

There are no emergency management capital improvement projects planned over the next six years.

## Chapter 7 – Adult Corrections

### Existing Jail Facilities

The County’s Main Jail was designed and originally built to hold 148 beds, although with some limited remodeling and the use of double bunking, the operational capacity of the main jail should be for the use of 212 beds. Additionally, the jail is currently not in compliance with the Building/Fire Codes for double bunking, although a plan has been approved to bring it into partial compliance. Whatcom County completed construction of a 150 bed minimum security correction facility on Division St. in 2006. The Main Jail is located in the Public Safety Building next to the County Courthouse in downtown Bellingham and the Minimum Security Correction Facility is located in the Bakerview Rd. industrial area.

**Table 12. Existing Jail Beds**

Site No.	Facility Name	Jail Beds
1	Public Safety Building (311 Grand Ave.)	212
2	Jail Work Center (2030 Division St.)	<u>150</u>
TOTAL		362

Note: As the result of the COVID-19 pandemic, the jail is operating at a reduced capacity to provide for social distancing until such time as the pandemic is declared under control by the Washington State Department of Health. Due to the mix of offenders, a firm population cap has not been set, but is anticipated to remain at approximately 150 offenders at the Downtown Jail.

### Future Needs

There continues to be serious concerns among law and justice officials related to jail facility needs in the community. That need has been documented over the years, with the most recent being the *Building Assessment Studies and Cost Estimates for Capital Improvements at the Jail (Public Safety Building)* (Sept. 2017).

The Whatcom County Comprehensive Plan does not contain a level of service standard for jail facilities. Rather, Comprehensive Plan Policy 4D-2 is to:

Maintain Sheriff’s Office adult corrections facilities and headquarters to provide a safe environment for the community, staff and inmates. The number of jail beds in adult corrections facilities will be determined after review of multiple factors, including projected population growth, State sentencing laws, alternative programs, treatment diversion programs, early release programs, the need to separate violent inmates, the need to separate inmates by gender, the need to separate inmates by other classification considerations, average length of stay, peak inmate populations and available funding. Existing facilities may be expanded, remodeled, and/ or new facilities developed in response to changing need.

## Proposed Improvement Projects

The adult corrections projects planned over the next six years are shown below.

**Table 13. Proposed Improvement Projects**

Project #		Funding Source	2021	2022	2023	2024	2025	2026	Totals
1	Public Health, Safety, and Justice Facilities	1			5,000,000	90,000,000			95,000,000
2	Jail Work Center - Hot Water Tanks	2	197,922						197,922
<b>Totals</b>			197,922	0	5,000,000	90,000,000	0	0	95,197,922

Funding Sources

1. Investigate alternative funding sources outside of debt and sales tax
2. Jail Improvement Fund

## Chapter 8 – Juvenile Detention

### Existing Juvenile Detention Facilities

The 2020 inventory of County juvenile detention facilities includes 32 beds serving the countywide population. The juvenile detention facility is located on the sixth floor of the County Courthouse at 311 Grand Avenue.

**Table 14. Existing Juvenile Detention Beds**

Site No.	Facility Name	Beds
1	County Courthouse (311 Grand Ave.)	32

### Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for juvenile detention facilities. Rather, Comprehensive Plan Policy 4D-3 is to:

Maintain juvenile detention facilities and alternative corrections programs to provide safe and secure methods to provide accountability and support for minors who break the law. Existing facilities may be expanded, remodeled, and/or new facilities developed in response to changing need.

The County will budget for improvements to such facilities as needed.

### Proposed Improvement Projects

There are no juvenile detention capital improvement projects planned in the six-year planning period.

## **Chapter 9 – Transportation**

### **Existing Roads**

The 2019 inventory shows a total of 935.44 miles of County roads.

### **Future Needs**

The Whatcom County Comprehensive Plan sets level of service (LOS) standards for County roads. Future traffic and the level of service for roads can be forecasted using computer-modeling software. The Whatcom Council of Governments forecasts future traffic utilizing a computer transportation model. This modeling effort will inform transportation planning in Whatcom County.

Whatcom County accomplishes planning for County road improvements by approving a Six-Year Transportation Improvement Program each year, as required by RCW 36.81.121.

### **Proposed Improvement Projects**

The Whatcom County Six-Year Transportation Improvement Program includes preliminary planning for two proposed new road projects:

- Horton Road connector (between Northwest Drive and Aldrich Road); and
- Lincoln Road extension (between Harborview Road and Blaine Road).

While these two projects are on the Six-Year Transportation Improvement Program, construction is not anticipated within the six-year planning period. Rather, preliminary engineering to determine project feasibility may be initiated within this time frame.

The six-year plan contains a variety of projects, including bridge replacements, intersection improvements, reconstruction, fish passage projects, and the Birch Bay Drive & Pedestrian Facility improvements, which include pedestrian and non-motorized enhancements along Birch Bay Dr.

**Existing Ferry Facilities**

Whatcom County currently has one ferry vessel serving Lummi Island. The ferry runs between Lummi Island and Gooseberry Point on a daily basis.

**Future Needs**

Current Whatcom County Comprehensive Plan Policy 6A-1 establishes the following LOS standard for the ferry:

The Lummi Island Ferry Advisory Committee (LIFAC) is cooperating with Public Works to develop an updated LOS standard. LIFAC will present a revision to this section when that work is complete. The interim LOS is calculated using the scheduled trips, the estimated car units of the ferry and the Small Area Estimates Program (SAEP) population figure. The interim standard is established at 439 ( $LOS = (\text{Scheduled one way trips} \times \text{estimated car units for the boat}) \times 2 / \text{SAEP [Small Area Estimate Program] population figure from OFM for Lummi Island}$ ).

The Special Programs Manager for the County Public Works Department confirmed that the ferry service currently meets the interim LOS standard.

**Proposed Improvement Projects**

The Six-Year Transportation Improvement Program includes construction of ferry terminal improvements, preliminary engineering and design for replacing the Whatcom Chief, and preliminary engineering and right-of-way acquisition for relocation of the ferry terminal.

**Total Transportation Costs**

Transportation projects, including road and ferry projects, total approximately \$54 million over the six-year planning period. This includes approximately \$39 million in local funds, with the remainder coming from the State and Federal governments.

## Chapter 10 – Stormwater Facilities

### Existing Stormwater Management Facilities

The Public Works Department is responsible for design, engineering, and construction of county-owned stormwater facilities. Many stormwater facilities are road-related stormwater conveyance systems such as culverts and ditches on and adjacent to county roads. Others are off right-of-way facilities that control storm flows and improve water quality.

In response to increasing federal and state mandates to manage stormwater and the public's desire to improve stewardship of sensitive watersheds, Whatcom County established a Stormwater Division in 2005. The Stormwater Division is responsible for planning, designing, engineering, and construction of stormwater facilities. Inventories of existing stormwater facilities are maintained by the Public Works Department. The Engineering Services Division maintains an inventory of all road-related facilities. The Stormwater Division maintains an inventory of public and private stormwater facilities in the area covered by the County's NPDES Phase II permit for Municipal Separate Storm Sewer Systems. This inventory includes ditches, culverts, catch basins, vaults, ponds, and swales. Completed Stormwater Construction Projects since the Stormwater Division was created in 2005 are listed below.

**Table 15. Completed Stormwater Construction Projects Since 2005**

Existing Site No.	Watershed	Facility Name	Year Completed
1	Lake Whatcom	Geneva Stormwater Retrofits	2006
2	Lake Whatcom	Cable Street Reconstruction & Stormwater Improvements	2007
3	Lake Whatcom	Lahti Drive Stormwater Improvements	2010
4	Lake Whatcom	Silver Beach Creek Improvements - Brownsville Drive to E. 16th Place	2011
5	Lake Whatcom	Silver Beach Creek Improvements - West Tributary	2012
6	Lake Whatcom	Coronado-Fremont Stormwater Improvements	2014
7	Lake Whatcom	Cedar Hills-Euclid Stormwater Improvements	2016
8	Lake Whatcom	Agate Bay Improvements-Phase 1 & 2	2018-2019



**Figure 1. Lake Whatcom Cedar Hills-Euclid Stormwater Improvements**

Whatcom County Public Works regularly seeks and is awarded grant money that contributes to the design and construction of these stormwater projects that improve water quality through treatment systems and stream stabilization.

### **Future Needs**

An increasing emphasis on the protection of sensitive watersheds has resulted in the adoption of comprehensive stormwater plans, including plans for Lake Whatcom and Birch Bay. The adopted plans identify work towards planning, design, engineering, and construction of capital projects intended to address stormwater issues.

### **Proposed Improvement Projects**

Stormwater improvement projects totaling over \$12 million are proposed over the six-year planning period as shown below. These costs would be paid by Real Estate Excise Tax (REET), Lake Whatcom Stormwater Utility, grants, Road fund, and funding from the Birch Bay Watershed and Aquatic Resources Management District (BBWARM).

**Table 16. Proposed Stormwater Improvement Projects**

	<b>Funding Source</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>Totals</b>
1 Silver Beach Creek -Phase 1	1	560,000						560,000
2 Academy Stormwater Facility - Phase 2	1, 2	100,000		300,000				400,000
3 Geneva - Bioretention	1, 3	125,000	730,000	10,000	10,000			875,000
4 Sudden Valley - Stormwater Improvements	1	150,000	600,000					750,000
5 Silver Beach Creek - Stream Bank Erosion Project Phase 2	1	70,000	80,000		600,000			750,000
6 Eagleridge - Stormwater Improvements	1			55,000	100,000	325,000		480,000
7 Strawberry Pt/Lake Whatcom Blvd - Stormwater Improvements	1			120,000	140,000	650,000		910,000
8 Austin Court - Stormwater Improvements	1				42,000	80,000	320,000	442,000
9 Viewhaven Lane - Water Quality and Conveyance	1					66,000	160,000	226,000
10 Geneva St./Lake Louise Rd - Culvert Replacement	1, 4						75,000	75,000
11 Shallow Shore Drive - Culvert Relocation	1	100,000	250,000					350,000
12 Semiahmoo Drive - Stormwater Improvements	1, 5	135,000	480,000					615,000
13 Harborview Rd./Birch Bay Dr - Stormwater Improvements	1, 5	1,100,000	30,000					1,130,000
14 Holeman Ave. - Stormwater Improvements	1, 5	50,000	200,000					250,000
15 Lora Lane - Drainage & Tide Gate Modifications	1, 4, 5	35,000	150,000	1,200,000				1,385,000
16 Wooldridge Ave & Sunset Drive - Stormwater Improvements	1, 3, 5		100,000	120,000	1,000,000			1,220,000
17 Hillsdale - Stormwater Improvements Phase 1	1, 5			100,000	150,000	500,000		750,000
18 Morrison Ave & Terrill Drive - Stormwater Improvements	1, 5				100,000	120,000	700,000	920,000
19 Normar Place - Stormwater Improvements	5					50,000	75,000	125,000
<b>Stormwater Totals</b>		<b>2,425,000</b>	<b>2,620,000</b>	<b>1,905,000</b>	<b>2,142,000</b>	<b>1,791,000</b>	<b>1,330,000</b>	<b>12,213,000</b>
Funding Sources								
1. Real Estate Excise Tax (REET)								
2. Lake Whatcom Stormwater Utility								
3. Grants								
4. Road Fund								
5. Birch Bay Watershed and Aquatic Resources Management District (BBWARM)								

## Chapter 11 – Total Costs

Total Costs for the six-year planning period are shown below.

**Table 17. Total Costs for the Six-Year Planning Period**

	<b>Total Costs 2021-2026</b>	<b>Percent of Total Costs</b>
Parks, Trails, and Activity Centers	11,869,457	4.78%
Maintenance and Operations	812,375	0.33%
General Government Buildings and Sites	52,528,865	21.17%
Sheriff's Office	21,730,000	8.76%
Emergency Management	0	0.00%
Adult Corrections	95,197,922	38.36%
Juvenile Detention	0	0.00%
Transportation	53,797,000	21.68%
Stormwater Facilities	<u>12,213,000</u>	<u>4.92%</u>
<b>TOTAL</b>	248,148,619	100.00%

The County plans to undertake capital improvement projects costing approximately \$248 million between 2021 and 2026, which will be financed with a combination of local, state, federal, and other funding sources.

## Exhibit B (Repeal Existing CIP)

### ~~Six-Year Capital Improvement Program For Whatcom County Facilities 2019–2024~~

#### ~~Table of Contents~~

Chapter 1—Introduction.....	3
Growth Management Act Requirements.....	3
Charter Provisions and the County Budget.....	4
Chapter 2—Parks, Trails, and Activity Centers.....	5
Parks.....	5
Future Needs.....	6
Proposed Improvement Projects.....	6
Trails.....	6
Future Needs.....	7
Proposed Improvement Projects.....	7
Activity Centers.....	7
Future Needs.....	7
Proposed Improvement Projects.....	8
Six-Year Capital Improvement Program.....	8
Chapter 3—Maintenance and Operations.....	9
Existing Maintenance and Operations Space.....	9
Future Needs.....	9
Proposed Improvement Projects.....	9
Chapter 4—General Government Buildings and Sites.....	10
Existing Office Space.....	10
Future Needs.....	10
Proposed Improvement Projects.....	10
Chapter 5—Sheriff’s Office.....	11
Existing Sheriff’s Office Space.....	11

---

Future Needs .....	11
Proposed Improvement Projects .....	12
Chapter 6—Emergency Management .....	13
Existing Emergency Management Space .....	13
Future Needs .....	13
Proposed Improvement Projects .....	13
Chapter 7—Adult Corrections .....	14
Existing Jail Facilities .....	14
Future Needs .....	14
Proposed Improvement Projects .....	15
Chapter 8—Juvenile Detention .....	16
Existing Juvenile Detention Facilities .....	16
Future Needs .....	16
Proposed Improvement Projects .....	16
Chapter 9—Transportation .....	17
Existing Roads .....	17
Future Needs .....	17
Proposed Improvement Projects .....	17
Existing Ferry Facilities .....	18
Future Needs .....	18
Proposed Improvement Projects .....	18
Total Transportation Costs .....	18
Chapter 10—Stormwater Facilities .....	19
Existing Stormwater Management Facilities .....	19
Future Needs .....	20
Proposed Improvement Projects .....	20
Chapter 11—Total Costs .....	21

## **Chapter 1—Introduction**

The Growth Management Act requires that the County's Comprehensive Plan include a "capital facilities plan element" (RCW 36.70A.070(3)). The Whatcom County Comprehensive Plan calls for the County to develop and update the Six-Year Capital Improvement Program (CIP) for County projects every two years. The main purpose of the Capital Improvement Program is to identify priority capital improvement projects and estimated costs, outline a schedule for project completion, and designate funding sources for these projects based on a review of existing and projected population and revenue conditions for the six-year planning period.

### **Growth Management Act Requirements**

According to the Growth Management Act, a county's capital facilities plan must include five items, which are shown below:

*A. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.*

Current inventories of existing County capital facilities, based upon information provided by various County departments, are included in each chapter of this document.

*B. A forecast of the future needs for such capital facilities.*

Chapter 4 of the Whatcom County Comprehensive Plan establishes numerical "level of service" standards for County parks and trails and contains policies relating to other County facilities. Capital facility needs are forecasted over the six-year planning period by applying the adopted level of service standards to the expected population in the year 2024 and by considering other relevant factors.

*C. Proposed locations and capacities of expanded or new capital facilities.*

General locations and capacities of proposed County facilities are indicated in this document (as applicable).

*D. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.*

This Six-Year Capital Improvement Program presents costs and funding sources for proposed County capital facilities (all figures are in 2018 dollars). There are a variety of funding sources that the County utilizes to pay for capital facilities, including real estate excise taxes, the Public Utilities Improvement Fund (also known as the Rural Sales Tax Fund, Economic Development Initiative Fund or EDI Fund), Road Fund, state grants, federal grants and a variety of other funds.

~~E. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.~~

~~Finally, in accordance with the Growth Management Act, a requirement to reassess the land use element of the Comprehensive Plan if probable funding falls short of meeting existing needs and to ensure consistency between plans already exists in the Comprehensive Plan (Policy 4A-4).~~

### **~~Charter Provisions and the County Budget~~**

~~In addition to Growth Management Act provisions relating to capital facilities, Section 6.30 of the County Charter also requires the County to include a six-year capital improvement program as part of the budget. Appropriations for 2019–2020 capital projects may be included in the biennial budget or may be adopted through the supplemental budget process. Ultimate funding for capital improvement projects is subject to County Council authorization in the adopted budget. Costs identified for 2021–2024 are included for planning purposes and review of potential future needs, but not for budget authorization at this time.~~

## Chapter 2—Parks, Trails, and Activity Centers

### Parks

The 2018 inventory of County parks and open space areas is over 15,800 acres. This inventory is shown below.

**Table 1. Existing Parks**

Site No.	Park Name and Location	Acres
1	Alderwood Park, 3479 Willowood Rd.	2.8
2	Bay Horizon Park, 7467 Gemini St.	69.8
3	Birch Bay Community Park, 7930 Birch Bay Dr.	13.2
4	Birch Bay Conservancy Area, 7000 Point Whitehorn Rd.	43.2
5	Birch Bay Tidelands	143.9
6	Boulevard Park, 471 Bayview Dr.	1.8
7	Broadway Beach Access, 7497 Birch Bay Dr.	0.1
8	Cagey Road, 3130 Haxton Way	20.3
9	Camp 2 RR ROW, 3775 Camp 2 Rd.	2.3
10	Canyon Lake Community Forest, 8300 Mt. Baker Hwy.	2,394.4
11	Chuckanut Mountain Park, 745 Old Samish Rd.	973.1
12	Cottonwood Beach Access, 8191 Birch Bay Dr.	4.6
13	Deming Eagle Homestead Park, 5615 Truck Rd.	28.5
14	Dittrich Park, 319 E Lake Samish Dr.	22.8
15	Drayton Harbor Tidelands	0.3
16	Euclid Park, 1570 Euclid Ave.	1.2
17	Galbraith Mountain Access, 800 Birch Falls Dr.	20.3
18	Glacier Cemetery	0.5
19	Halverson Park, 5075 Anderson Rd.	5.6
20	Haynie Road, 2876 Haynie Rd.	1.9
21	Hegg, 3845 Blue Canyon Rd.	4.0
22	Hovander Homestead Park and Tennant Lake, 5299 Nielsen Rd.	338.3
23	Jackson Rd. Beach Access, 7465 Birch Bay Dr.	0.2
24	Jensen Family Forest Park, 8051 Stein Rd.	21.7
25	Josh VanderYacht Park, 4106 Valley Highway	2.2
26	Kickerville Road, 4110 Bay Rd.	2.4
27	Lake Whatcom Park, 3220 North Shore Rd.	4,686.5
28	Lighthouse Marine Park, 811 Marine Dr. in Point Roberts	24.3
29	Lily Point Marine Park, 2315 APA Rd. in Point Roberts	274.0
30	Little Squalicum Park, 640 Marine Dr.	13.7
31	Lookout Mountain Forest Preserve, 2537 Lake Louise Rd.	4,430.3
32	Lummi Island Beach Access, 2198 N. Nugent Rd.	0.1
33	Maple Beach Tidelands	101.5
34	Maple Creek Park, 7842 Silver Lake Rd.	79.7
35	Maple Falls Community Park, 7470 Second St.	4.1
36	Monument Park, 25 Marine Dr. in Point Roberts	7.3
37	Nugent's Corner River Access, 3685 Mt. Baker Highway	16.5
38	Ostrom Conservation Site, 4304 South Pass Rd.	36.3
39	Phillips 66 Soccer Park, 5238 Northwest Dr. (used to be Northwest Soccer Park)	36.5
40	Point Whitehorn Marine Reserve, 6770 Koehn Rd.	55.3
41	Redwood Park, 3310 Redwood Ave.	0.2
42	Samish Park, 673 N. Lake Samish Dr.	26.4
43	Samish Way, 5170 Samish Way	2.0
44	Semiahmoo Park, 9261 Semiahmoo Parkway	304.0
45	Silver Lake Park, 9006 Silver Lake Rd.	410.4
46	South Fork Park, 1530 Mosquito Lake Rd.	550.3
47	South Lake Whatcom Park, 4144 S Bay Dr.	78.9
48	South Pass East, 4900 South Pass Rd.	0.7
49	South Pass West, 4190 South Pass Rd.	0.5
50	Squires Lake Park, 2510 Nulle Rd.	82.3
51	Stimpson Family Nature Reserve, 2076 Lake Louise Rd.	376.1
52	Sunnyside Landing, 2870 Northshore Rd.	6.5
53	Sunset Beach, 2580 West Shore Dr. on Lummi Island	5.4
54	Sunset Farm Park, 7977 Blaine Rd.	70.0
55	Ted Edwards Park, 4150 Oriental Ave.	3.6
56	Teddy Bear Cove Park, 1467 Chuckanut Dr.	8.8
57	Terrell Creek Access, 7417 Jackson Rd.	0.6
58	Terrell Creek Heron Rookery, 7065 Jackson Rd.	14.4
59	Terrell Creek Point, 7685 Birch Bay Dr.	7.6
60	Turner-Jaeger, 1975 Lake Louise Rd.	4.7
61	Welcome Bridge River Access, 5585 Mosquito Lake Rd.	0.5
<b>TOTAL</b>		<b>15,839.4</b>

Pursuant to RCW 36.87.130, there are also public access properties on right-of-way ends that intersect shorelines.

### Future Needs

A level of service of 9.6 acres of developed parkland for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan. The County's existing parks will meet the adopted level of service over the six-year planning period. However, the County is proposing park improvement projects to increase quality of existing park facilities and develop the Birch Bay Community Park to meet the longer term needs of a growing population.

### Proposed Improvement Projects

Park improvement projects, totaling almost \$16.1 million, are proposed over the six-year planning period.

### Trails

Whatcom County currently has over 73 miles of trails in various locations throughout the County. This inventory is shown below.

**Table 2. Existing Trails**

Site No.	Trail Name and Location	Miles
1	Bay Horizon/Bay Crest Trail	0.75
2	Bay to Baker Maple Falls-Glacier	4.00
3	Canyon Lake Community Forest	7.01
4	Chuckanut Mountain / Pine & Cedar Lakes	16.60
5	Deming Homestead Eagle Park, Truck Rd.	0.30
6	Hovander Homestead Park	3.20
7	Interurban, Chuckanut area	3.15
8	Jensen Family Forest Park, Stein Rd. and Birch Bay Lynde	0.67
9	Lake Whatcom Park	6.00
10	Lily Point, Point Roberts	2.00
11	Lookout Mountain Forest Preserve	9.11
12	Maple Creek Park, 7842 Silver Lake Rd., Maple Falls	1.28
13	Monument Park, 25 Marine Dr. in Point Roberts	0.35
14	Phillips 66 Soccer Park Trail (Used to be Northwest Socce	0.38
15	Ostrom Conservation Site, 4304 South Pass Rd.	0.56
16	Point Whitehorn Marine Reserve, 6770 Koehn Rd, Birch Ba	0.81
17	Samish Park, 673 N. Lake Samish	1.38
18	Semiahmoo Park	0.63
19	Silver Lake Park, 9006 Silver Lake Rd.	5.28
20	South Fork Park	2.30
21	Squires Lake, 2510 Nulle Rd.	2.88
22	Stimpson Family Nature Reserve, 2076 Lake Louise Rd.	4.02
23	Sunset Farm, 7977 Blaine Rd.	0.56
24	Teddy Bear Cove	0.33
<b>TOTAL</b>		<b>73.55</b>

## Future Needs

A level of service of 0.60 miles of trails for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, about 68 additional miles of trails would be needed by the year 2024 to serve the people of Whatcom County.

## Proposed Improvement Projects

Trail improvement projects and associated facilities, totaling almost \$7.3 million, are proposed over the six-year planning period. These projects would add almost 27 trail miles (the South Fork Park trails project would add 5 miles and the Lake Whatcom trails project would add 21.8 miles).

While there is a shortfall in trail miles provided by the County, there are other trails that are owned/maintained by a variety of agencies or jurisdictions that provide recreational opportunities for Whatcom County residents and visitors.

## Activity Centers

There are currently 13 activity centers that provide a variety of year-round programs for various age groups. The activity center inventory is shown below.

**Table 3. Existing Activity Centers**

Site No.	Activity Center Name and Location
1	Bay Horizon, 7511 Gemini Street
2	Bellingham Senior Activity Center, 315 Halleck Street
3	Blaine Community Senior Center, 763 G Street
4	East Whatcom Regional Resource Center, 8251 Kendall Rd.
5	Everson Senior Center, 111 W. Main Street
6	Ferndale Senior Center, 1999 Cherry Street
7	Lynden Senior Center, 401 Grover Street
8	Plantation Rifle Range, 5102 Samish Way
9	Point Roberts Senior Center, 1487 Gulf Road
10	Roeder Home, 2600 Sunset Dr.
11	Sumas Senior Center, 461 2nd Street
12	Van Zandt Community Hall, 4106 Valley Highway
13	Welcome Senior Center, 5103 Mosquito Lake Rd.

Note: The Blaine, Everson, Lynden and Sumas Centers are owned by these respective cities. The Point Roberts Center is owned by the Point Roberts Park District. Whatcom County provides and/or contracts for senior activities and recreational programming at these centers.

## Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for activity centers. Rather, Comprehensive Plan Policy 4F-5 states:

Continue to provide and support activity centers, including senior centers, to serve the growing population of Whatcom County by the following methods, as needed, which are listed in priority order: (1) implementing programming

changes, (2) adding space to existing centers, and/or (3) establishing new centers.

### Proposed Improvement Projects

One activity improvement project, which will add new multi-use buildings at the East Whatcom Regional Resource Center, is proposed. This project will cost over \$2 million within the six-year planning period.

### Six-Year Capital Improvement Program

The park, trail, and activity center projects planned over the next six years are shown below.

**Table 4. Park, Trail, and Activity Center Projects Planned Over the Next Six Years**

Project #		Funding						Totals
		Source	2019	2020	2021	2022	2023	
1	Hovander/Tennant Paintworks	1	75,500					75,500
2	Gerdrum House Museum Renovation (at Silver Lake)	1	50,200					50,200
3	Semiahmoo Park - Siding & Paint	1		57,200				57,200
4	Demo Bay Horizon Hostel/Silver Lake Bldgs	1	500,500					500,500
5	Silver Lake Campground, Access & Restrooms	1	2,225,000	1,028,000	1,005,000	1,115,000	450,000	6,648,000
6	Silver Lake Cabins Capital Maint.	1	51,100	53,700	57,298	59,800	62,700	284,598
7	South Fork Phase II Bridges & Connector Trails	1	110,000	93,000	385,000	410,000		998,000
8	Lake Whatcom Park Trailhead Improvements	1	370,000	155,000	1,220,000	635,000		2,380,000
9	Lake Whatcom Area Trail Development	1, 2	574,000	441,000	477,000	508,000	538,000	3,073,000
10	Hovander Park Animal Exhibit	1, 3			264,500			264,500
11	Hovander Park Picnic Shelters	1	39,500	328,000				367,500
12	Tennant Lake Interpretive Center Remodel	1	30,000	11,000	220,000			261,000
13	Hovander Park Roadway & Access Improvements	1	385,000	120,000	1,375,000	550,000		2,430,000
14	Various Locations - Access and General Maintenance	1	75,000	75,000	75,000	75,000	75,000	450,000
15	Maple Falls Park Trailhead	1		100,000	145,000	565,000		810,000
16	Birch Bay Beach Park Development	1, 4, 5			255,000	260,000	3,433,000	4,020,500
17	Nessett Farm - Remodel & restroom	6	100,000	445,000	135,000			680,000
18	East Whatcom Regional Resource Center - Buildings	1, 2, 3, 7, 8	2,018,578					2,018,578
<b>Parks Totals</b>			6,604,378	2,906,900	5,613,798	4,177,800	4,558,700	25,369,076
<u>Funding Sources:</u>								
1. REET								
2. State Grant								
3. Donations								
4. Park and Recreation District								
5. Parks Special Revenue Fund								
6. Nessett Foundation								
7. Community Development Block Grant								
8. State Capital Budget								

## Chapter 3—Maintenance and Operations

### Existing Maintenance and Operations Space

The 2018 inventory of maintenance & operations/facilities management space is 70,681 square feet. This inventory is shown below.

**Table 5. Existing Space**

Site No.	Facility Name	Square feet
1	Central Shop, 901 W. Smith Rd. (Maintenance and Operations)	35,773
2	3720 Williamson Way (Facilities Management)	31,248
3	Minimum Security Correction Facility—2030 Division St. (Facilities Management Storage)	3,660
TOTAL		70,681

### Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for maintenance and operations. The County will budget for improvements to such facilities as needed.

### Proposed Improvement Projects

Improvement and maintenance projects on existing buildings and sites over the six-year planning period total \$686,000 as shown below.

**Table 6. Proposed Government Building and Site Improvement Projects**

Maintenance & Operations	Funding Source	2019	2020	2021	2022	2023	2024	Total Cost
1. Replace Outdoor Security Camera System (Central Shop)	1	120,000						120,000
2. Replace Sewer Line (Central Shop)	1	66,000						66,000
3. Vactor Truck/Equipment Storage Building (Central Shop)	2	170,000	330,000					500,000
TOTAL		356,000	330,000					686,000

#### Funding Sources

1. Equipment Rental & Revolving (ER&R) Fund
2. Road Fund

## Chapter 4—General Government Buildings and Sites

### Existing Office Space

The 2018 inventory of County government office space is 306,691 square feet at eight locations. This inventory is shown below.

**Table 7. Existing County Government Office Space**

Site No.	Facility Name	Square feet
1	Civic Center Annex (322 North Commercial)	30,000
2	Central Plaza Building (215 N. Commercial)	10,307
3	County Courthouse (311 Grand Avenue)	200,000
4	Forest St. Annex (1000 North Forest St.)	14,000
5	509 Girard St.	13,189
6	3373 Mt. Baker Highway	2,110
7	1500 N. State St.	16,820
8	Northwest Annex (5280 Northwest Dr.)	20,265
TOTAL		306,691

### Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for general government buildings. The County will budget for improvements to such facilities as needed.

### Proposed Improvement Projects

Improvement and maintenance projects on existing buildings and sites over the six-year planning period total more than \$32 million as shown below.

**Table 8. Proposed Government Building and Site Improvement Projects**

	Funding Source	2019	2020	2021	2022	2023	2024	Totals
1 Courthouse Exterior (311 Grand Ave)	1, 2	1,224,135	892,917	1,170,775	1,258,207	729,229	644,051	5,919,314
2 Prox/Security Access Control Panels (various locations)	1	238,000						238,000
3 Access Controls/Gate (211 E. Champion)	2	89,000						89,000
4 Asphalt Patching/Sidewalks (various locations)	1	50,000	50,000	50,000	50,000	50,000	50,000	300,000
5 Improvements (1000 N. Forest St)	1	65,000						65,000
6 Improvements (1500 N. State St)	2, 3	2,270,000	1,341,456	2,240,000	2,240,000			8,091,456
7 Relocate Morgue	1	400,000	1,600,000					2,000,000
8 Northwest Annex (tenant improvements for new location)	2	260,000						260,000
9 Interior Painting & Carpets (various locations)	1	115,000	115,000	115,000	115,000	115,000	115,000	690,000
10 Central Plaza Debt Service	1	124,000	124,000	124,000	124,000	124,000	124,000	744,000
11 Civic Center Remodel (322 N Commercial)	4, 8	625,000	3,288,500	10,000				3,923,500
12 Civic Center Access Controls/Cameras (322 N Commercial)	4	105,000						105,000
13 Triage Center (2026 Division St.)	5, 6, 7	9,400,000						9,400,000
14 Courthouse Maintenance and Tenant Improvements (311 Grand Ave)	1, 2	350,000						350,000
<b>Totals</b>		15,315,135	7,411,873	3,709,775	3,787,207	1,018,229	933,051	32,175,270

#### Funding Sources

1. Real Estate Excise Tax (REET)
2. Economic Development Initiative (EDI)
3. State Street Building Acquisition and Improvement Fund
4. Road Fund
5. Behavior Health Program Fund
6. State Capital Budget
7. State Grant
8. Civic Center Building Improvement Fund

## **Chapter 5—Sheriff's Office**

### **Existing Sheriff's Office Space**

The 2018 inventory of Sheriff's office space is 23,326 square feet. This inventory is shown below:

**Table 9. Existing Sheriff's Facilities**

Site No.	Facility Name	Square Feet
1	Public Safety Building (311 Grand Ave)	15,102
2	Minimum Security Correction Facility (2030 Division St.)	6,000
3	Laurel Substation (194 W. Laurel Rd.)	1,800
4	East Whatcom Regional Resource Center (8251 Kendall Road)	144
5	Birch Bay Fire Hall	192
6	Nugent's Corner Fire Hall	88
TOTAL		23,326

Notes: The Sheriff's Office also has storage facilities at various locations in Whatcom County.

The County has two mobile homes and an old detention facility in Point Roberts. The resident deputies operate out of their homes or utilize space at the U.S. Customs office at the border.

Sheriff's Office facilities include shared space at local fire districts, which is rented or leased space not solely dedicated to Sheriff's Office use. This space is available depending on Fire District needs and is generally subject to change with short notice.

### **Future Needs**

The Whatcom County Comprehensive Plan does not contain a level of service standard for Sheriff's Office facilities. Rather, Comprehensive Plan Policy 4D-2 is to:

Maintain Sheriff's Office adult corrections facilities and headquarters to provide a safe environment for the community, staff and inmates. . . Existing facilities may be expanded, remodeled, and/or new facilities developed in response to changing need.

### Proposed Improvement Projects

A new public safety radio system will be constructed and installed within the six-year planning period. This comprehensive radio system update will include infrastructure (such as towers), radio systems in buildings, radios in vehicles, and hand-held radios. The system costs \$4 million, as shown below.

**Table 10. Proposed Sheriff's Office Improvement Projects**

Project #	Funding Source	2019	2020	2021	2022	2023	2024	Totals
1 Public Safety Radio System	1	873,000	3,127,000					4,000,000
<b>Totals</b>		873,000	3,127,000					4,000,000
<u>Funding Source</u>								
1. Economic Development Initiative (EDI)								

## Chapter 6—Emergency Management

### Existing Emergency Management Space

The 2018 inventory of Sheriff's Office, Division of Emergency Management space is 24,000 square feet, located at the Whatcom Unified Emergency Coordination Center (WUECC). Rented by and shared between both Whatcom County and the City of Bellingham, the WUECC is comprised of 2,000 square feet of office space and an additional 22,000 square feet of support facilities (used for meetings, training, exercises, and during emergencies). The WUECC serves as the Emergency Operations Center for both the County and the City.

**Table 11. Existing Emergency Management/EOC Facilities**

Site No.	Facility Name	Square feet
1	Whatcom Unified Emergency Coordination Center 3888 Sound Way, Bellingham	24,000

### Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for emergency management facilities. Rather, Comprehensive Plan Policy 4D-4 is to:

Maintain adequate facilities for daily emergency management activities and, during an emergency or disaster, for the emergency operations center. The facilities will provide sufficient space for activities relating to emergency/disaster planning, mitigation, response and recovery. Existing facilities may be expanded, remodeled, and/or new facilities developed in response to changing need.

The County will budget for improvements to such facilities as needed.

### Proposed Improvement Projects

The emergency management projects planned over the next six years are shown below.

**Table 12. Emergency Management Improvement Projects**

Project #		Funding Source	2019	2020	2021	2022	2023	2024	Totals
1	WUECC - HVAC Improvements	1, 2	20,000	70,000					90,000
	<b>Totals</b>		20,000	70,000					90,000
	<u>Funding Source</u>								
	1. REET								
	2. City of Bellingham Cost Share								

## Chapter 7—Adult Corrections

### Existing Jail Facilities

The County's Main Jail was designed and originally built to hold 148 beds, although with some limited remodeling and the use of double bunking, the operational capacity of the main jail should be for the use of 212 beds. Additionally, the jail is currently not in compliance with the Building/Fire Codes for double bunking, although a plan has been approved to bring it into partial compliance. Over the next several years the downtown jail will undergo major construction work which may reduce the available jail beds for an undetermined length of time. Whatcom County completed construction of a 150-bed minimum security correction facility on Division St. in 2006. The Main Jail is located in the Public Safety Building next to the County Courthouse in downtown Bellingham and the Minimum Security Correction Facility is located in the Bakerview Rd. industrial area.

**Table 13. Existing Jail Beds**

Site No.	Facility Name	Jail Beds
1	Public Safety Building (311 Grand Ave.)	212
2	Minimum Security Correction Facility (2030 Division St.)	150
TOTAL		362

### Future Needs

There are serious concerns among law and justice officials relating to jail facility needs in the community. This need has been documented by recommendations from the *Whatcom County Law and Justice Plan Phase II Report* (June 2000), in a report entitled *Operational Review of the Whatcom County, Washington Jail* (March 2004), in the *Whatcom County Jail Planning Task Force Recommendations* (Dec. 2011 and March 2012), the *Whatcom County Adult Corrections Facilities & Sheriff's Headquarters Pre-Design Report* (Sept. 2013), and the *Building Assessment Studies and Cost Estimates for Capital Improvements at the Jail (Public Safety Building)* (Sept. 2017).

The Whatcom County Comprehensive Plan does not contain a level of service standard for jail facilities. Rather, Comprehensive Plan Policy 4D-2 is to:

Maintain Sheriff's Office adult corrections facilities and headquarters to provide a safe environment for the community, staff and inmates. The number of jail beds in adult corrections facilities will be determined after review of multiple factors, including projected population growth, State sentencing laws, alternative programs, treatment diversion programs, early release programs, the need to separate violent inmates, the need to separate inmates by gender, the need to separate inmates by other classification considerations, average length of stay, peak inmate populations and available funding. Existing facilities may be expanded, remodeled, and/or new facilities developed in response to changing need.

## Proposed Improvement Projects

The adult corrections projects planned over the next six years are shown below.

**Table 14. Proposed Jail Improvement Projects**

Project #		Funding Source	2019	2020	2021	2022	2023	2024	Totals
1	Jail Improvements	1, 2	3,425,000	7,000,000					10,425,000
2	Jail Work Center Walls	2	150,000						150,000
<b>Totals</b>			3,575,000	7,000,000					10,575,000
<u>Funding Sources</u>									
1. REET									
2. General Fund									

## **Chapter 8—Juvenile Detention**

### **Existing Juvenile Detention Facilities**

The 2018 inventory of County juvenile detention facilities includes 32 beds serving the countywide population. The juvenile detention facility is located on the sixth floor of the County Courthouse at 311 Grand Avenue.

**Table 15. Existing Juvenile Detention Beds**

Site No.	Facility Name	Beds
1	County Courthouse (311 Grand Ave.)	32

### **Future Needs**

The Whatcom County Comprehensive Plan does not contain a level of service standard for juvenile detention facilities. Rather, Comprehensive Plan Policy 4D-3 is to:

Maintain juvenile detention facilities and alternative corrections programs to provide safe and secure methods to provide accountability and support for minors who break the law. Existing facilities may be expanded, remodeled, and/or new facilities developed in response to changing need.

The County will budget for improvements to such facilities as needed.

### **Proposed Improvement Projects**

There are no capital improvement projects planned in the six-year planning period.

## **Chapter 9—Transportation**

### **Existing Roads**

The 2017 inventory shows a total of 938.57 miles of County roads. Additionally, there are 217.5 miles of state highways in Whatcom County (including I-5). Therefore, there are approximately 1,156 miles of public roads in Whatcom County.

### **Future Needs**

The Whatcom County Comprehensive Plan sets level of service (LOS) standards for County roads. Future traffic and the level of service for roads can be forecasted using computer modeling software. The Whatcom Council of Governments forecasts future traffic utilizing a computer transportation model. This modeling effort will inform transportation planning in Whatcom County.

Whatcom County accomplishes planning for County road improvements by approving a Six-Year Transportation Improvement Program each year, as required by RCW 36.81.121.

### **Proposed Improvement Projects**

The Whatcom County Six-Year Transportation Improvement Program includes preliminary planning for three proposed new road projects:

- Horton Road Connector (between Northwest Drive and Aldrich Road);
- Slater Road Connector (between Northwest Drive and Aldrich Road); and
- Lincoln Road extension (between Harborview Road and Blaine Road).

While these three projects are on the Six-Year Transportation Improvement Program, construction is not anticipated within the six-year planning period. Rather, preliminary engineering to determine project feasibility may be initiated within this time frame.

The six-year plan contains a variety of projects, including bridge replacements, intersection improvements, reconstruction projects, and the Birch Bay Drive & Pedestrian Facility improvements, which include pedestrian and non-motorized enhancements along Birch Bay Dr.

**Existing Ferry Facilities**

Whatcom County currently has one ferry vessel serving Lummi Island. The ferry runs between Lummi Island and Gooseberry Point on a daily basis.

**Future Needs**

Whatcom County Comprehensive Plan Policy 6A-1 establishes the following LOS standard for the ferry:

The Lummi Island Ferry Advisory Committee (LIFAC) is cooperating with Public Works to develop an updated LOS standard. LIFAC will present a revision to this section when that work is complete. The interim LOS is calculated using the scheduled trips, the estimated car units of the ferry and the Small Area Estimates Program (SAEP) population figure. The interim standard is established at 439 ( $LOS = (\text{Scheduled one-way trips} \times \text{estimated car units for the boat}) \times 2 / \text{SAEP [Small Area Estimate Program] Population figure from OFM for Lummi Island}$ ).

The Special Programs Manager for the County Public Works Department confirmed that the ferry service currently meets the interim LOS standard.

**Proposed Improvement Projects**

The Six-Year Transportation Improvement Program includes construction of ferry terminal improvements, preliminary engineering for replacing the Whatcom Chief, and preliminary engineering and right-of-way acquisition for relocation of the ferry terminal.

**Total Transportation Costs**

Transportation projects, including road and ferry projects, total approximately \$40.6 million over the six-year planning period. This includes approximately \$31.4 million in local funds, with the remainder coming from the State and Federal governments.

## Chapter 10—Stormwater Facilities

### Existing Stormwater Management Facilities

The Public Works Department is responsible for design, engineering, and construction of county owned stormwater facilities. Many stormwater facilities are road-related stormwater conveyance systems such as culverts and ditches on and adjacent to county roads. Others are off-right-of-way facilities that control storm flows and improve water quality.

In response to increasing federal and state mandates to manage stormwater and the public's desire to improve stewardship of sensitive watersheds, Whatcom County established a Stormwater Division in 2005. The Stormwater Division is responsible for planning, designing, engineering, and construction of stormwater facilities. Inventories of existing stormwater facilities are maintained by the Public Works Department. The Engineering Services Division maintains an inventory of all road-related facilities. The Stormwater Division maintains an inventory of public and private stormwater facilities in the area covered by the County's NPDES Phase II permit for Municipal Separate Storm Sewer Systems. This inventory includes ditches, culverts, catch basins, vaults, ponds, and swales. Completed Stormwater Construction Projects since the Stormwater Division was created in 2005 are listed below.

**Table 16. Completed Stormwater Construction Projects Since 2005**

Existing Site No.	Watershed	Facility Name	Year Completed
1	Lake Whatcom	Geneva Stormwater Retrofits	2006
2	Lake Whatcom	Cable Street Reconstruction & Stormwater Improvements	2007
3	Lake Whatcom	Lahti Drive Stormwater Improvements	2010
4	Lake Whatcom	Silver Beach Creek Improvements - Brownsville Drive to E. 16th Place	2011
5	Lake Whatcom	Silver Beach Creek Improvements - West Tributary	2012
6	Lake Whatcom	Coronado-Fremont Stormwater Improvements	2014
7	Lake Whatcom	Cedar Hills-Euclid Stormwater Improvements	2016



**Figure 1. Lake Whatcom Cedar Hills-Euclid Stormwater Improvements**

Whatcom County Public Works regularly seeks and is awarded grant money that contributes to the design and construction of these stormwater projects that improve water quality through treatment systems and stream stabilization.

### Future Needs

An increasing emphasis on the protection of sensitive watersheds has resulted in the adoption of comprehensive stormwater plans, including plans for Lake Whatcom and Birch Bay. The adopted plans identify work towards planning, design, engineering, and construction of capital projects intended to address stormwater issues.

### Proposed Improvement Projects

Stormwater improvement projects totaling almost \$10.5 million are proposed over the six year planning period as shown below. These costs would be paid by Real Estate Excise Tax (REET) and funding from the Birch Bay Watershed and Aquatic Resources Management District (BBWARM).

**Table 17. Proposed Stormwater Improvement Projects**

	Funding Source	2019	2020	2021	2022	2023	2024	Totals
1 Agate Hgts/Bay Ln Stormwater - Phase II	1	750,000						750,000
2 Edgewater Lane Stormwater	1	170,000	472,500					642,500
3 Civic Center Parking Lot Stormwater	1	50,000	105,000	357,500				512,500
4 Silver Beach Creek Stormwater	1	30,000	105,000	319,000	161,000		750,000	1,365,000
5 Sudden Valley Stormwater	1	15,000	42,000	132,000	661,250			850,250
6 Lowell - Cedarbrook Stormwater	1			148,500	86,250	696,000		930,750
7 Glen Cove - Lakeside Stormwater	1				155,250	90,000	512,500	757,750
8 South Bay Drive Stormwater	1					174,000	93,750	267,750
9 Strawberry Point Stormwater	1						156,250	156,250
10 Shallow Shore Drive - Culvert	1		50,000					50,000
11 Birch Bay Dr./Petticote Lane - Storm Drain	1, 2	810,000						810,000
12 Harborview Rd./Birch Bay Dr. - Storm Drainage	1, 2		1,300,000					1,300,000
13 Lora Lane - Drainage & Tide Gate Modifications	1, 2	50,000	30,000	320,000				400,000
14 Semiahmoo Dr. - Drainage Improvements (North)	1		50,000		150,000			200,000
15 Holeman Ave. - Storm Drain	1, 2			85,000		200,000		285,000
16 Wooldridge Ave. - Stormwater Improvements	1, 2				200,000	20,000	1,000,000	1,220,000
<b>Stormwater Totals</b>		<b>1,875,000</b>	<b>2,154,500</b>	<b>1,362,000</b>	<b>1,413,750</b>	<b>1,180,000</b>	<b>2,512,500</b>	<b>10,497,750</b>
Funding Sources								
1. REET								
2. BBWARM								

## ~~Chapter 11—Total Costs~~

~~Total Costs for the six-year planning period are shown below.~~

**~~Table 18. Total Costs for the Six-Year Planning Period~~**

	<b>Total Costs 2019-2024</b>	<b>Percent of Total Costs</b>
Parks, Trails, and Activity Centers	25,369,076	20.46%
Maintenance and Operations	686,000	0.55%
General Government Buildings and Sites	32,175,270	25.95%
Sheriff's Office	4,000,000	3.23%
Emergency Management	90,000	0.07%
Adult Corrections	10,575,000	8.53%
Juvenile Detention	0	0.00%
Transportation	40,612,000	32.75%
Stormwater Facilities	<u>10,497,750</u>	<u>8.47%</u>
<b>TOTAL</b>	<u>124,005,096</u>	<u>100.00%</u>

~~The County plans to undertake capital improvement projects costing approximately \$124 million between 2019 and 2024, which will be financed with a combination of local, state, federal, and other funding sources.~~

## **WHATCOM COUNTY PLANNING COMMISSION**

### **Capital Facility Comprehensive Plan Amendments**

#### **FINDINGS OF FACT AND REASONS FOR ACTION**

##### **Background Information**

1. The proposal is to amend the Whatcom County Comprehensive Plan as follows:
  - a. Adopting the new Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities 2021-2026 (Appendix F of the Whatcom County Comprehensive Plan).
  - b. Repealing the existing Six-Year CIP for Whatcom County Facilities 2019-2024.
2. Notice of the subject amendments was submitted to the Washington State Department of Commerce on August 21, 2020.
3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on August 28, 2020.
4. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on September 11, 2020.
5. Notice of the Planning Commission hearing was posted on the County website on September 14, 2020.
6. Notice of the Planning Commission hearing was sent to citizen, media, cities and other groups on the County's e-mail list on September 14, 2020.
7. The Planning Commission held a public hearing on the subject amendments on September 24, 2020.

8. Pursuant to WCC 22.10.060(1), in order to approve the proposed comprehensive plan amendments the County must find all of the following:
  - a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
  - b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.
  - c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
    - i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
    - ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
    - iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.
  - d. The amendment does not include or facilitate spot zoning.

### **Growth Management Act**

9. The Growth Management Act (GMA) establishes planning goals in RCW 36.70A.020 to guide adoption of comprehensive plan amendments.
10. GMA planning goal # 12 is to "Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards" (RCW 36.70A.020(12)).

11. The subject amendments include updating the Six-Year CIP for Whatcom County Facilities for the 2021-2026 planning period. Updating the CIP is one step in the process of planning regional facilities provided by the County to serve the people of Whatcom County.
12. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include a capital facilities plan element consisting of:
  - a. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.
  - b. A forecast of the future needs for such capital facilities.
  - c. The proposed locations and capacities of expanded or new capital facilities.
  - d. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.
  - e. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.
13. The Six-Year CIP for Whatcom County Facilities contains an inventory of existing facilities, a forecast of future needs based upon the level of service standards adopted in the Whatcom County Comprehensive Plan and/or other relevant factors, proposed renovated, expanded or new capital facilities, costs and funding sources.
14. Existing Comprehensive Plan Policy 4A-4 addresses the GMA requirement to reassess the land use element if probable capital facility funding falls short.

### **County-Wide Planning Policies**

15. County-Wide Planning Policy K-1 indicates that, as part of the comprehensive planning process, the County must identify appropriate land for public facilities that meets the needs of the community including recreation, transportation and human service facilities.
16. The Six-Year CIP identifies County park, trail, transportation and other improvements as contemplated by the County Wide Planning Policies.

### **Interlocal Agreements**

17. Existing interlocal agreements between Whatcom County and the cities indicate that the County will consult with the appropriate city in planning new road construction projects within the city's urban growth area. The interlocal agreements also address joint planning for parks.
18. The County Engineer confirmed on August 31, 2020 that the County sends a copy of the six-year transportation improvement program to cities prior to approval, requests comments, and informs cities of the hearing date. The Whatcom County Parks Director confirmed on September 10, 2020 that the County Parks' staff maintains a consistent working relationship with appropriate staff from cities on joint park projects and planning. Therefore, the type of cooperation envisioned by the interlocal agreements is occurring.

### **Further Studies/Changed Conditions**

19. The Whatcom County Comprehensive Plan calls for an update of the Six-Year CIP for County facilities every other year. Specifically, Policy 4B-1 is to:  
  
Maintain and update, on at least a biennial basis, a six-year capital improvement program (CIP) that identifies projects, outlines a schedule, and designates realistic funding sources for all county capital projects based on a review of population and revenue conditions existing at that time.
20. A revised CIP has been formulated for County owned or operated facilities, which presents improvement projects over the new six-year planning period.

### **Public Interest**

21. The Six-Year CIP for Whatcom County Facilities 2021-2026 is based upon anticipated population growth over the six-year planning period and other relevant factors. Therefore, the proposal should complement the County's growth and development plans.
22. The Six-Year CIP for Whatcom County Facilities will have a positive impact on the County's ability to provide public facilities by planning ahead for such facilities.

23. The goal of the Six-Year CIP for Whatcom County Facilities is to plan for County owned or operated parks, trails, activity centers, maintenance & operations, general government buildings and sites, Sheriff's Office, emergency management, adult corrections, juvenile detention, transportation, and stormwater facilities to serve the people of Whatcom County. Planning for such County facilities is in the public interest.

### **Spot Zoning**

24. The subject proposal does not involve rezoning property.

### **Funding Sources and Budgeting**

25. The Planning Commission recommends that the County Council carefully consider sources of funding and budgetary restraints.

### **CONCLUSION**

The subject Whatcom County Comprehensive Plan amendments are consistent with the approval criteria in WCC 22.10.060.

### **RECOMMENDATION**

Based upon the above findings and conclusions, the Planning Commission recommends:

1. Approval of Exhibit A, the Six-Year Capital Improvement Program for Whatcom County Facilities 2021-2026 (Appendix F of the Whatcom County Comprehensive Plan).
2. Repealing Exhibit B, the Six-Year Capital Improvement Program for Whatcom County Facilities 2019-2024.

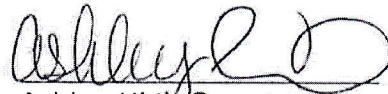
### **WHATCOM COUNTY PLANNING COMMISSION**



Kelvin Barton, Chair

09-25-2020

Date



Ashley Ubil, Secretary

09/24/2020

Date

Commissioners voted to recommend approval of the Findings of Fact & Reasons for Action, approval of Exhibit A, and repeal of Exhibit B on September 24, 2020 (vote was 5-3 with 1 member absent). Members present at the meeting when the vote was taken: Robert Bartel, Kelvin Barton, Atul Deshmane, Jim Hansen, Stephen Jackson, Jon Maberry, Natalie McClendon, and Dominic Mocerri.



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-434

---

<b>File ID:</b>	AB2020-434	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	10/01/2020	<b>Entered by:</b>	SMock@co.whatcom.wa.us		
<b>Department:</b>	Public Works Department	<b>File Type:</b>	Discussion		
<b>Assigned to:</b>	Council Public Works & Health Committee				<b>Final Action:</b>
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: sdraper@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Discussion with Public Works staff regarding the proposed resolution adopting the 2021 Annual Road Construction Program (ACP)

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Resolution adopting the Whatcom County 2021 Annual Construction Program (ACP). The ACP is an integral part of the County budget process and reflects the first year of the adopted 2021-2026 Six Year Transportation Improvement Program

---

### HISTORY OF LEGISLATIVE FILE

---

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

---

---

**Attachments:** Memo, ACP-Resolution

**WHATCOM COUNTY  
PUBLIC WORKS DEPARTMENT**

**Jon Hutchings**  
Director



**James P. Karcher, P.E.**  
*County Engineer*  
322 N. Commercial Street, Ste 301  
Bellingham, WA 98225-4042  
Phone: (360) 778-6210  
Fax: (360) 778-6211

## Memorandum

To: The Honorable Satpal Sidhu, Whatcom County Executive, and  
Honorable Members of the Whatcom County Council

Through: Jon Hutchings, Director *JHC SIGN FOR DIRECTOR*

From: James P. Karcher, P.E., County Engineer *JPK*

Date: September 30, 2020

Re: 2021 Annual Construction Program (ACP)

---

**Requested Action:**

Public Works Committee work session and Introduction on October 13, 2020, followed by a Public Hearing and adoption on October 27, 2020.

**Background and Purpose:**

RCW 36.81.130 requires the adoption of the Annual Construction Program (ACP). Adoption of this program is an element of the County budget process.

This ACP is identical to the 1<sup>st</sup> year of the Six Year Transportation Improvement Program (STIP) approved on September 29, 2020.

**Information:**

A proposed resolution is enclosed for your consideration. In addition, each project that has funding available in 2021 has a project summary sheet for your review.

If you have questions or require additional information, please contact me at the number provided above.

PROPOSED BY: Public Works

INTRODUCED: 10/13/2020

RESOLUTION NO. \_\_\_\_\_

APPROVING THE WHATCOM COUNTY 2021 ANNUAL CONSTRUCTION PROGRAM

WHEREAS, pursuant to RCW 36.81.130, the Whatcom County Engineer did file with the Whatcom County Council a recommended plan for laying out, construction, maintenance and special maintenance of County roads for the fiscal year of 2021; and,

WHEREAS, the Whatcom County Council held a public hearing on the 27<sup>th</sup> day of October, 2020, and has considered the testimony given as well as the recommended plan; and,

WHEREAS, the Whatcom County Council had determined that said plan is necessary as nearly as practicable to the Whatcom County 2021-2026 Six-Year Transportation Improvement Program, approved by Resolution 2020-034 on September 29, 2020.

NOW, THEREFORE, BE IT RESOLVED that the 2021 Whatcom County Annual Construction Program is hereby approved as shown on the attachment hereto; and

BE IT FURTHER RESOLVED that no changes be made in the program without the unanimous vote of the Whatcom County Council; and

BE IT FINALLY RESOLVED that upon approval, the 2021 Annual Construction Program be filed with the County Road Administration Board per WAC 136-16-040.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

Approved as to form CQ, emailed 9.30.20

\_\_\_\_\_  
Chris Quinn, Senior Civil Deputy Prosecutor Attorney

Whatcom County  
2021  
**Annual Construction Program**  
WAC 136-16

(A) TOTAL CONSTRUCTION DONE (total sum of column 13 + column 14): \$16,300,000.00  
(B) COMPUTED COUNTY FORCES LIMIT: \$1,801,002.00  
(C) TOTAL COUNTY FORCES CONSTRUCTION (total sum of column 14): \$1,600,000.00

Date of Environmental Assessment:  
Date of Final Adoption:  
Ordinance/Resolution Number:

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)			
Annual Program Item No.	6 Year Road Program Item No.	Project Name	Road #	Road Segment Information Road Name	EMP	BMP	Project Length(mi.)	Project Type Code	Environmental Assessment	County Road Funds	Other Funds Amount	Program Source	PE & CE (\$95.10)	Right of Way (\$95.20)	Estimated Expenditures Dollars	County Forces	Grand Total (All \$95)
1	R1	CRP #907001 Birch Bay Drive & Pedestrian Facility from Lora Lane to Cedar Avenue	20010	Road Name: Birch Bay Drive From: Lora Lane To: Cedar Avenue	4.26	2.68	1.58	P&T FP DR Other	S	\$1,700,000			\$200,000		\$1,500,000		\$1,700,000
2	R2	CRP #914002 East Smith Road & Hannegan Road	55080 55110	Road Name: East Smith Road From: Hannegan Road To: Hannegan Road  Road Name: Hannegan Road From: East Smith Road To: Hannegan Road	2.06 2.06	1.86 1.86	0.40 0.7	3R IS Ilm Safety	S	\$1,500,000	\$2,000,000.00	STP(E)	\$400,000	\$100,000	\$3,000,000		\$3,500,000
3	R3	CRP #917001 Marine Drive, Locust Avenue to Alderwood Avenue	12790	Road Name: Marine Drive From: Locust Avenue To: Alderwood Avenue	4.57	3.92	0.65	RC SW P&T Safety	S	\$1,941,000	\$1,509,000.00	STP(UL)	\$400,000	\$50,000	\$3,000,000		\$3,450,000
4	R4	CRP #919005 Samish Way/Galbraith Lane	44060 44060	Road Name: Samish Way From: Samish Way To: Galbraith Lane  Road Name: Galbraith Lane From: 0 To: 0	1.68 0.00	1.41 0.00	0.27 0.09	IS Other Safety Ilm	S	\$60,000			\$10,000	\$10,000	\$30,000	\$10,000	\$60,000
5	R5	CRP #919018 Birch Bay Lynden Rd, Enterprise Rd to Rathbone Rd	21580	Road Name: Birch Bay Lynden Rd From: Enterprise Rd To: Rathbone Rd	9.95	7.92	2.03	2R Safety	E	\$985,000	\$165,000.00	WA Misc	\$150,000		\$1,000,000		\$1,150,000
6	R6	CRP #906001 Birch Bay Lynden Rd & Blaine Rd	21580	Road Name: Birch Bay Lynden Rd From: Birch Bay Lynden Rd To: Blaine Rd	1.25	1.00	0.25	IS Ilm SW Safety 3R	S	\$400,000			\$400,000				\$400,000
7	R7	CRP #918019 Smith Road & Northwest Drive	75080 74050	Road Name: Smith Road From: 0 To: 0  Road Name: Northwest Drive From: 0 To: 0	1.60 3.70	1.40 3.50	0.40 1.6	RC IS Ilm Safety	S	\$25,000			\$25,000				\$25,000
8	R8	CRP #920016 Chief Martin Road, Cagney Road to Kvina Road	14110	Road Name: Chief Martin Road From: Cagney Road To: Kvina Road	2.50	0.00	2.50	3R Safety	S	\$200,000			\$200,000				\$200,000
9	R9	CRP #914001 Slater Road & Northwest Drive	14760 74050	Road Name: Slater Road From: Slater Road To: Northwest Drive  Road Name: Northwest Drive From: Slater Road To: Northwest Drive	8.29 2.27	8.00 2.27	0.40 1.6	RC FP IS Ilm Safety	S	\$5,000			\$5,000				\$5,000
10	R10	CRP #916002 Horton Road, Northwest Drive to Aldrich Road	74230	Road Name: Horton Road From: Horton Road To: Aldrich Road	0.70	0.00	0.70	NEW SW DR IS	S	\$10,000			\$10,000				\$10,000
11	R11	CRP #912017 Lummi Nation Transportation Projects					N/A			\$2,000,000			\$350,000	\$150,000	\$1,500,000		\$2,000,000
12	R12	CRP 910002 Point Roberts Transportation Improvements					N/A			\$150,000			\$50,000		\$90,000	\$10,000	\$150,000
13	R13	CRP #916007 Hemmi Road Flood Mitigation	56320	Road Name: East Hemmi Road From: East Hemmi Road To: East Hemmi Road	2.60	2.30	0.30	2R DR Other	S	\$1,450,000			\$150,000		\$1,290,000	\$10,000	\$1,450,000

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)				
Annual Program Item No.	6 Year Program Item No.	Project Name	Road #	Road Segment Information Road Name	BMP	EMP	FTC	Project Length(mi.)	Project Type Code	Environmental Assessment	County Road Funds	Other Funds Amount	Program Source	PF & CE (\$95.10)	Right of Way (\$95.20)	Estimated Expenditures Dollars Construction Contract	County Forces	Grand Total (All 955)
14	R14	CRP #915014 Innis Creek Road	88850	Road Name: Innis Creek Road From: Innis Creek Road To: Innis Creek Road	2.45	2.65	.09	0.20	2R DR Other Safety	S	\$10,000			\$10,000				\$10,000
15	R15	CRP #921001 Birch Bay Drive, Jackson Road to Shintaffer Road	20010	Road Name: Birch Bay Drive From: Jackson Road To: Shintaffer Road	2.10	4.53	.07	2.43	3R Safety	E	\$15,000			\$15,000				\$15,000
16	R16	CRP #921002 Marine Drive II, Alderwood Avenue to Bridge No. 172	12790	Road Name: Marine Drive From: Alderwood Avenue To: Bridge No. 172	3.37	3.92	.06	0.55	RC P&T	S	\$15,000			\$15,000				\$15,000
17	R17	CRP #915013 Turkington Road/Jones Creek	89200	Road Name: Turkington Road From: Turkington Road To: Turkington Road	0.40	0.60	.09	0.20	RC Other	S	\$55,000			\$30,000	\$25,000			\$55,000
18	R18	CRP #921003 Truck Road, 2020 Flood Damage Repair	89200	Road Name: Truck Road From: Truck Road To: Truck Road	0.40	0.60	.16	0.20	3R K	S	\$100,000			\$100,000				\$100,000
19	R19	CRP #919002 Abbott Road/Levee Improvements	55560	Road Name: Abbott Road From: Abbott Road To: Abbott Road	1.70	1.90	.09	0.20	RC Other	S	\$150,000			\$150,000				\$150,000
20	R20	CRP #919001 Fendale Road/Levee Improvements	12800	Road Name: Fendale Road From: Fendale Road To: Fendale Road	2.50	3.82	.08	1.32	Other	S	\$50,000			\$50,000				\$50,000
21	R21	CRP #921004 Lake Louise, Austin Street to Lake Whalcom Boulevard	46010	Road Name: Lake Louise Road From: Austin Street To: Lake Whalcom Blvd	0.00	4.06	.18	4.06	3R Safety	E	\$25,000			\$25,000				\$25,000
22	R22	CRP #921005 Austin Street, Lake Louise Street to Cable Street	46020	Road Name: Austin Street From: Lake Louise Street To: Cable Street	0.00	0.37	.16	0.37	3R SW Safety	S	\$25,000			\$25,000				\$25,000
23	R28	CRP #921019 Lakeway Drive Corridor Improvements	45690	Road Name: Lakeway Drive From: Lakeway Drive To: Lakeway Drive	0.00	1.39	.16	1.39	Other P&T Safety	E	\$50,000			\$50,000				\$50,000
24	R31	CRP #921006 Small Area Paving, Various locations						N/A	Br 2R	E	\$250,000			\$50,000	\$200,000			\$250,000
25	R34	CRP #921007 South Pass Road, 2020 Flood Damage Repair	66040	Road Name: South Pass Road From: South Pass Road To: South Pass Road	3.50	3.65	.16	0.15	2R Safety	E	\$25,000			\$25,000				\$25,000
26	B2	CRP #917004 Jackson Road/Jerrell Creek Bridge No. 81	21950	Road Name: Jackson Road From: Jackson Road To: Jackson Road	0.00	0.10	.18	0.10	Br	S	\$250,000			\$200,000	\$50,000			\$250,000
27	B4	CRP #913006 North Lake Samish Road Bridge No. 107	44170	Road Name: North Lake Samish From: North Lake Samish To: North Lake Samish	0.01	0.11	.08	0.10	P&T Br	S	\$150,000			\$100,000	\$50,000			\$150,000
28	B5	CRP #920003 Goshen Road/Auderson Creek Bridge No. 248	56140	Road Name: Goshen Rd. From: At Bridge No. 248 To: At Bridge No. 248	0.56	0.76	.08	0.20	Br	S	\$20,000	\$200,000.00	BR	\$200,000	\$20,000			\$220,000
29	B10	CRP #919006 Mosquito Lake Road/Hutchinson Creek Tributary	84190	Road Name: Mosquito Lake Road From: Mosquito Lake Road To: Mosquito Lake Road	3.10	3.20	.08	0.10	FP	S	\$560,000			\$50,000	\$10,000	\$0	\$500,000	\$560,000
30	B11	CRP #919007 North Fork Road/Kenney Creek	89510	Road Name: North Fork Road From: North Fork Road To: North Fork Road	1.00	1.10	.09	0.10	FP	S	\$70,000	\$200,000.00	FBRB	\$250,000	\$20,000			\$270,000
31	B12	CRP #920004 Truck Road/Fish Passage	89370	Road Name: Truck Road From: Truck Road To: Truck Road	0.90	0.91	.09	0.01	FP	S	\$330,000			\$25,000	\$5,000	\$0	\$300,000	\$330,000
32	B13	CRP #921008 Deal Road/Fish Passage	89300	Road Name: Deal Road From: Deal Road To: Deal Road	0.20	0.21	.09	0.01	FP	S	\$80,000			\$75,000	\$5,000			\$80,000
33	F1	CRP #919008 Replacement of Whalcom Chief & Terminal Modification						N/A	Ferry	E	\$300,000			\$300,000				\$300,000
34	F2	CRP #919021 Gooseberry Pt. Terminal Preservation Project						N/A	Ferry	S	\$800,000			\$50,000		\$750,000		\$800,000
35	F3	CRP #914015 Lummi Island Breakwater Replacement						N/A	Ferry	E	\$1,529,000	\$521,000.00	FBP	\$150,000		\$1,900,000		\$2,050,000

(1)	(2)	(3)	(4)			(5)	(6)	(7)	(8)	(9)		(10)	(11)	(12)	(13)	(14)	(15)
Annual Program Item No.	6 Year Road Program Item No.	Project Name	Road #	Road Segment Information	EMP	FFC	Project Length(mi.)	Project Type Code	Environmental Assessment	County Road Funds	Amount	Other Funds Program Source	PF & CE (\$95.10)	Right of Way (\$95.20)	Estimated Expenditures Dollars	County Forces	Grand Total (All \$95)
36	F4	CRP #9191009 Relocation of Gooseberry Terminal					N/A	Ferry	E	\$50,000			\$50,000				\$50,000
37	Y1	CRP #921009 Various Bridges					N/A	Br	S	\$300,000			\$50,000		\$0	\$250,000	\$300,000
38	Y2	CRP #921010 Rehabilitation/Replacement					N/A		E	\$50,000				\$50,000			\$50,000
39	Y3	CRP #921011 Unanticipated Site Improvements					N/A		E	\$300,000			\$30,000		\$0	\$270,000	\$300,000
40	Y4	CRP #921012 Stormwater Quality Improvements					N/A		S	\$120,000			\$20,000		\$90,000	\$10,000	\$120,000
41	Y5	CRP #921013 Unanticipated Non-motorized Transportation Improvements					N/A	SW P&T Safety	I	\$60,000			\$10,000		\$50,000		\$60,000
42	Y6	CRP #921014 Fish Passage Project					N/A	FP	S	\$50,000			\$50,000				\$50,000
43	Y7	CRP #921015 Swift Creek Transportation Impact					N/A			\$100,000			\$10,000		\$0	\$90,000	\$100,000
44	Y8	CRP #921016 Railroad Crossing Improvements					N/A	Other 2R Safety	I	\$200,000			\$50,000		\$0	\$150,000	\$200,000
45	Y9	CRP #921017 Beam Guardrail Replacements/Upgrades					N/A	Safety	I	\$50,000			\$50,000				\$50,000
46	Y10	CRP #921018 ADA Barrier Removal					N/A	SW	E	\$200,000			\$50,000		\$150,000		\$200,000
										\$16,765,000	\$4,595,000		\$4,515,000	\$545,000	\$14,700,000	\$1,600,000	\$21,360,000

## Birch Bay Drive and Pedestrian Facility CRP #907001

**Construction Funding Year(s):** 2021

### Project Narrative:

This project is located parallel to Birch Bay Drive from Cedar Avenue to the mouth of Terrell Creek, in Sections 30 and 31, T40N, R1E, and Sections 24 and 25, T40N, R1W. This is a 1.58 mile separated berm with pathway to encourage pedestrian use along Birch Bay Drive to support safety and to protect the roadway from storm damage. In addition, the project will provide mitigation for both beach erosion and roadway protection. This project is listed **#R1** on the 2021-2026 Six-Year Transportation Improvement Program.

### Project Status:

Phase I of the Feasibility Study was completed in 2006. Phase 2A (Preliminary Construction Cost Estimate) was completed in 2007, and updated in spring of 2013. Preliminary Engineering began in late 2013, R/W acquisition began in 2016 (100% complete), and permitting is 100% complete. Construction began in December 2019 and is expected to last through 2022. Due to the long duration monitoring periods required by project permits, it is anticipated that the contract may be open through 2025.

**Total Estimated Project Cost:** \$14,150,000

**Expenditures to Date:** \$7,690,000

### Funding Sources:

Federal	\$3,172,000 (STP and TAP)
State	\$0
Local	\$10,978,000

### Environmental Permitting

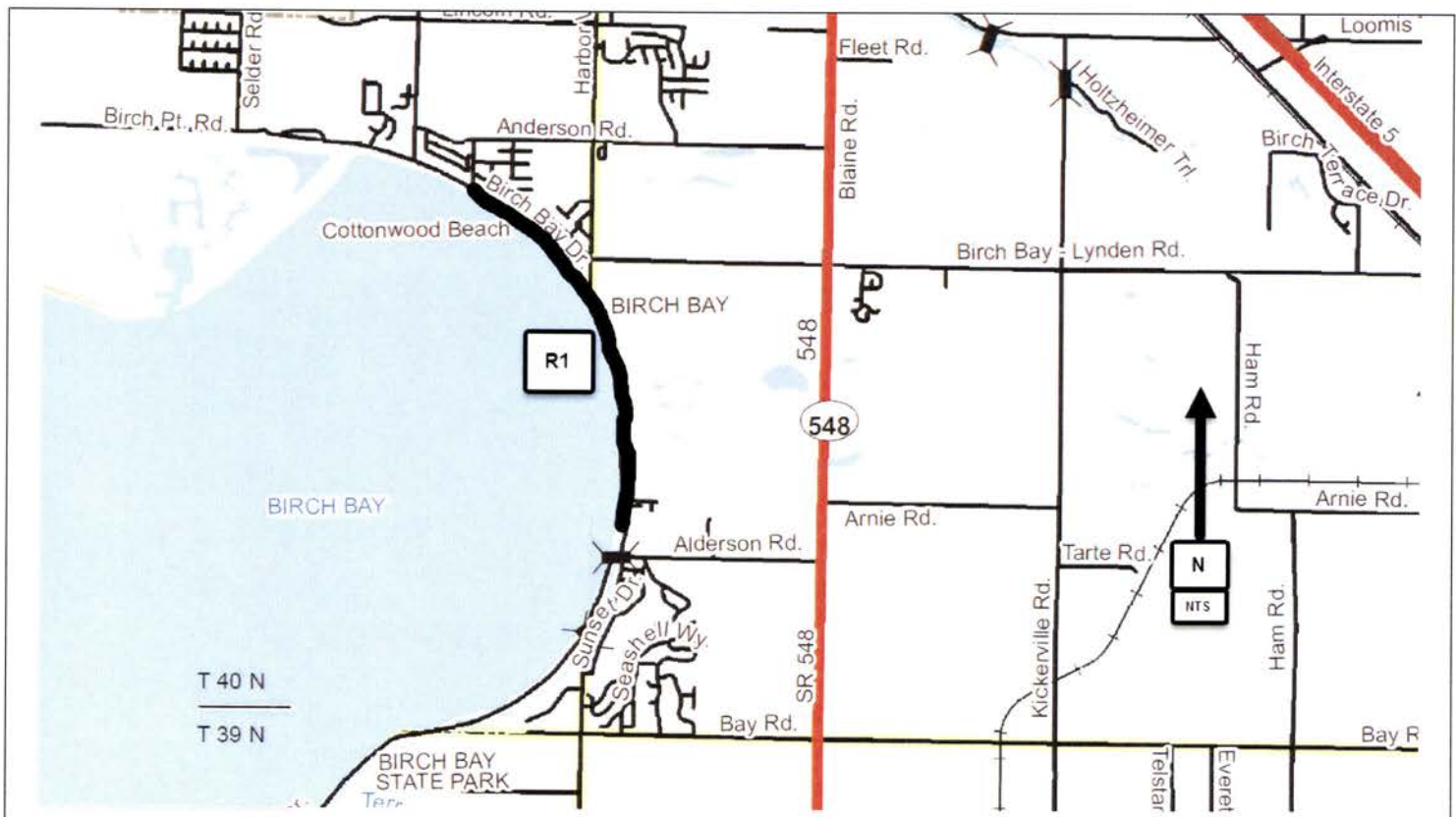
Whatcom County-Shorelines; WDFW-HPA, Army Corps of Engineers, DOE; Sec 404 Clean Water Act; NEPA

### Right-of-Way Acquisition (Actual)

\$1,686,000

### County Forces (Estimate)

N/A



## East Smith Road & Hannegan Road Intersection Improvements CRP # 914002

**Construction Funding Year(s):** 2021

**Project Narrative:**

The intersection of East Smith and Hannegan Roads is located in Sections 28, 29, 32 and 33, T39N, R3E. This intersection currently experiences delays due to the lack of left-turn channelization on Smith Road. The project work entails the construction of a two-lane Roundabout at the intersection. This project is listed **#R2** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

The 'Alternatives Analysis' completed by a traffic consultant in 2018 determined a two-lane Roundabout as the best design solution. Design proceeding, and is expected to be completed in 2021, with Construction planned for 2021 or 2022 depending on ROW acquisition, utility relocation, and environmental permitting.

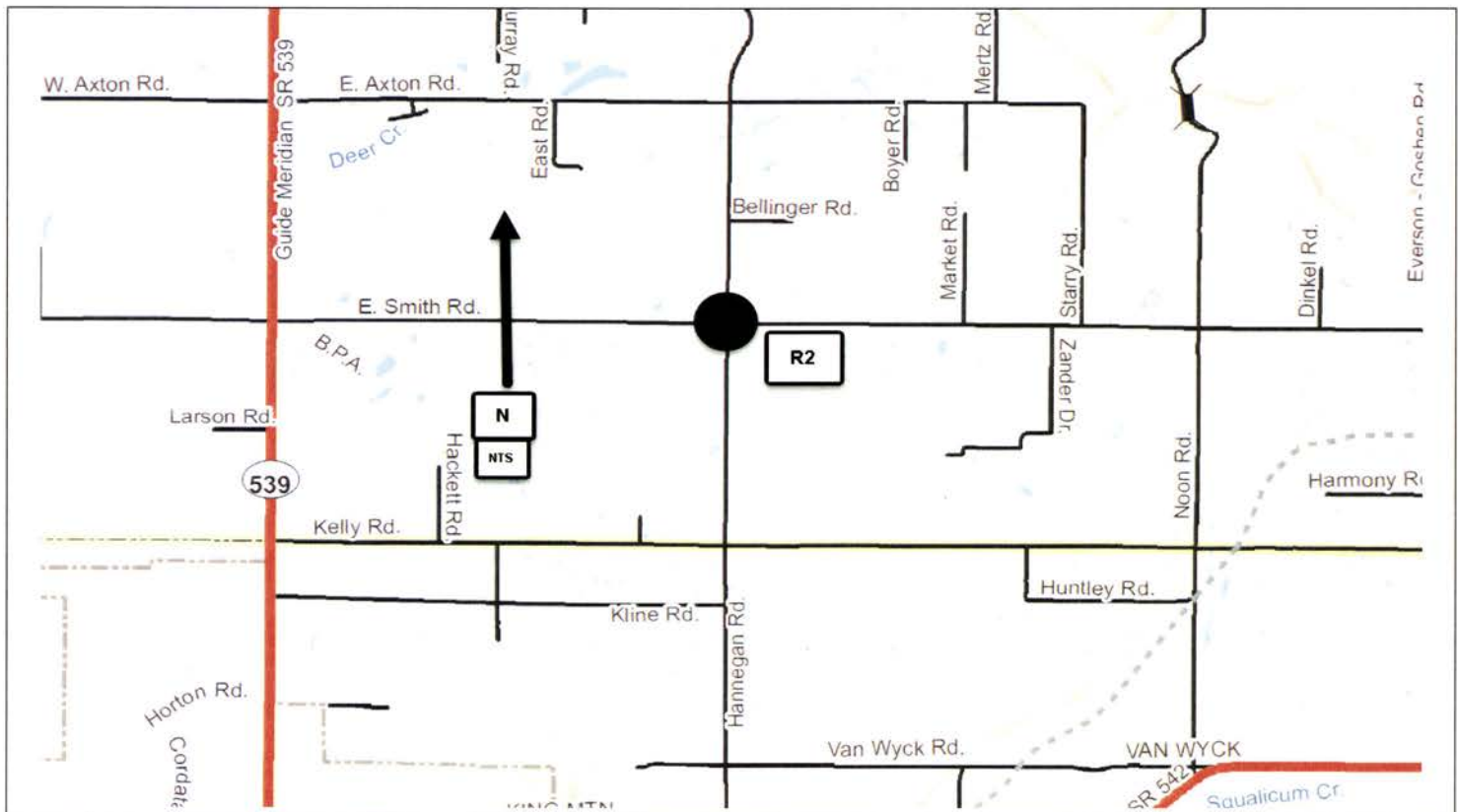
**Total Estimated Project Cost:** \$3,565,000

**Expenditures to Date:** \$461,000

**Funding Sources:**

Federal	\$2,000,000 ST/HSIP available in 2021
State	\$0
Local	\$1,565,000

<b>Environmental Permitting</b>	NEPA, ESA, Corp of Engr, Clrg/CAO, DOE
<b>Right-of-Way Acquisition (Estimate)</b>	\$350,000
<b>County Forces (Estimate)</b>	N/A



## Marine Drive Locust Avenue to Alderwood Avenue Reconstruction and Bike/Ped Facilities CRP # 917001

**Construction Funding Year(s):** 2021

**Project Narrative:**

This Marine Drive project is located between Locust Ave. and Alderwood Avenue in Section 15 of T38N, R2E. The work involves reconstruction of approximately ½ mile of roadway with emphasis on bike/pedestrian and stormwater quality enhancements. This project is listed **#R3** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Survey completed and design initiated in 2019. Design to be completed in late 2020, with ROW acquisition and environmental permitting to be completed in early 2021. Construction is expected to begin in summer of 2021.

**Total Estimated Project Cost:** \$3,510,000

**Expenditures to Date:** \$322,000

**Funding Sources:**

Federal	\$1,509,000 (STBG) Available in 2021
State	\$0
Local	\$2,001,000

<b>Environmental Permitting</b>	ECS, BA, SEPA, CLR/CAO, Corps of Engrs
---------------------------------	--

<b>Right-of-Way Acquisition (Estimate)</b>	\$50,000
--	----------

<b>County Forces (Estimate)</b>	N/A
---------------------------------	-----



## Samish Way & Galbraith Lane Pedestrian Crosswalk CRP # 919005

**Construction Funding Year(s):** 2021

**Project Narrative:**

Construct a pedestrian-actuated crosswalk for access across Samish Way at Galbraith Lane in response to the City of Bellingham's expansion of the upper Lake Padden parking lot on Samish Way. The existing and projected high use of this parking lot for mountain bike and pedestrian use will result in numerous pedestrians and bikes crossing Samish Way. This project is listed **#R4** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Currently working with the City of Bellingham to provide an in-house design for the pedestrian-actuated crosswalk. COB plans to install the crosswalk with their traffic signal crews, and construction is planned in 2021.

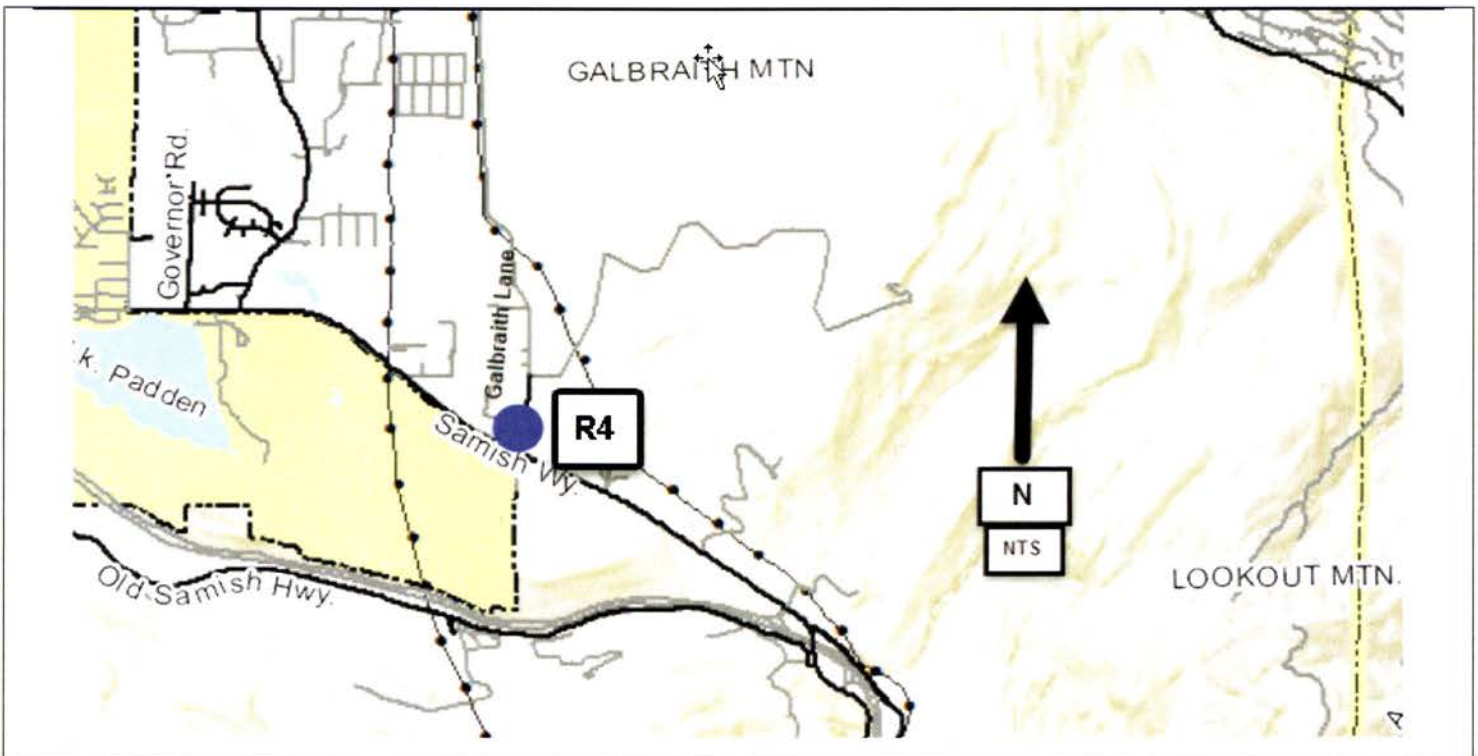
**Total Estimated Project Cost:** \$ 60,000

**Expenditures to Date:** \$20,400

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$60,000

<b>Environmental Permitting</b>	SEPA, Land Disturbance, Critical Areas
<b>Right-of-Way Acquisition (Estimate)</b>	\$10,000
<b>County Forces (Estimate)</b>	TBD



## Birch Bay Lynden Rd, Enterprise Rd. to Rathbone Rd. Pavement Rehabilitation CRP # 919018

**Construction Funding Year(s):** 2021

**Project Narrative:**

This Birch Bay Lynden Road project is located between Enterprise Road and Rathbone Road in Sections 27 & 28 of T40N, R2E. The work will involve the pavement rehabilitation of approximately 2 miles of roadway. This project is listed #R5 on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** This project received Rural Arterial Preservation Program (RAPP) grant funds of \$165,000 in mid-2019. Design work has begun, with construction planned for 2021.

**Total Estimated Project Cost:** \$1,150,000

**Expenditures to Date:** \$5,300

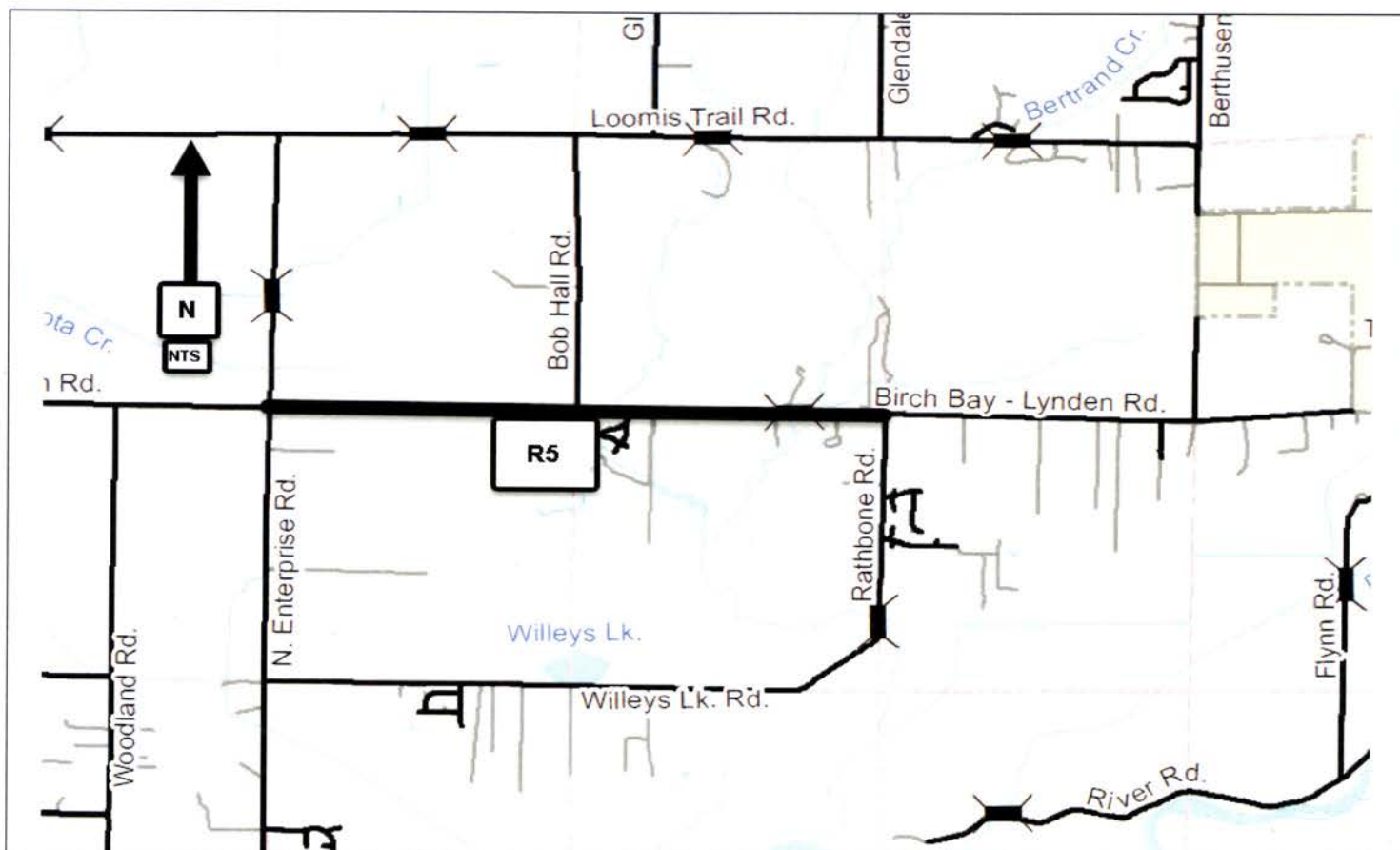
**Funding Sources:**

Federal	\$0
State	\$165,000 RATA funds
Local	\$985,000

<b>Environmental Permitting</b>	SEPA
---------------------------------	------

<b>Right-of-Way Acquisition (Estimate)</b>	N/A
--	-----

<b>County Forces (Estimate)</b>	N/A
---------------------------------	-----



## Birch Bay Lynden Rd. & Blaine Rd. Intersection Improvements CRP # 906001

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located 4.6 miles south of Blaine, at the corners common to Sections 19, 20, 29, and 30, T40N, R1E. Intersection improvements being considered are a roundabout or a signal. This is a joint project with the Washington State Department of Transportation; however, it is unlikely that they will participate as a funding source. This project is listed **#R6** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Survey work and R/W Plan started. Consultant contract underway to evaluate & decide on preferred design alternative, and will be determined in Fall of 2020. Applied for and received federal STBG funding of \$800K which is available in 2023-2024. Additional grant funds will be looked for through other sources.

**Total Estimated Project Cost:** \$1,200,000

**Expenditures to Date:** \$89,000

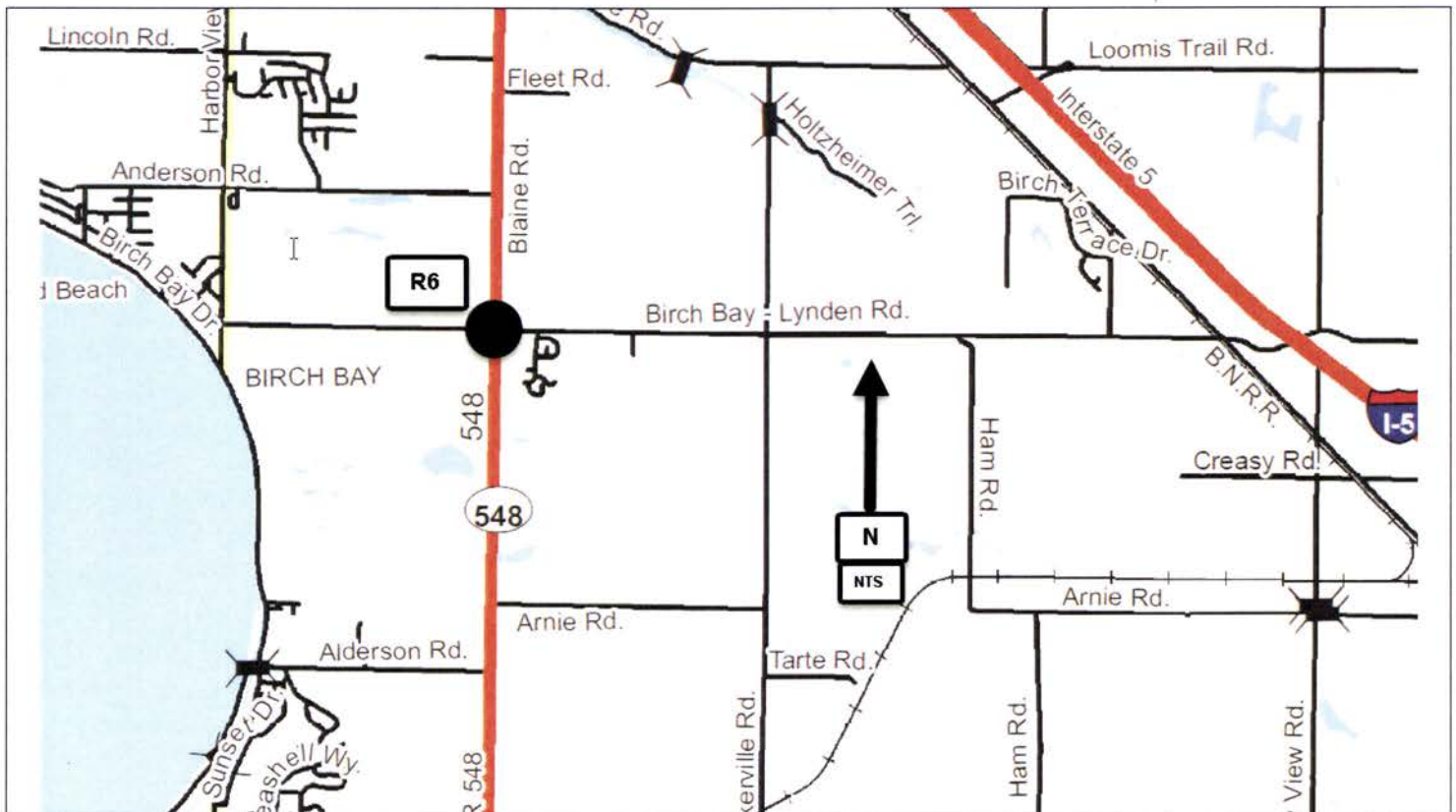
**Funding Sources:**

Federal	\$ STBG available in 2023-2024
State	\$0
Local	\$1,200,000 (add'l Grant funds sought)

**Environmental Permitting** ESA, NEPA, Clrg/CAO, Corp of Engr, DOE,

**Right-of-Way Acquisition (Estimate)** \$500,000

**County Forces (Estimate)**



## Smith Road & Northwest Drive Intersection Improvements CRP # 918019

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located in Section 27 & 34 of T39N, R2E. The work involves intersection improvements that will likely be a roundabout or traffic signal at the current 4-way stop. This project will also require drainage upgrades and R/W acquisition, and is dependent on the NW Annex building being demolished at a future date. This project is listed **#R7** on the 2021-2026 Six-Year Transportation Improvement Program.

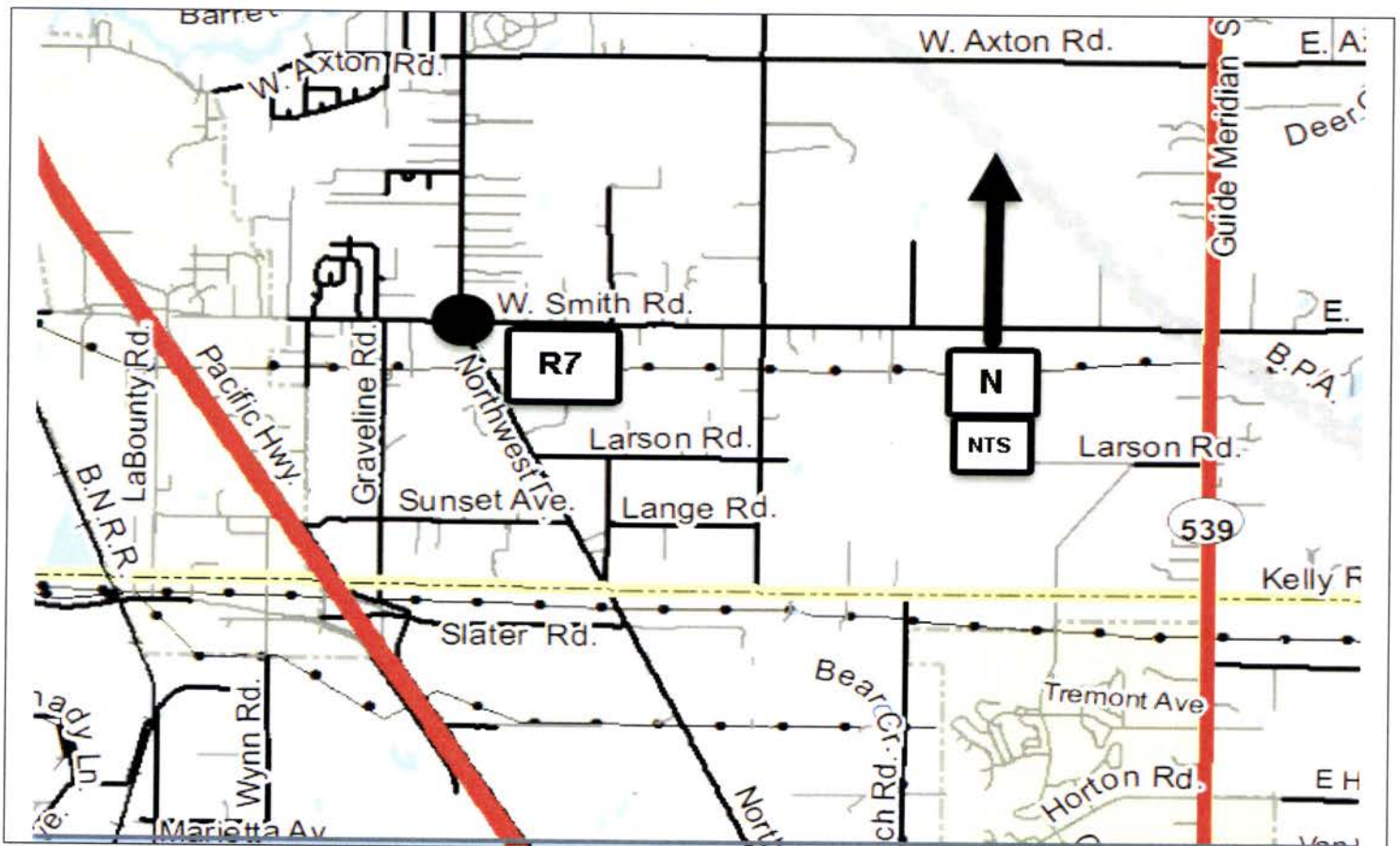
**Project Status:** Consultant contract underway to evaluate & decide on preferred design alternative, and will be determined in Fall of 2020. Public Works is working with Whatcom Council of Governments (WCOG) to submit this project for Regional Transportation Funding with a request for \$5 million.

**Total Estimated Project Cost:** TBD  
**Expenditures to Date:** \$ 43,000

**Funding Sources:**

Federal	\$ 0
State	\$ 0
Local	\$35,000 (Grant funds sought thru WCOG)

<b>Environmental Permitting</b>	SEPA, Critical Areas, DOE
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## Chief Martin Road/Cagey Road to Kwina Pavement Rehabilitation CRP # 920016

**Construction Funding Year(s):** 2021

**Project Narrative:**

This Chief Martin Road project is located between Cagey Road to Kwina Road in Sections 24 & 25 of T39N and R1E. The work will involve the pavement rehabilitation of approximately 2.50 miles of roadway. This project is listed **#R8** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

Design, permitting and temporary easements to begin in late 2020. Currently looking for funding sources for the construction phase.

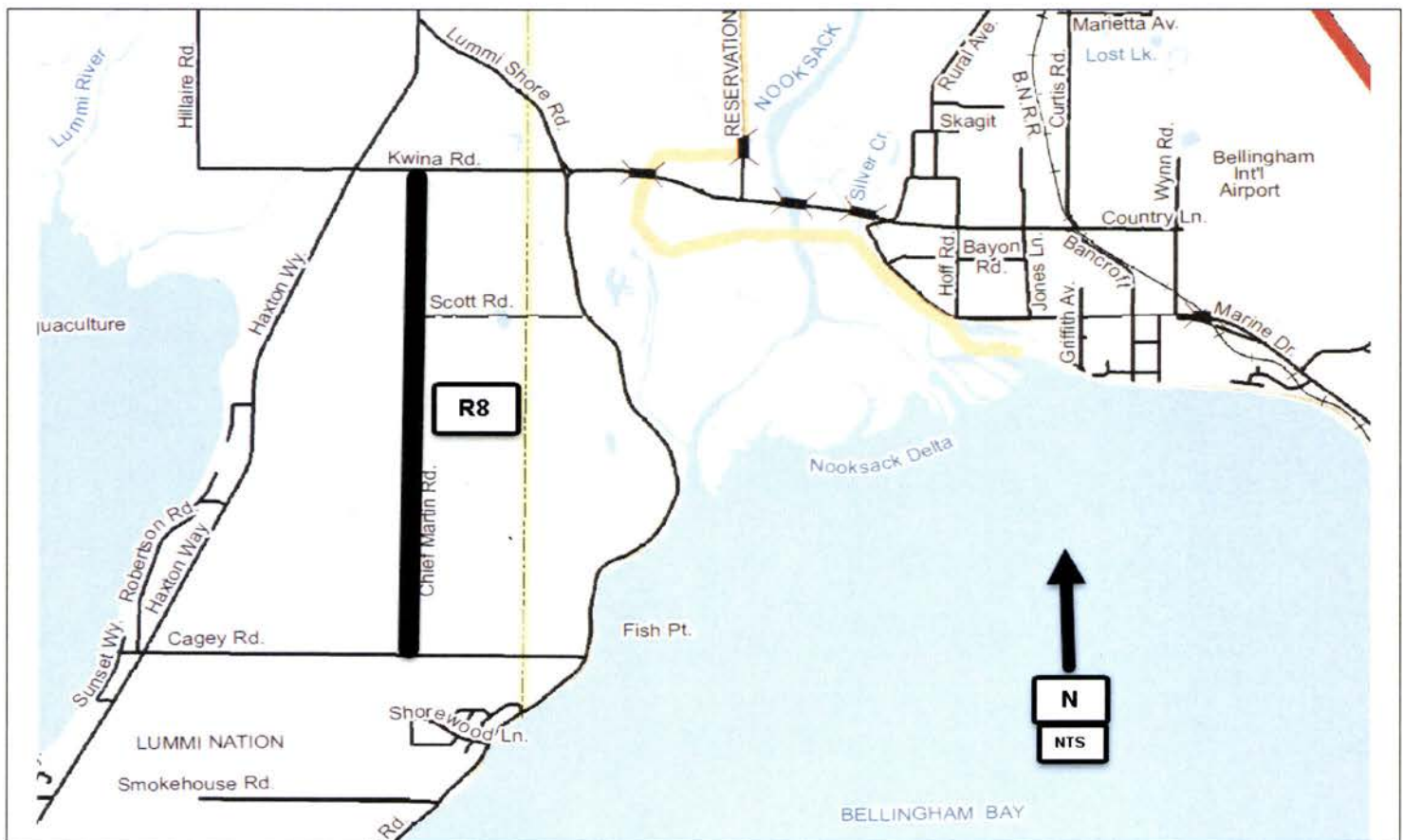
**Total Estimated Project Cost:** \$200,000

**Expenditures to Date:** \$0

**Funding Sources:**

Federal	
State	
Local	\$200,000

<b>Environmental Permitting</b>	SEPA, ESA, HPA, Clrg/CAO
<b>Right-of-Way Acquisition (Estimate)</b>	5,000
<b>County Forces (Estimate)</b>	N/A



## Slater Road & Northwest Drive Intersection Improvements CRP # 914001

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located in Section 27 & 34 of T39N, R2E. The work involves intersection improvements that will likely be a roundabout or traffic signal at the current 3-way stop. This project will also require fish passage upgrades and R/W acquisition. This project is listed **#R9** on the 2021-2026 Six-Year Transportation Improvement Program.

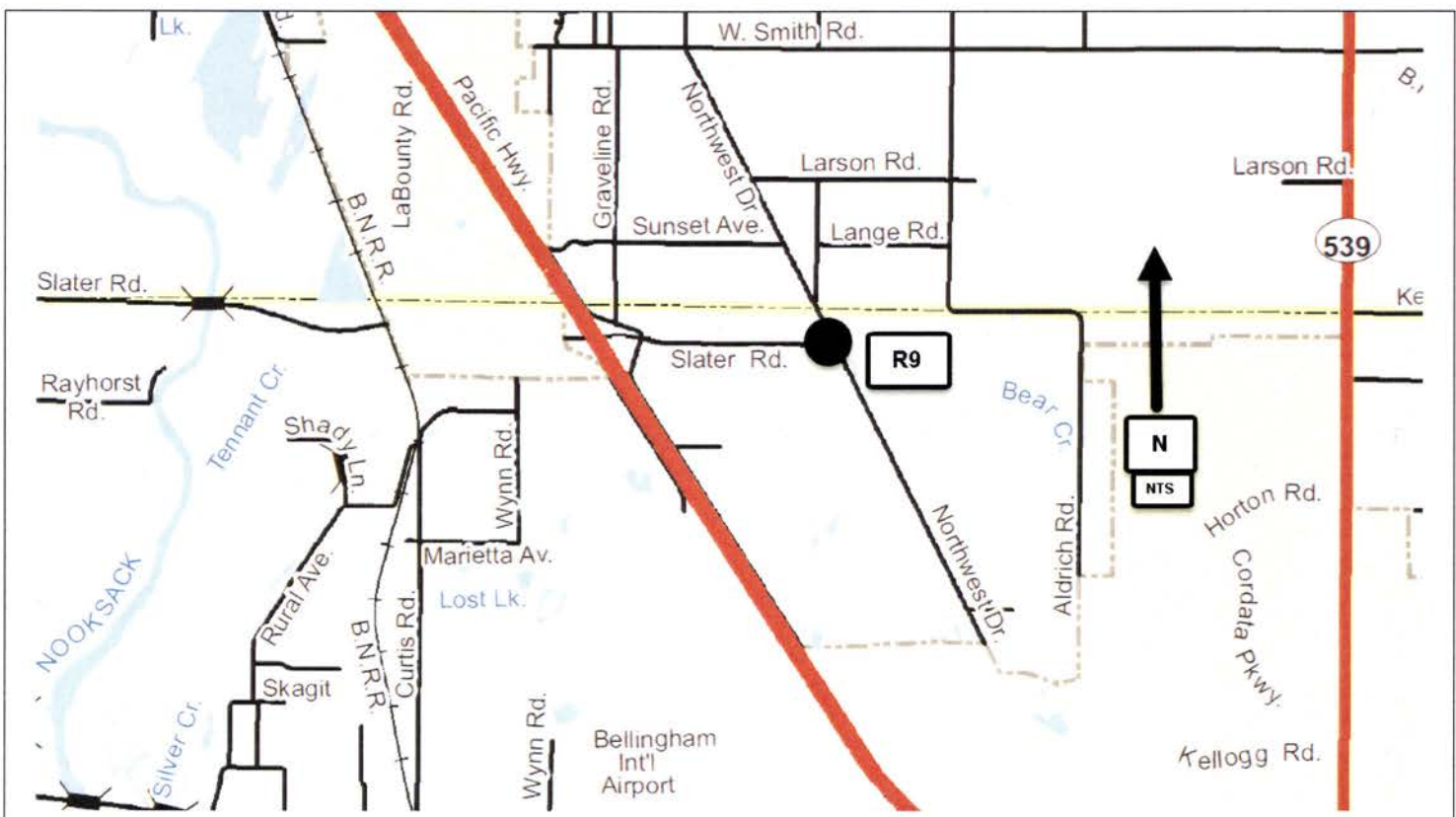
**Project Status:** WSDOT is the lead agency on this project and will be providing the design. Construction start date TBD depending on State revenues.

**Total Estimated Project Cost:** TBD  
**Expenditures to Date:** \$ 22,000

**Funding Sources:**

Federal	\$ 0
State	\$ 0
Local	\$15,000

<b>Environmental Permitting</b>	SEPA, Critical Areas, DOE
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## Horton Road Northwest Drive to Aldrich Road CRP # 916002

**Construction Funding Year(s):** TBD

**Project Narrative:**

This new roadway project is located between Northwest Drive and Aldrich Road in Section 2 of T38N, R2E. The work involves a ½ mile of new roadway alignment and intersection with NW Drive, along with all the associated permitting, storm water and R/W issues. This project is listed **#R10** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

Design, right-of-way, and permitting to begin in 2017 with Surface Transportation Program (STP) Grant awarded to Whatcom County and transferred to the City of Bellingham. An interlocal agreement is in place for the City of Bellingham to perform design of the project in coordination with their section of Horton Road construction. Construction schedule dependent upon funding agreements with City of Bellingham and other sources.

**Total Estimated Project Cost:** TBD

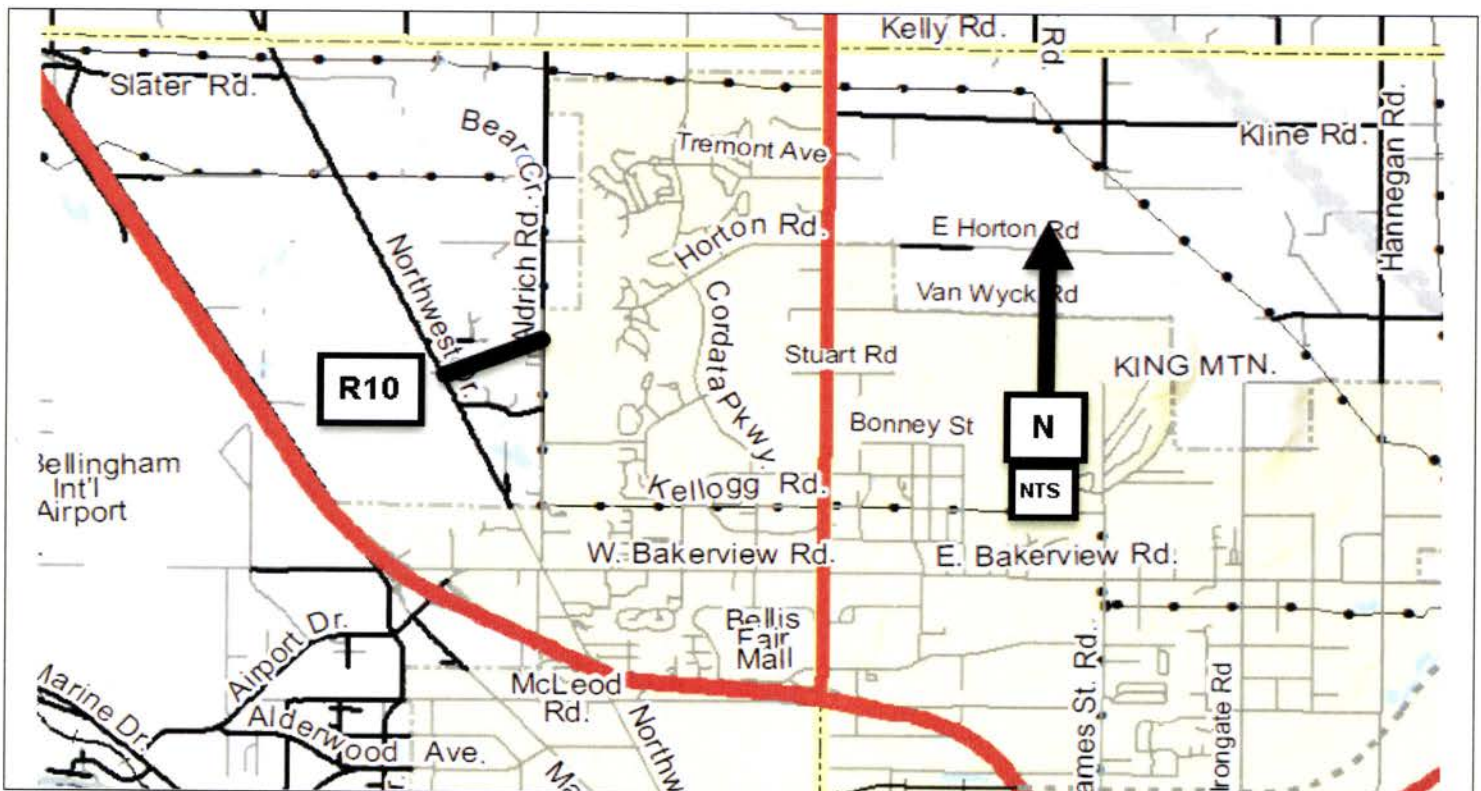
**Expenditures to Date:** \$7,800

**\*\$1,000,000 STBG Grant transferred to COB for design of county portion.**

**Funding Sources:**

Federal	(\$1,000,000)*
State	0
Local	\$147,000

<b>Environmental Permitting</b>	ECS, BA, NEPA, CLR/CAO, Corps of Engrs
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	N/A



## Lummi Nation Transportation Projects CRP #912017

**Construction Funding Year(s):** 2021

**Project Narrative:**

The Lummi Nation Transportation Projects is located in Section 2, T37N, R1E and Section 34, T38N, R1E. This work, in fulfillment of the ferry lease obligation, involves the construction of transportation improvement projects in accordance with Exhibit C of the October 27, 2011 Uplands Lease Agreement for Lummi Island Ferry Use at Gooseberry Point. This project is listed #R11 on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

Projects funds will be available for expenditure when funds of equal or greater value are matched by the Lummi Nation.

**Total Estimated Project Cost:** \$4,000,000

**Expenditures to Date:** \$2,000,000

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$2,000,000

**Environmental Permitting** N/A

**Right-of-Way Acquisition (Estimate)** N/A

**County Forces (Estimate)** N/A

Due to the nature of this item, no map exists. Location of the new transportation projects will be determined in 2021.

## Point Roberts Transportation Improvements CRP # 910002

**Construction Funding Year(s):** 2021

**Project Narrative:**

Point Roberts is located in T40N and T41N, R3W. The proposed improvements would be specific to area needs and the development of projects to be funded by the Pt. Roberts Transportation Benefit District. This project is listed **#R12** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

Public Works has assigned staff working with the Point Roberts Transportation Benefit District Advisory Committee to coordinate project evaluation, selection, and development.

**Total Estimated Project Cost:** \$150,000

**Expenditures to Date:** \$400

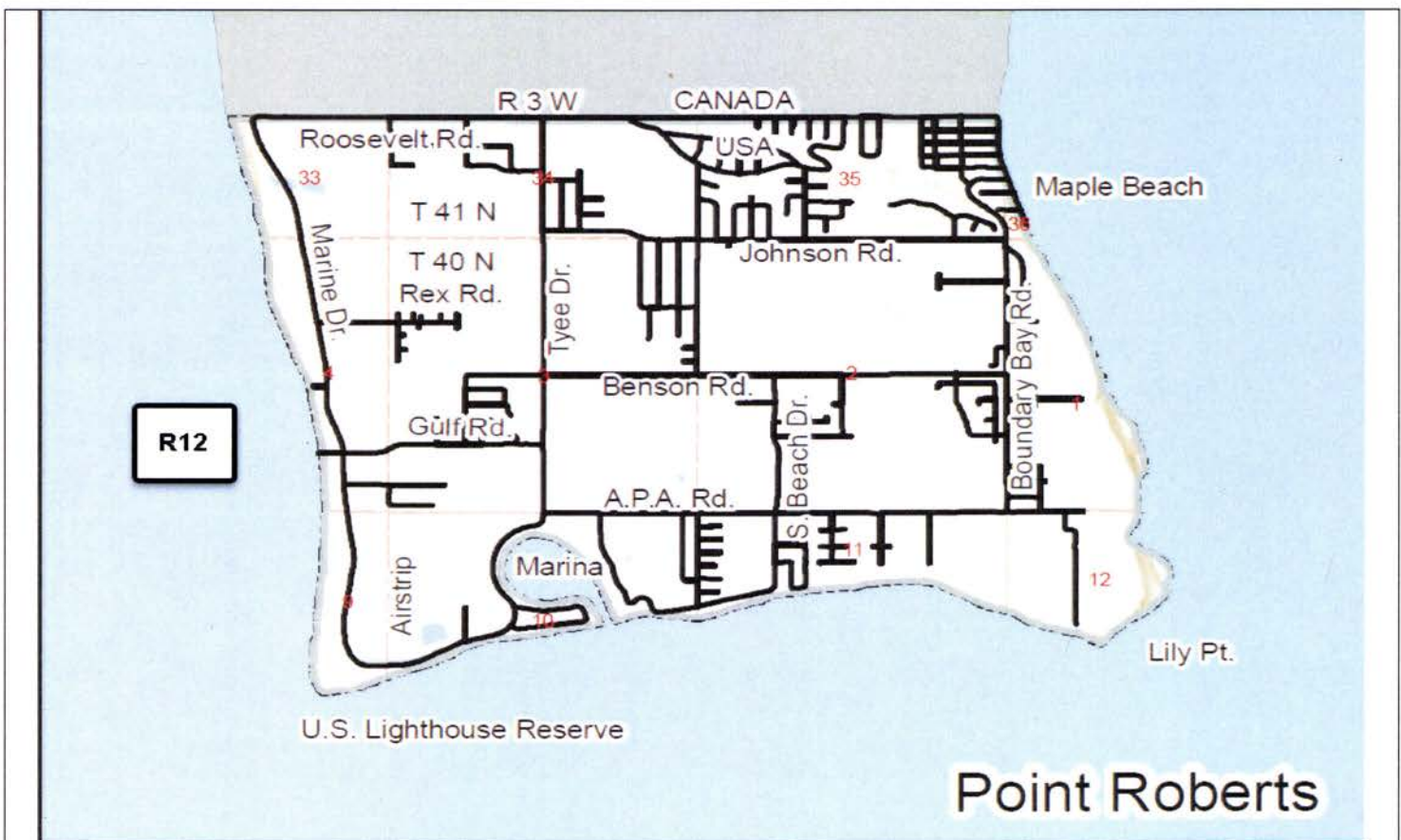
**Funding Sources:**

Federal	\$0
State	\$0
Local	\$150,000

**Environmental Permitting** TBD

**Right-of-Way Acquisition (Estimate)** TBD

**County Forces (Estimate)** TBD



## Hemmi Road Flood Mitigation CRP # 916007

**Construction Funding Year(s):** 2021

**Project Narrative:**

This Hemmi Road Flood Mitigation project is located on Hemmi Road approximately a half mile east of Hannegan Road, located in Section 16 and 21 of T39N, R3E. Hemmi Road is submerged several months of the year at this location. Project work will include raising this portion of the road, installing a larger culvert and associated road work. This project is listed **#R13** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Engineering, permitting and real estate work expected to be completed in 2020 with construction scheduled in 2021.

**Total Estimated Project Cost:** \$1,745,000

**Expenditures to Date:** \$295,000

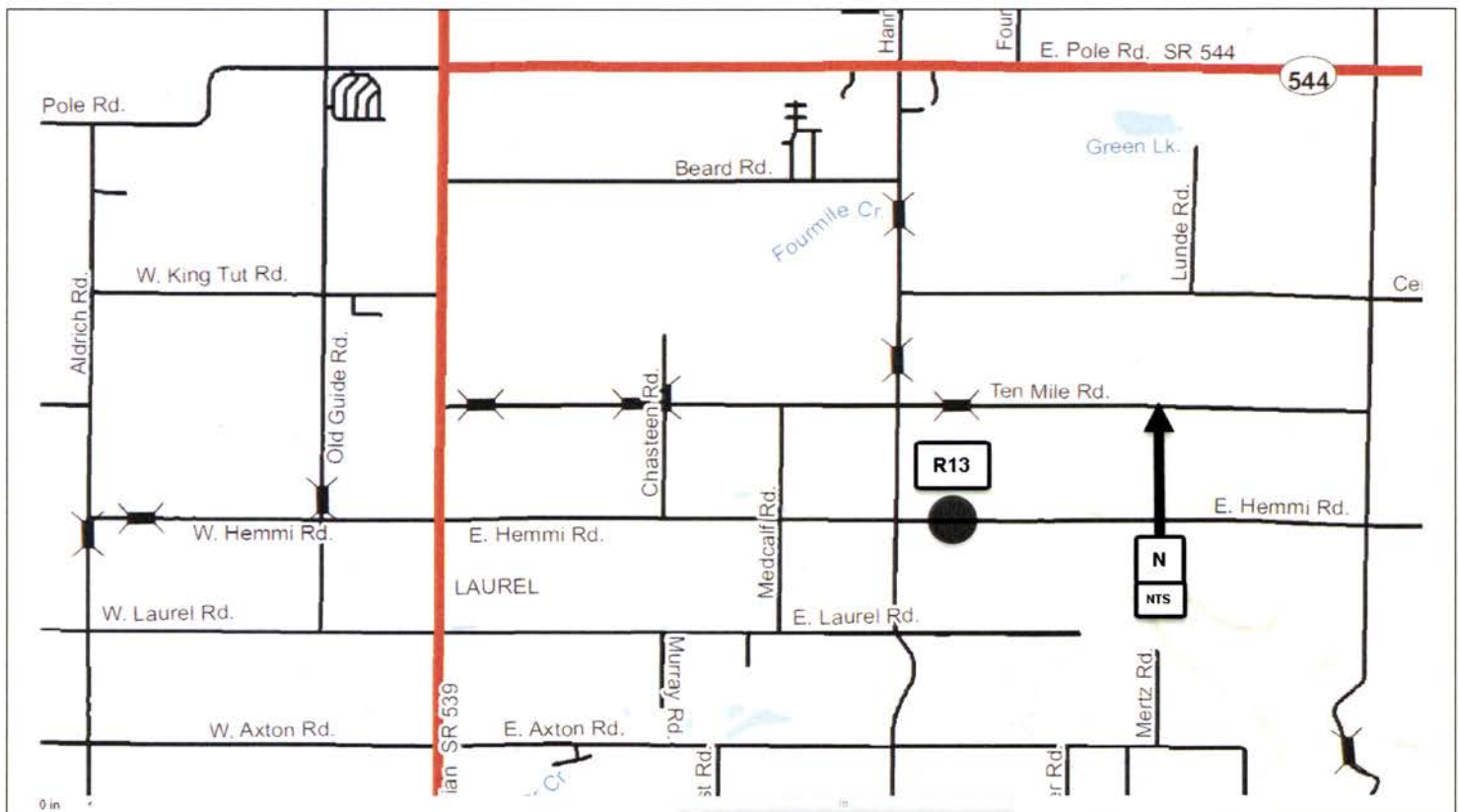
**Funding Sources:**

Federal	
State	
Local	\$1,745,000

<b>Environmental Permitting</b>	SEPA, HPA, Shorelines, ACOE 404
---------------------------------	---------------------------------

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	TBD
---------------------------------	-----



## Innis Creek Road CRP # 915014

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located northeast of Wickersham in Section 29, T37N, R5E. The work involves raising a quarter mile section of Innis Creek Road to mitigate flooding issues. This project is listed **#R14** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

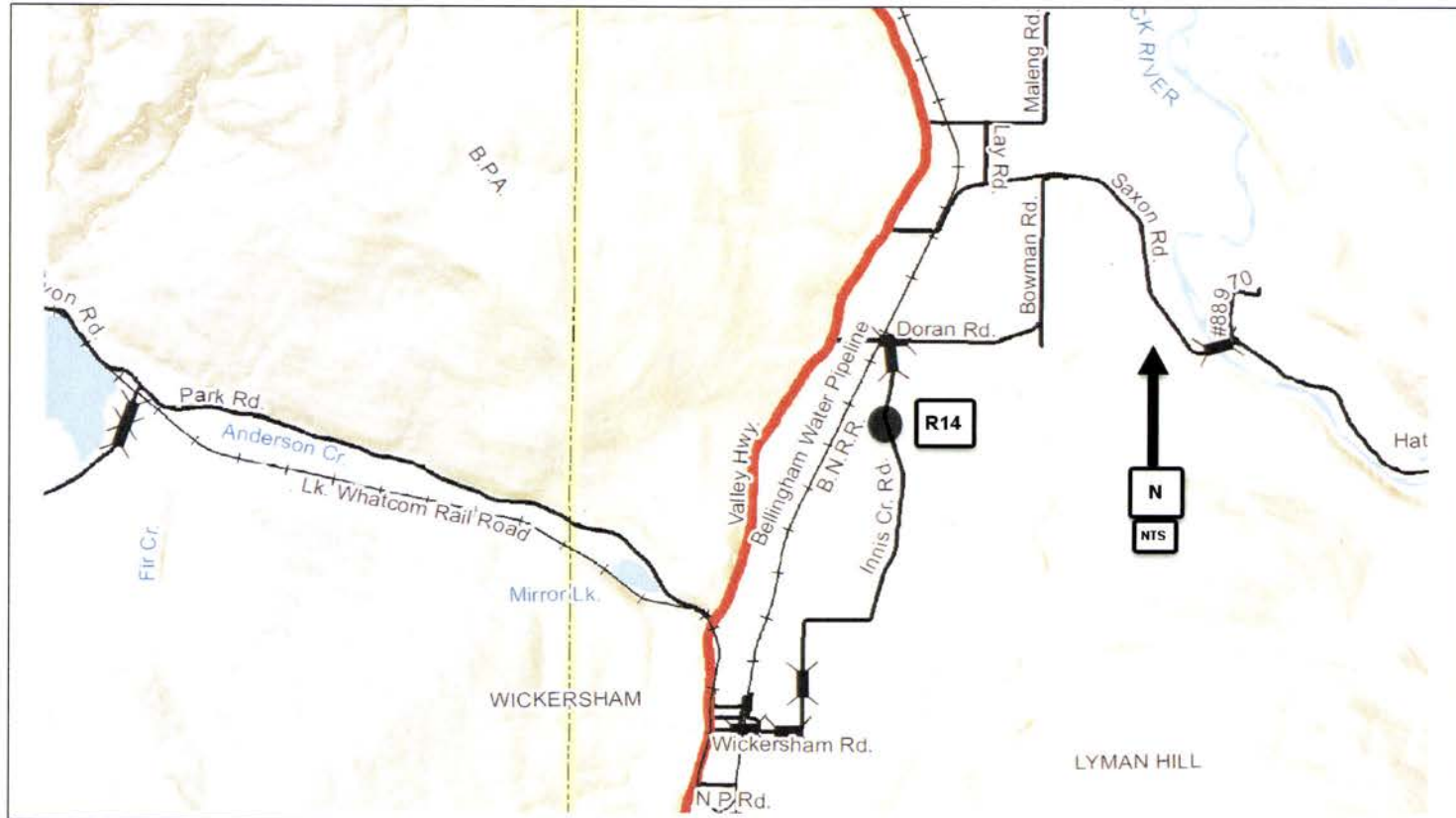
Preliminary design completed in 2019 with alternatives developed; however, environmental mitigation, due to presence of endangered species, has initiated re-evaluation of options.

**Total Estimated Project Cost:** TBD  
**Expenditures to Date:** \$ 71,000

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$10,000

<b>Environmental Permitting</b>	TBD
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## Birch Bay Drive – Jackson Rd. to Shintaffer Rd. CRP #921001

**Construction Funding Year(s):** 2022

**Project Narrative:**

This project is located in Sections 24, 30, and 31 of T40N, R1E. The work involves pavement rehabilitation of approximately 2.5 miles of roadway through a grind/repave operation. This project is listed **#R15** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

Project design and construction will closely follow the Birch Bay Drive & Pedestrian Facility project to rehabilitate Birch Bay Drive after the soft shore berm construction activities. Additional funding sources will be pursued as they become available.

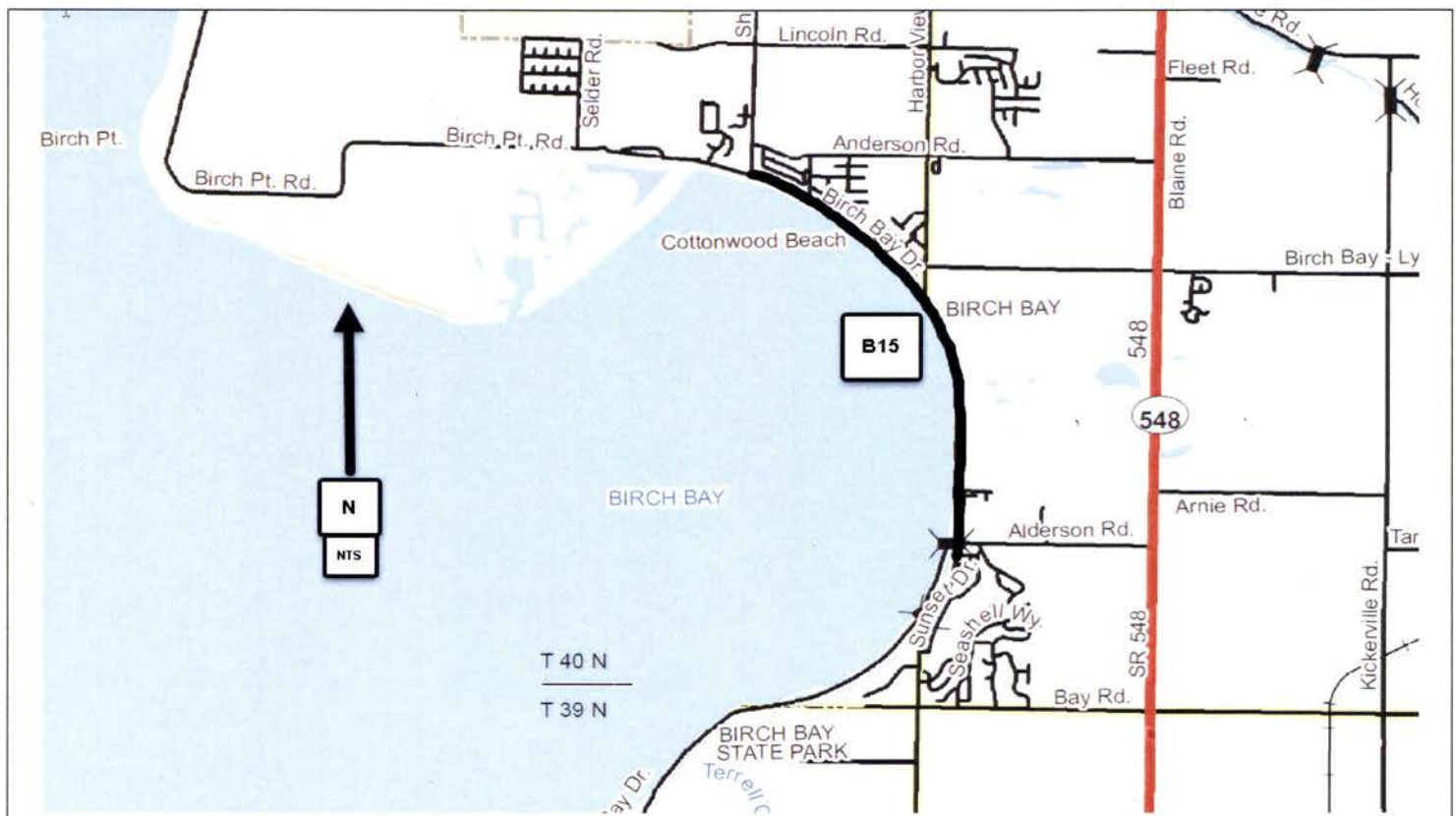
**Total Estimated Project Cost:** \$1,710,000

**Expenditures to Date:** \$ 0

**Funding Sources:**

Federal	\$ 0
State	\$ 0
Local	\$1,710,000

<b>Environmental Permitting</b>	SEPA, CLR/CAO, Shorelines
<b>Right-of-Way Acquisition (Estimate)</b>	\$0
<b>County Forces (Estimate)</b>	TBD



## Marine Drive II Alderwood Avenue to Bridge No. 172 Reconstruction and Bike/Ped Facilities CRP # 921002

**Construction Funding Year(s):** TBD

**Project Narrative:**

This Marine Drive project is located between Alderwood Avenue and Bridge No. 172 in Section 15 of T38N, R2E. The work involves reconstruction of approximately ½ mile of roadway with emphasis on bike/pedestrian enhancements. This project is listed **#R16** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

Design, permitting, R/W and construction time frames would be contingent on availability of additional grant monies to fund the project. A grant application was submitted in August 2020 to the WSDOT 2020 Pedestrian and Bike Program for PE funds. If awarded, preliminary engineering could start summer / fall of 2021.

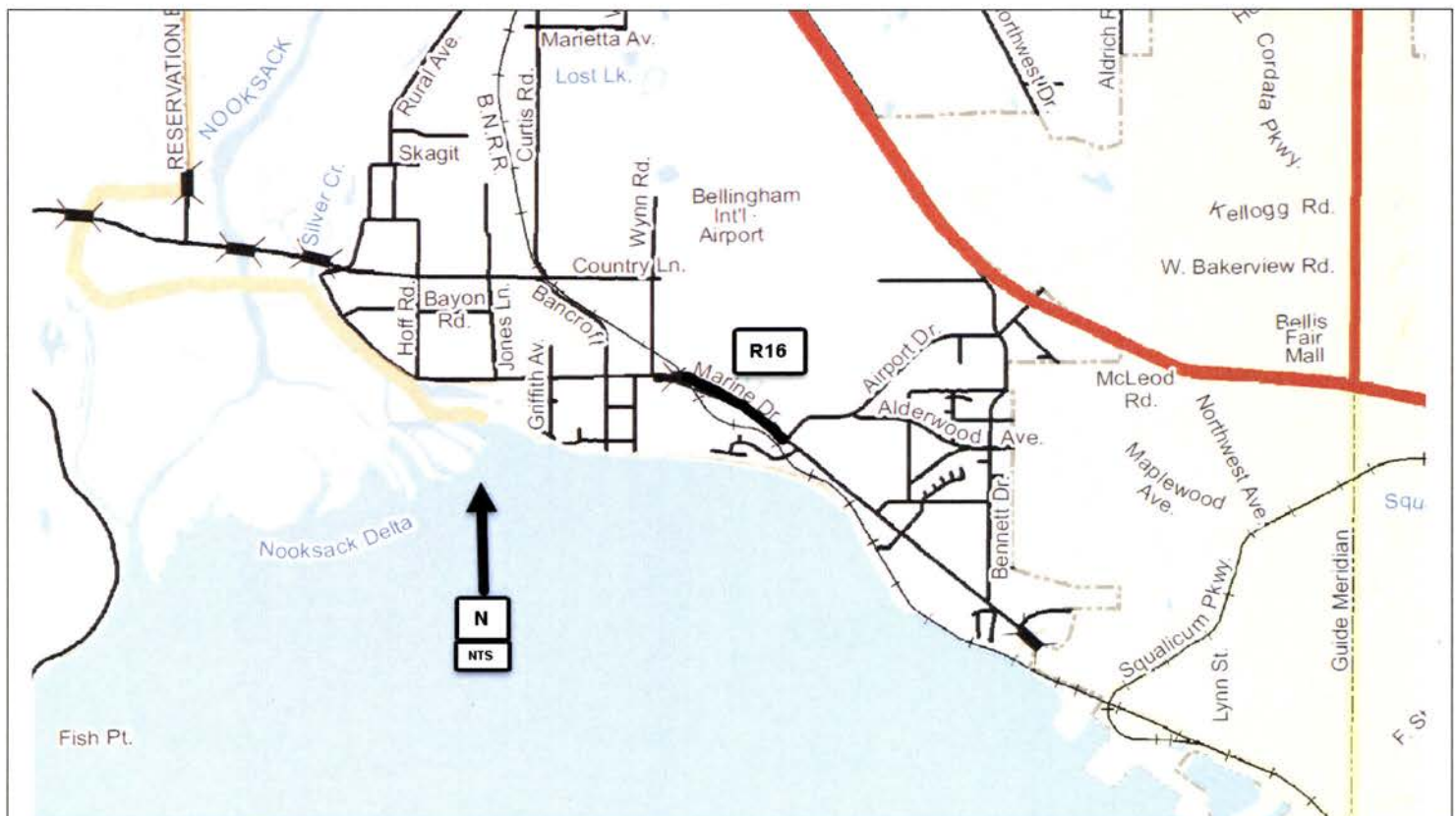
**Total Estimated Project Cost:** TBD

**Expenditures to Date:** \$0

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$25,000

<b>Environmental Permitting</b>	ECS, BA, SEPA, CLR/CAO, Corps of Engrs
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	N/A



## Turkington Road/Jones Creek CRP # 915013

**Construction Funding Year(s):** 2022

**Project Narrative:**

This project is located in Sections 6 & 7, T37N, R5E. This work involves completing design of road and bridge modifications in this area in coordination with a debris flow berm project being developed by the River and Flood Division. The project is listed **#R17** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

Design work and ROW acquisition work is underway by the River & Flood Division, and both phases are expected to be completed in 2021. Construction is dependent on grant funding, and a grant application for construction funding has been submitted to the State DOE Floodplains By Design program. Construction is scheduled to begin in 2022 if successful in obtaining construction funding.

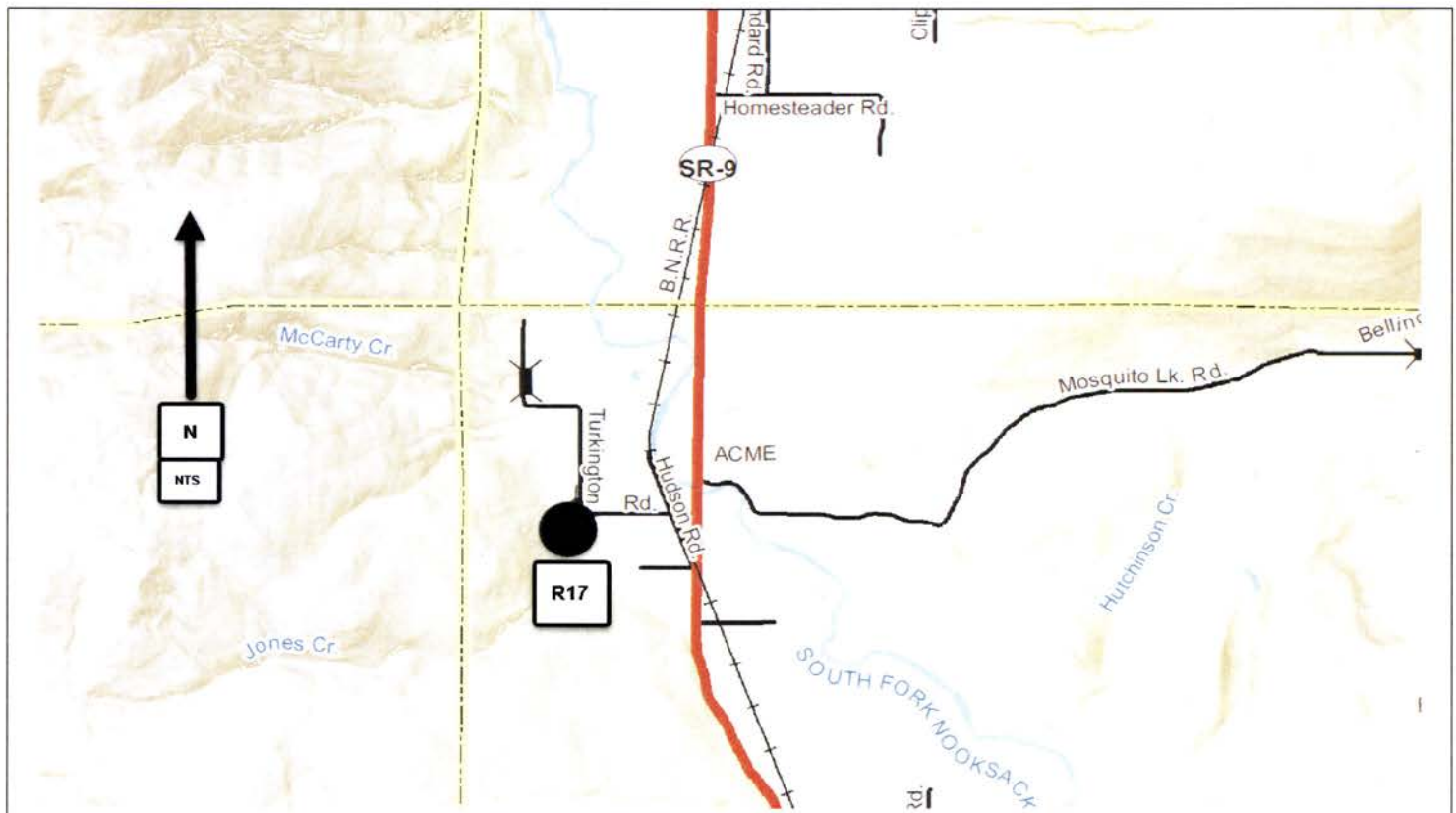
**Total Estimated Project Cost:** \$ 585,000

**Expenditures to Date:** \$0

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$585,000 (2021-2022)

<b>Environmental Permitting</b>	BA, HPA, SEPA, Corps of Engrs, CLR/CAO, Shorelines, DNR
<b>Right-of-Way Acquisition (Estimate)</b>	\$50,000
<b>County Forces (Estimate)</b>	N/A



## Truck Road Flood Damage Repair CRP # 921003

**Construction Funding Year(s):** 2021

**Project Narrative:**

This project is located in Sections 6 & 7, T37N, R5E. The project is listed **#R18** on the 2021-2026 Six-Year Transportation Improvement Program. During high-water events of the 2017/2018 winter, the North Fork Nooksack River eroded the unprotected bank of Truck Road to within 13 feet of the roadway surface. This prompted an emergency project to construct a passive riprap revetment underneath a section of the roadway to provide immediate protection. Flooding during 2020 eroded the remaining bank exposing the recently constructed riprap revetment and destabilizing a portion of the north bound lane. Jersey barriers were placed by county crews to block off this lane to traffic. The FCZD is evaluating road realignment and bank stabilization alternatives to provide a long-term solution in this area.

**Project Status:** An analysis of road realignment and bank stabilization alternatives is planned for 2021. Preliminary design of the preferred alternatives will be initiated once the preferred alternative is selected. Construction of the road setback is anticipated to occur in 2023. The FCZD is seeking FEMA funds to partially fund the project. Project cost listed is for design only.

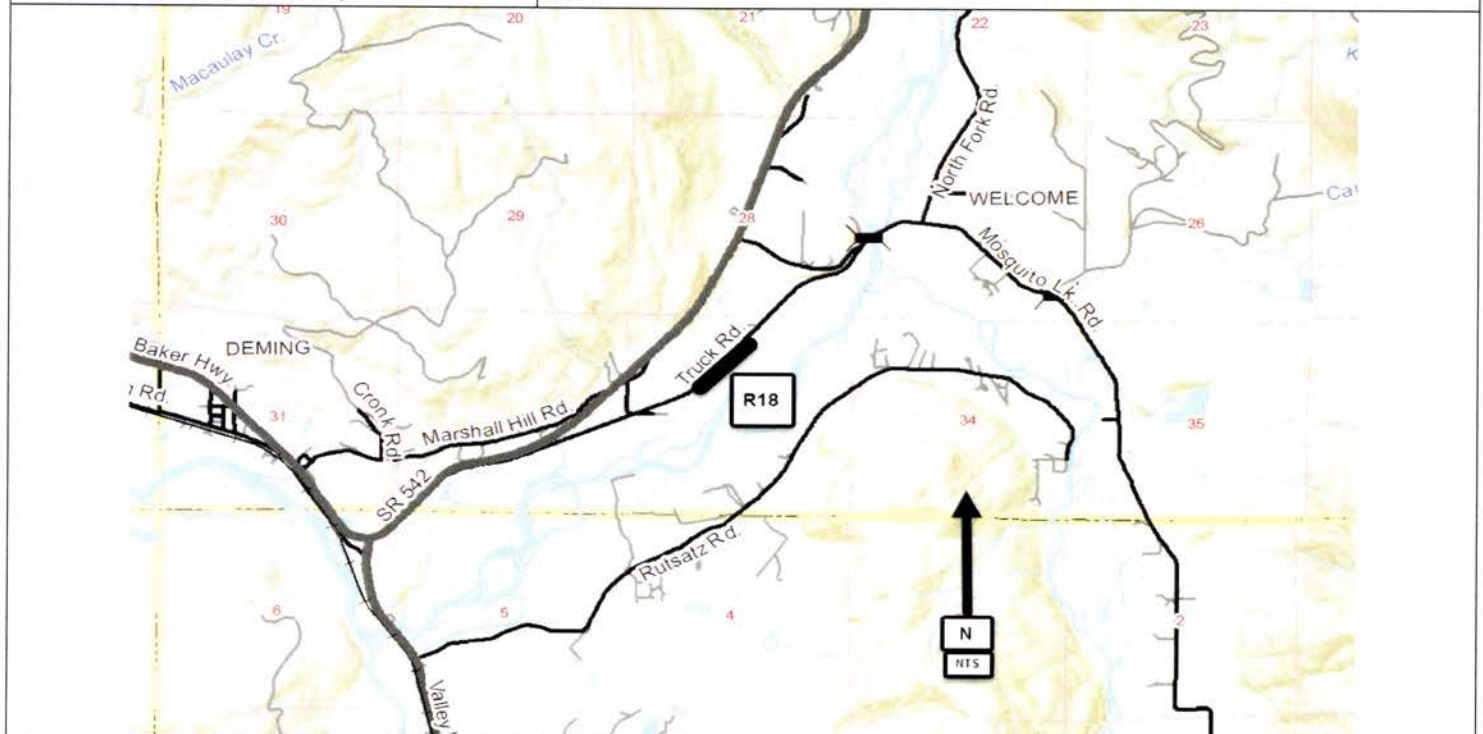
**Total Estimated Project Cost:** \$ 400,000

**Expenditures to Date:** \$0

**Funding Sources:**

Federal FEMA	\$300,000
State	\$0
Local	\$100,000

<b>Environmental Permitting</b>	BA, HPA, SEPA, Corps of Engrs, CLR/CAO, Shorelines, DNR
<b>Right-of-Way Acquisition (Estimate)</b>	\$50,000
<b>County Forces (Estimate)</b>	N/A



## Abbott Road/Levee Improvements CRP # 919002

**Construction Funding Year(s):** 2021-2023

**Project Narrative:**

This project is located in Section 27, T40N, R3E. This project proposes to stabilize an approximately 600-LF section of the left bank of the Nooksack River adjacent to Abbott Road and to extend the upstream end of the Abbott Levee and realigned it to run under Abbott Road. This project is listed **#R19** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** The project managed by the River and Flood section and is currently in the preliminary engineering design phase. The FCZD has contracted with an engineering consultant to design measures to help arrest the ongoing erosion with construction planned for summer of 2021. The reach assessment will also provide the technical basis for developing alternatives for upstream improvements as Phase 2.

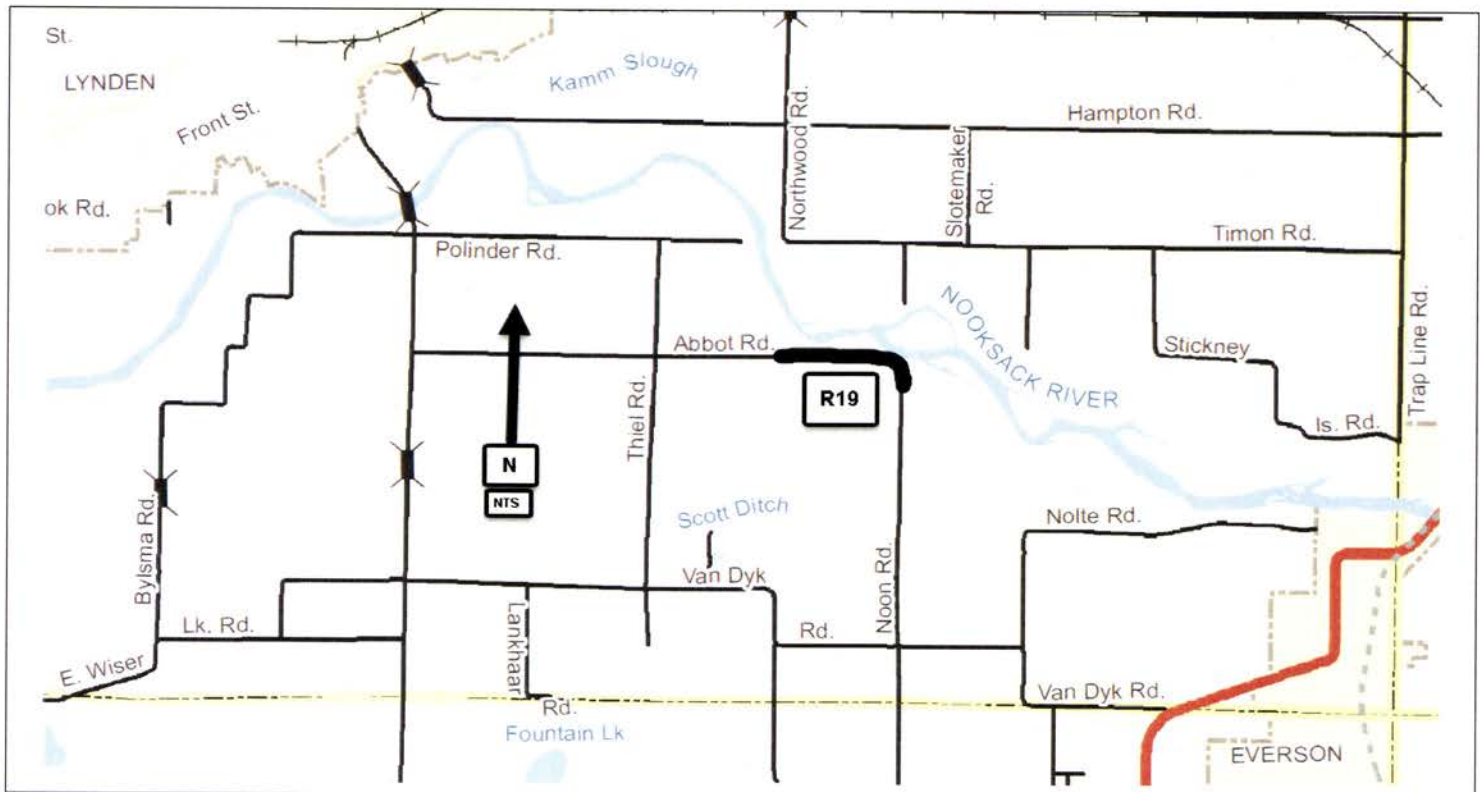
**Total Estimated Project Cost:** \$400,000

**Expenditures to Date:** \$0

**Funding Sources:**

Federal	\$
State	\$
Local	\$400,000 (2021-2022)

<b>Environmental Permitting</b>	HPA, ACOE, Shorelines, SEPA
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## Ferndale Road/Levee Improvements CRP # 919001

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located in Sections 30 and 31, T39N, R2E. This project includes reconstruction of 1.2 miles of levee including the Ferndale Levee and Ferndale Treatment Plant Levee segments. The new levee will be set back slightly to Ferndale Road with the roadway serving as the crest of the levee. This project is listed **#R20** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Due to the high cost, outside funding will be sought. The WCFCZD will pursue funding through the Floodplains by Design grant program administered by the DOE.

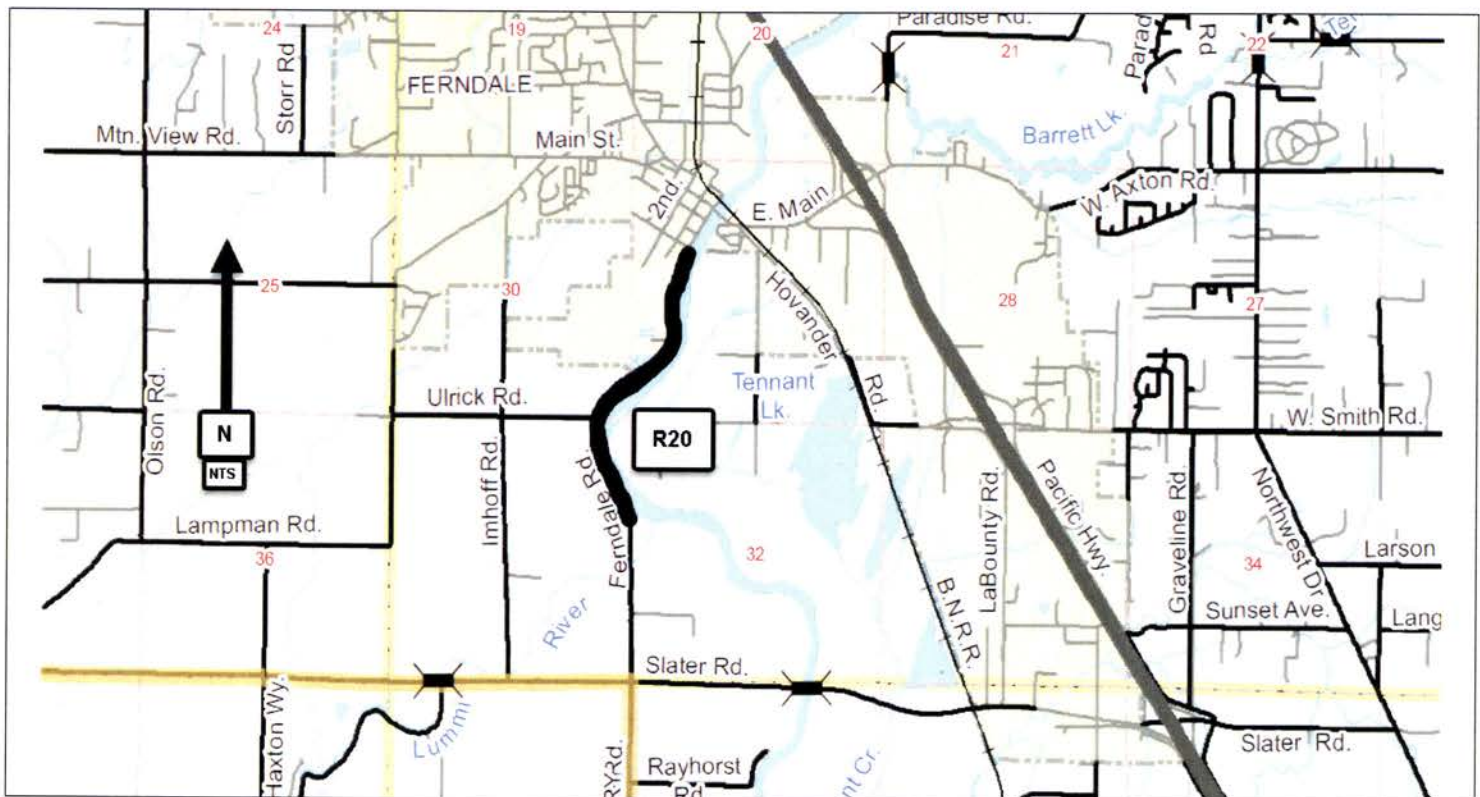
**Total Estimated Project Cost:** \$150,000

**Expenditures to Date:** \$0

**Funding Sources:**

Federal	\$
State	\$
Local	\$150,000 (2021-2023)

<b>Environmental Permitting</b>	TBD
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## Lake Louise Rd., Austin Street to Lake Whatcom Blvd. Pavement Rehabilitation CRP # 921004

**Construction Funding Year(s):** 2022

**Project Narrative:**

The Lake Louise Rd. , Austin St. to Lake Whatcom Blvd. project is located in Sections 35 and 36 of Township 38N , Range 3E and Sections 1, 6, 7, and 8 of Township 37N, Range 4E. The work will involve the pavement rehabilitation of approximately 4.06 miles of roadway and culvert replacements for fish passage. This project is listed **#R21** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Design work will begin in late 2021, with construction planned for summer of 2022.

**Total Estimated Project Cost:** \$2,050,000

**Expenditures to Date:** \$ 0

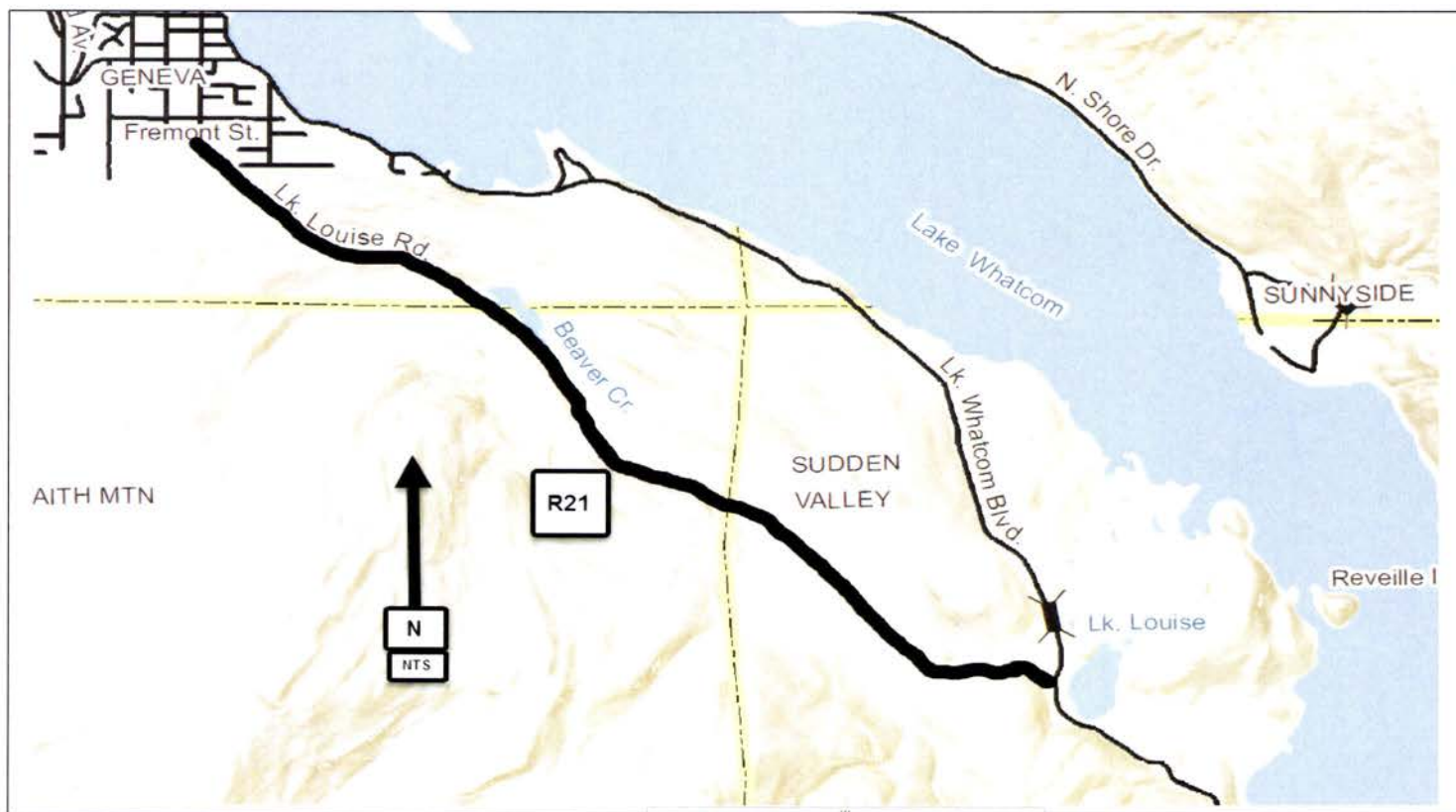
**Funding Sources:**

Federal	\$ 0
State	\$ 0
Local	\$2,050,000

**Environmental Permitting** SEPA,

**Right-of-Way Acquisition (Estimate)** \$0

**County Forces (Estimate)** TBD



## Austin Street, Lake Louise to Cable Pavement Rehabilitation with ADA Improvements CRP # 921005

**Construction Funding Year(s):** 2021

**Project Narrative:**

This Lakeway Drive/Terrace, City of Bellingham to Cable St. project is located in Sections . The work will involve the structural overlay of approximately .79 miles of roadway along with other minor improvements. This project is listed **#R22** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Design work will occur in late 2023, with Construction planned for Summer of 2025.

**Total Estimated Project Cost:** \$510,000

**Expenditures to Date:** \$ 0

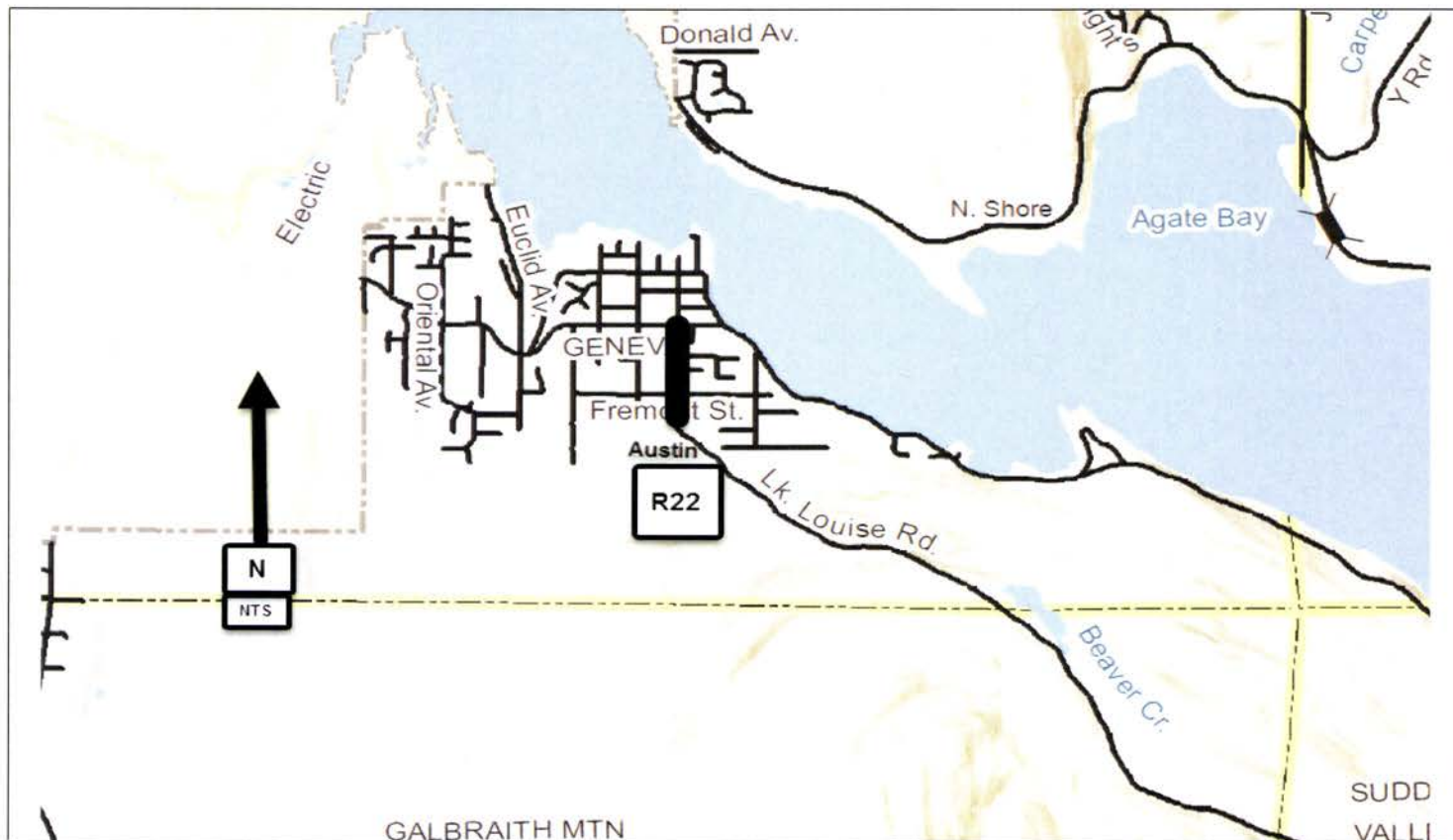
**Funding Sources:**

Federal	\$ 0
State	\$ 0
Local	\$510,000

**Environmental Permitting** SEPA,

**Right-of-Way Acquisition (Estimate)** \$0

**County Forces (Estimate)** TBD



## Lakeway Drive Corridor Improvements Preliminary Engineering Study CRP # 921019

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located in Section 34, T38N, R3E. This project proposes to rechannelize 1.4 miles of Lakeway Drive to coordinate with the proposed rechannelization of Lakeway Drive within the city limits. This project is listed **#R28** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Close coordination with the City of Bellingham on their channelization plans and associated construction activities will drive the preliminary engineering efforts in the County.

**Total Estimated Project Cost:** TBD

**Expenditures to Date:** \$0

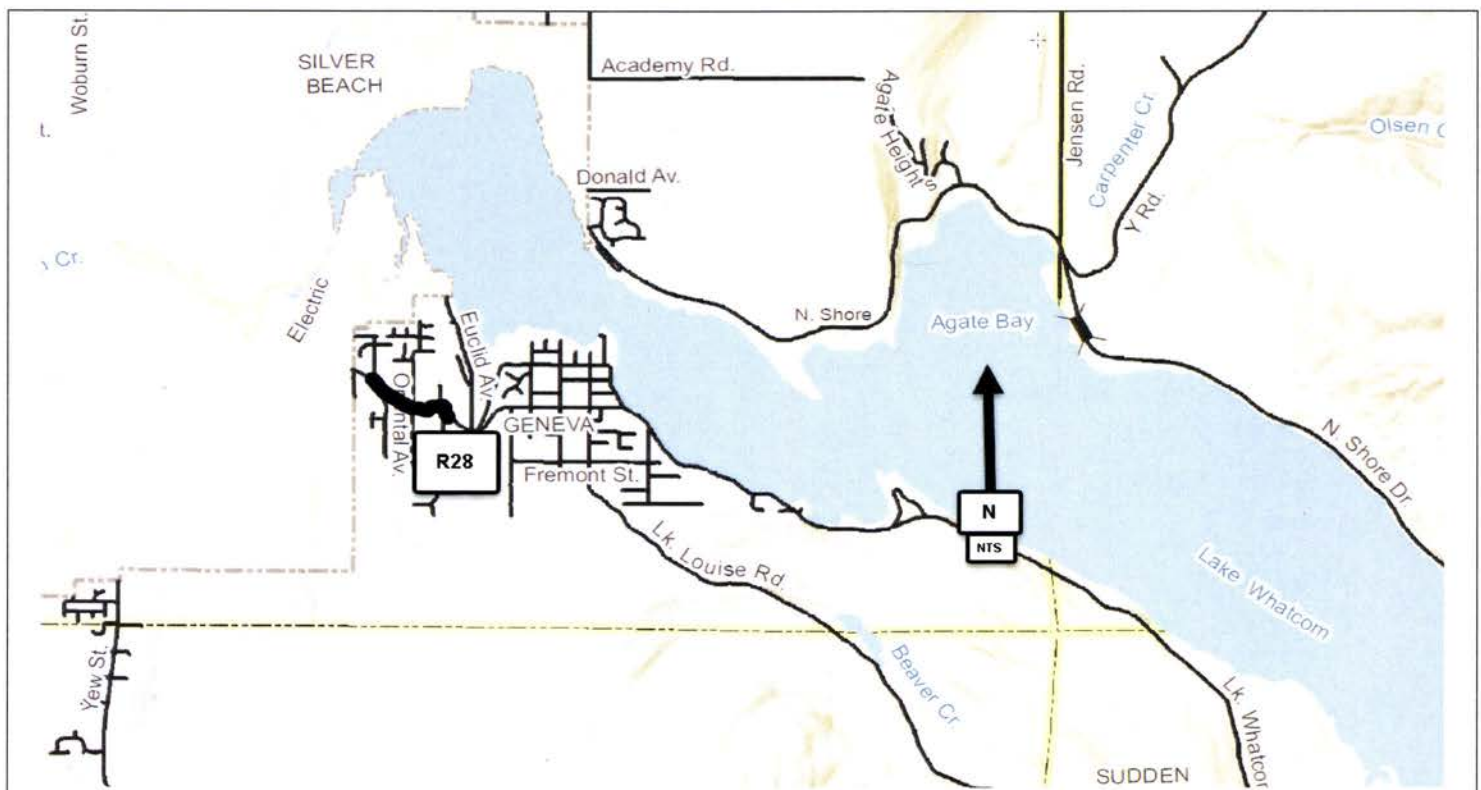
**Funding Sources:**

Federal	\$0
State	\$0
Local	\$50,000

**Environmental Permitting** TBD

**Right-of-Way Acquisition (Estimate)** TBD

**County Forces (Estimate)** N/A



**Small Area Paving  
Bridge Approach, Pavement Rehabilitation, Minor Widening  
CRP # 921006**

**Construction Funding Year(s):** 2022

**Project Narrative:**

This work will address multiple locations throughout Whatcom County that are in need of corrections to settling bridge approaches, minor widening for safety issues, and pavement rehabilitation. This project is listed **#R31** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Working with the Maintenance & Operations Division to scope out potential projects.

**Total Estimated Project Cost:** \$250,000

**Expenditures to Date:** \$ 0

**Funding Sources:**

Federal	\$ 0
State	\$ 0
Local	\$250,000

**Environmental Permitting**

**Right-of-Way Acquisition (Estimate)**

**County Forces (Estimate)**

Due to the nature of this item, no map exists. Final locations of the Small Area Paving sites will be determined in late 2021 / early 2022.

## South Pass Road Flood Damage Repair CRP # 921007

**Construction Funding Year(s):** 2022

**Project Narrative:**

This project is listed **#R34** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

**Total Estimated Project Cost:** \$440,000

**Expenditures to Date:** \$ 0

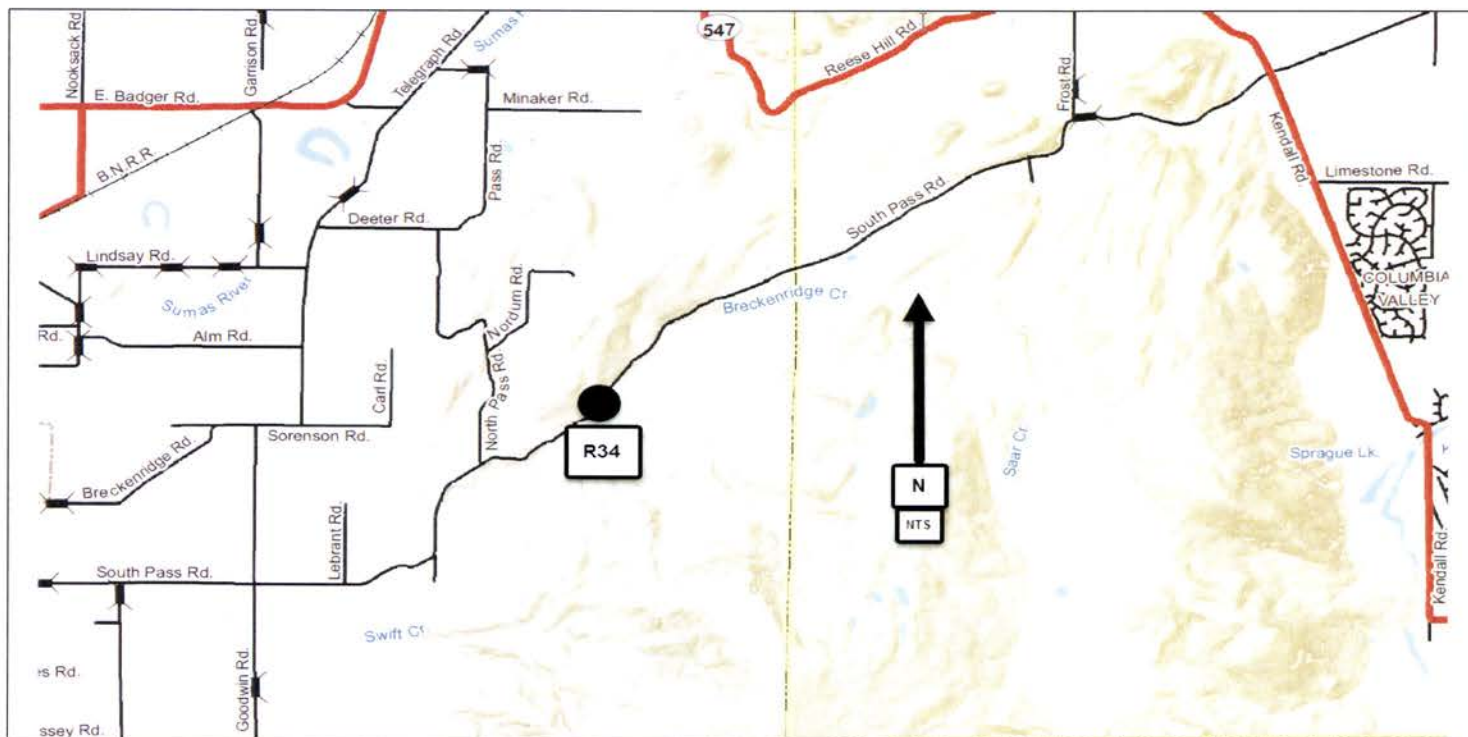
**Funding Sources:**

Federal	\$380,000
State	\$ 0
Local	\$60,000

**Environmental Permitting**

**Right-of-Way Acquisition (Estimate)**

**County Forces (Estimate)**



## Jackson Road / Terrell Creek - Bridge No. 81 Replacement CRP # 917004

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located near Birch Bay in Section 31, T40N, R1W. This is a project to replace the existing 62-foot structurally deficient bridge. This project is listed **#B2** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

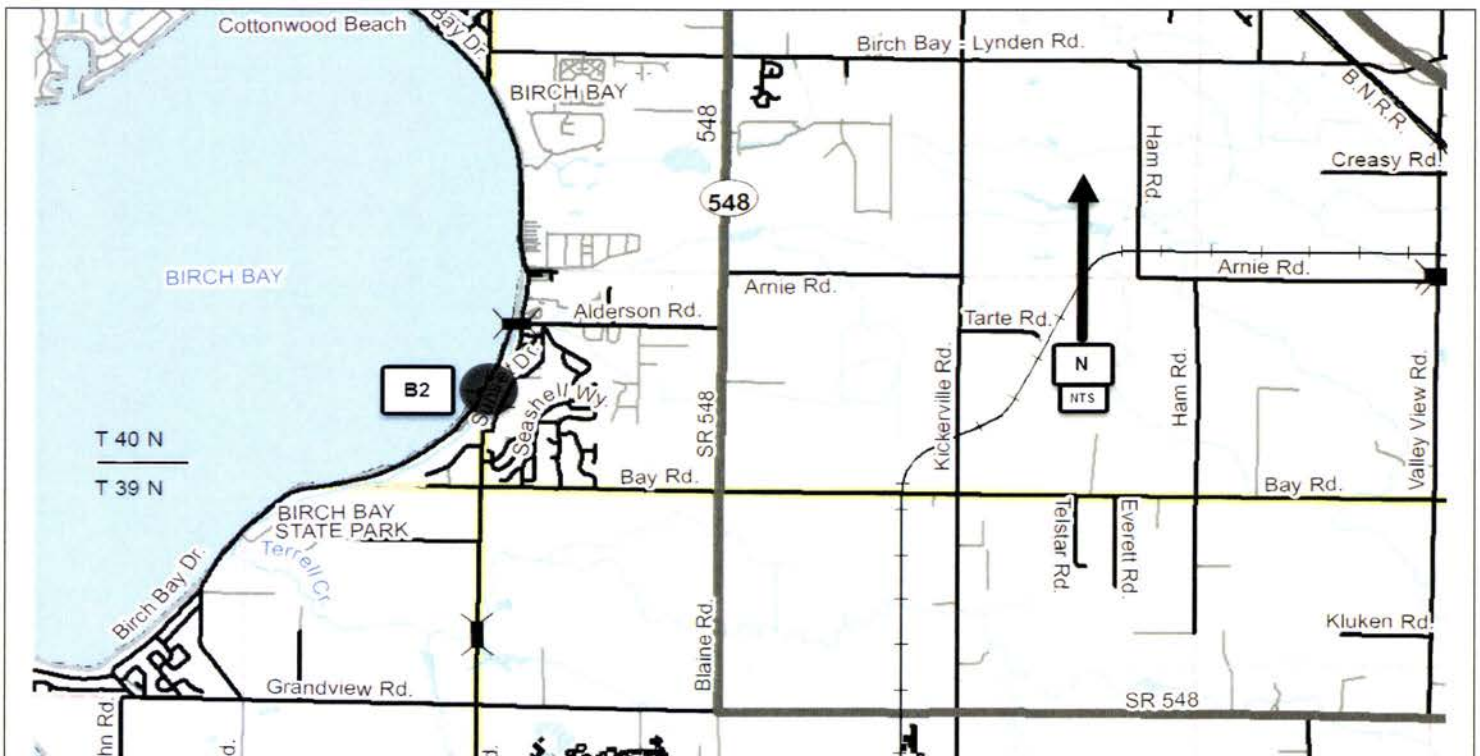
Preliminary design work, including a type, size, and location study began in 2020. Outside funding will be pursued for the construction phase of this project.

**Total Estimated Project Cost:** \$ TBD  
**Expenditures to Date:** \$ 100,000

**Funding Sources:**

Federal	\$
State	\$
Local	\$450,000

<b>Environmental Permitting</b>	TBD
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## N. Lake Samish Road Bridge No. 107 Replacement CRP # 913006 (Project Based Budget 378100)

**Construction Funding Year(s):** 2023

**Project Narrative:**

This project is located on Lake Samish in Section 27, T37N, R3E. This project will replace the existing 250-foot timber bridge which is structurally deficient. This project is listed **#B4** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

The type, size, and location study for the replacement bridge was completed in 2017. Design, permitting, and real estate work is underway and it is anticipated that the design will be at the 90% stage by the end of 2019. Approximately \$9.5 million in Federal Bridge Replacement funds were secured in late 2019 for the construction phase of the project. Construction is scheduled for 2023 pending completion of real estate and environmental work.

**Total Estimated Project Cost:** \$10,750,000

**Expenditures to Date:** \$1,050,000

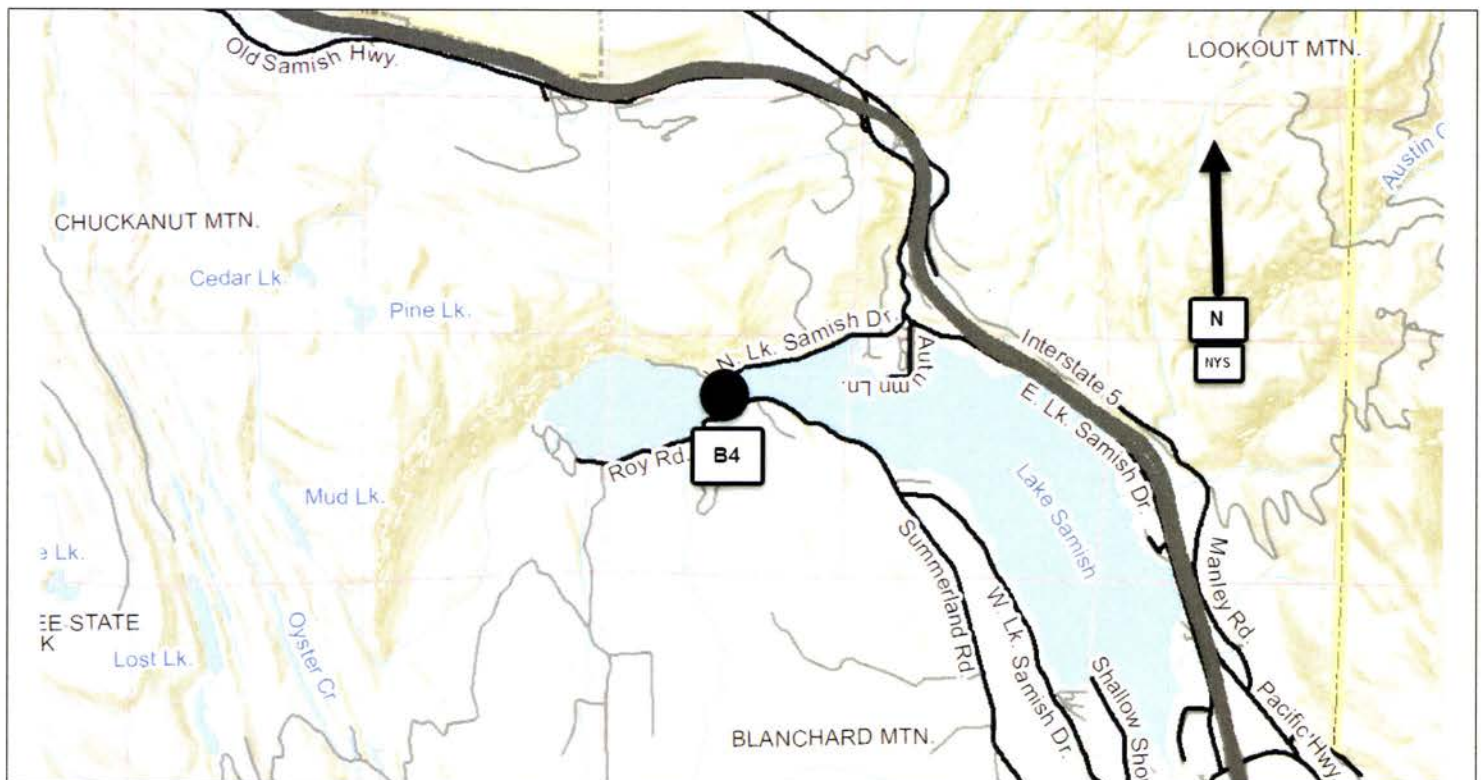
**Funding Sources:**

Federal	\$9,500,000 (BR funds)
State	\$0
Local	\$1,250,000

**Environmental Permitting** TBD

**Right-of-Way Acquisition** TBD

**County Forces** TBD



## Goshen Road/Anderson Creek Bridge No. 248 Replacement CRP # 920003

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located south of Everson/Goshen in Section 19, T39N, R4E. This is a project to replace the existing 62-foot structurally deficient bridge. This project is listed **#B5** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:** Preliminary design, permitting and real estate work began in 2020. Approximately \$4 million in Federal Bridge Replacement funds were secured in late 2019 for the preliminary engineering and construction phases of this project.

**Total Estimated Project Cost:** \$ 4,200,000

**Expenditures to Date:** \$ 150,000

**Funding Sources:**

Federal	\$4,000,000
---------	-------------

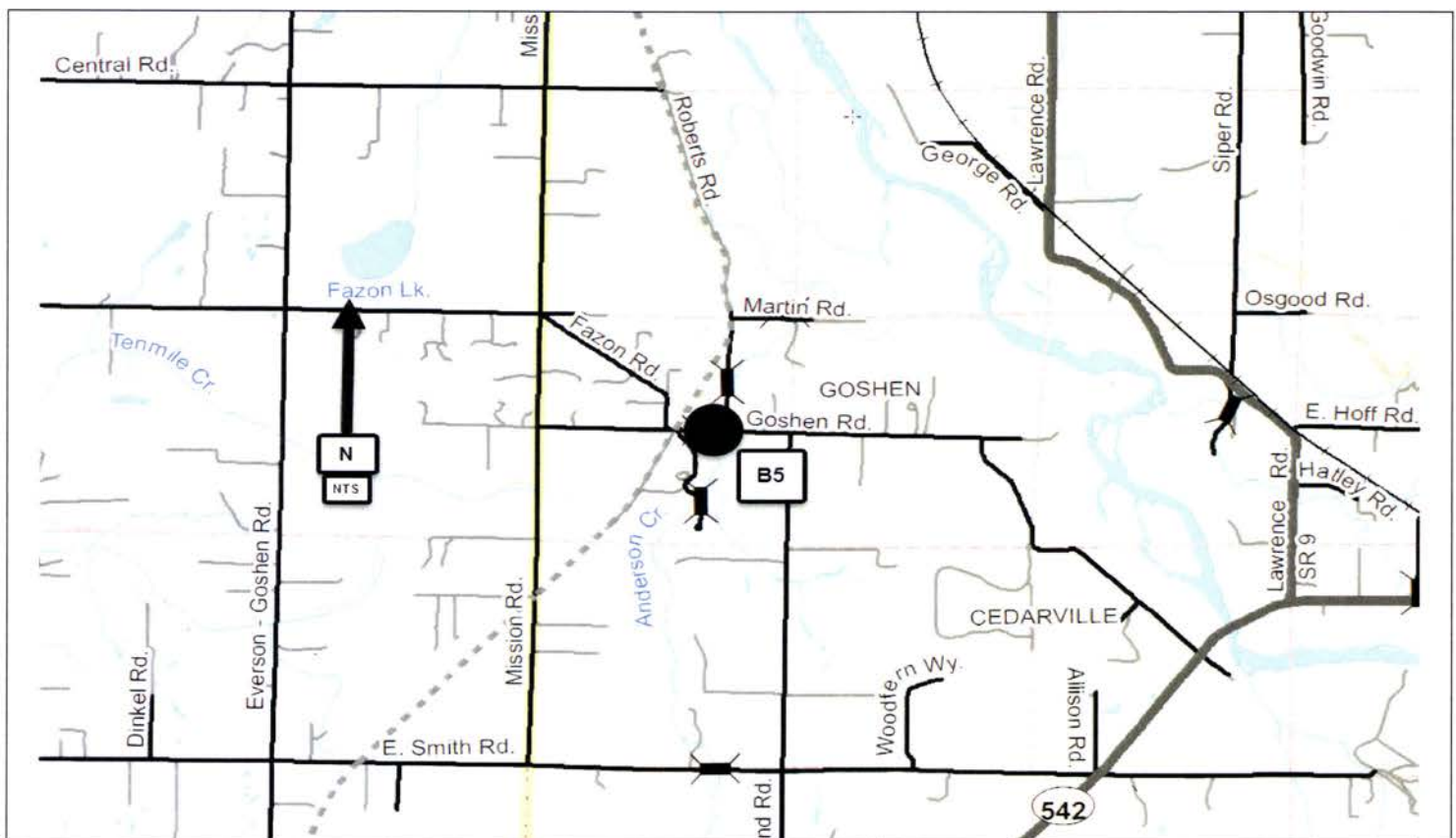
State	\$0
-------	-----

Local	\$200,000
-------	-----------

<b>Environmental Permitting</b>	TBD
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	TBD
---------------------------------	-----



## Mosquito Lake Rd/Hutchinson Creek Tributary Fish Passage CRP # 919006

**Construction Funding Year(s):** 2021

**Project Narrative:** The existing 30-inch diameter concrete culvert at this location was damaged in early 2018 and a temporary fix completed in late 2018. This culvert has been identified as a barrier to fish passage. Permits for the temporary repair project requires that the existing culvert is replaced with a structure that meets current fish passage requirements. This project is listed **#B10** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Design, permitting and real estate work underway. Construction of this project planned for 2021.

**Total Estimated Project Cost:** \$625,000

**Expenditures to Date:** \$65,000

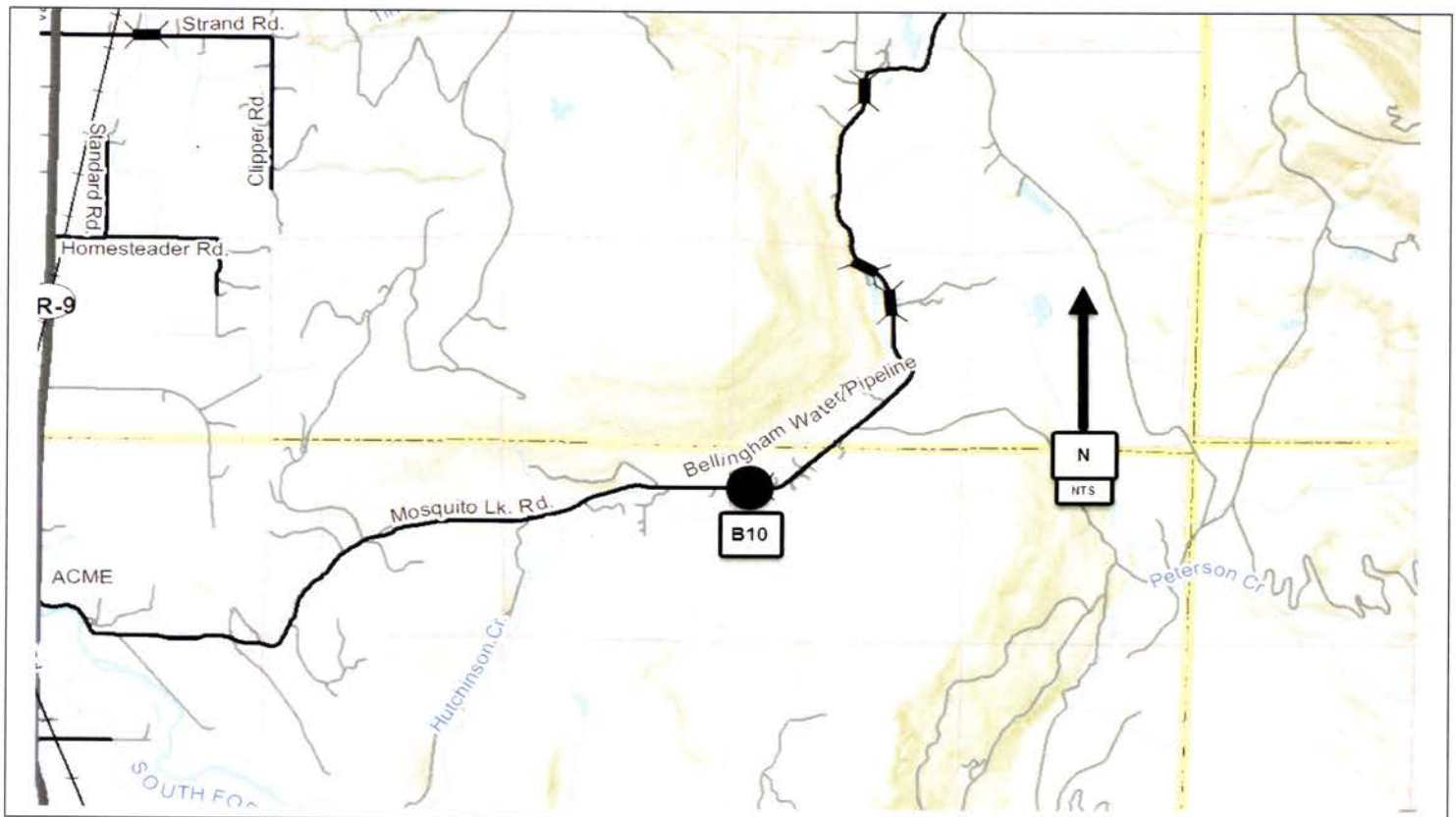
### Funding Sources:

Federal	\$0
State	\$0
Local	\$625,000

**Environmental Permitting** TBD

**Right-of-Way Acquisition (Estimate)** TBD

**County Forces (Estimate)** TBD



## North Fork Road/Kenny Creek Fish Passage CRP # 919007

**Construction Funding Year(s):** TBD

**Project Narrative:** The existing 5-foot diameter corrugated steel culvert which carries Kenny Creek under the North Fork Road has been identified as a barrier to fish passage and, considering habitat to be gained, is considered one of the highest priority barriers within the County road system. Washington State Fish Barrier Removal Board (FBRB) funding has been secured for the design phase of this fish passage project. This project is listed as **#B11** on the 2021-2026 Six-Year Transportation Improvement Program.

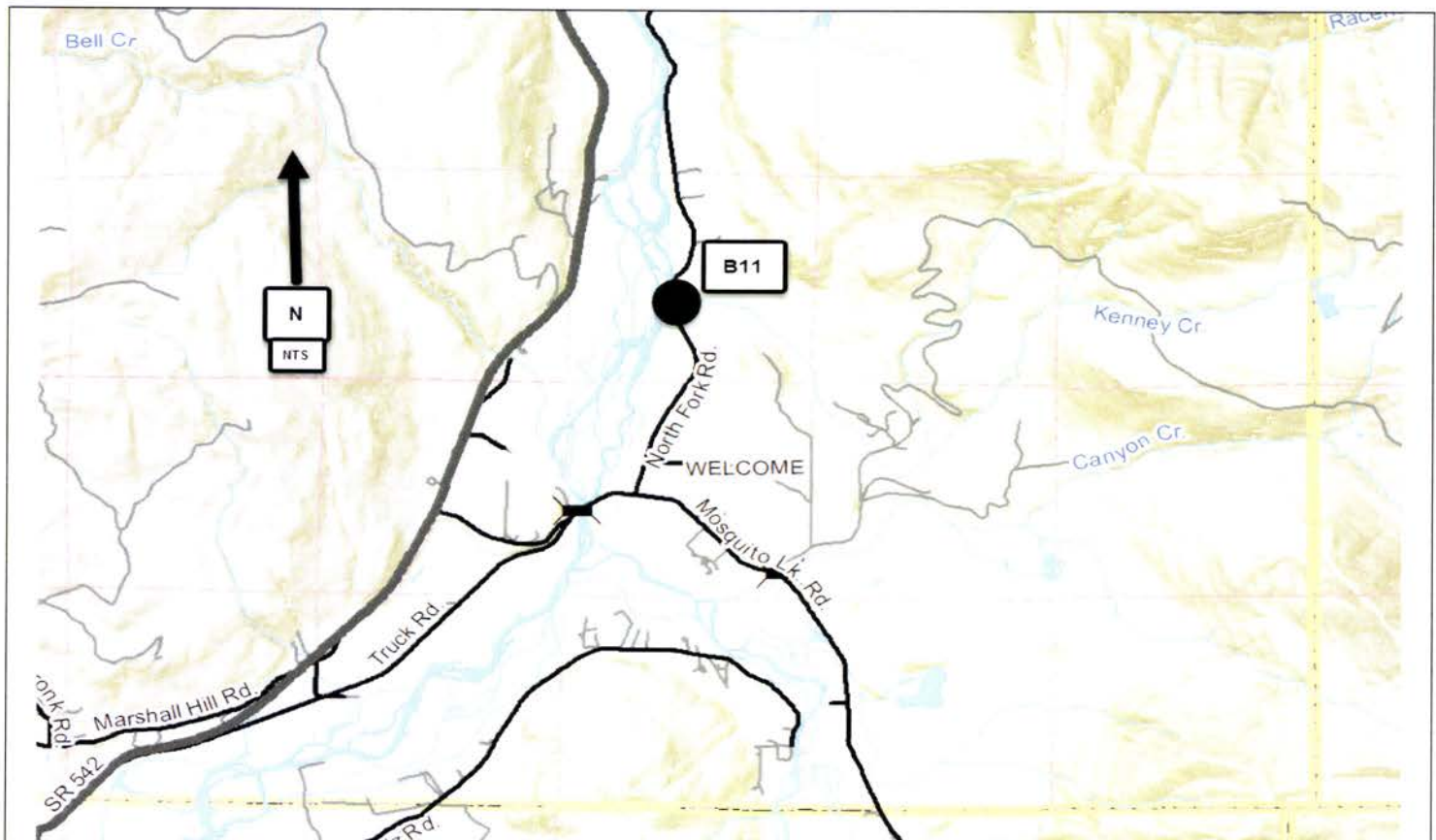
**Project Status:** Project design, permitting and real estate began in 2019. Design work expected to be complete in the spring of 2021. Whatcom County has been awarded \$443,000 of State FBRB funds for the design phase of this project. Additional FBRB funds will be pursued for the construction phase of this project.

**Total Estimated Project Cost:** TBD  
**Expenditures to Date:** \$ 300,000

### Funding Sources:

Federal	\$0
State	\$ 443,000 (FBRB funds)
Local	\$ 80,000

<b>Environmental Permitting</b>	TBD
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## Truck Road Fish Passage Culvert CRP # 920004

**Construction Funding Year(s):** 2021

**Project Narrative:** This project is located in Sections 33, T39N, R5E. The project. This project is listed **#B12** on the 2021-2026 Six-Year Transportation Improvement Program. Project includes replacing the existing 5' diameter culvert that has been identified as a barrier to fish passage on Truck Road with a culvert that meets current fish passage requirements.

**Project Status:** Preliminary design and environmental permitting work underway. Construction scheduled for summer of 2021.

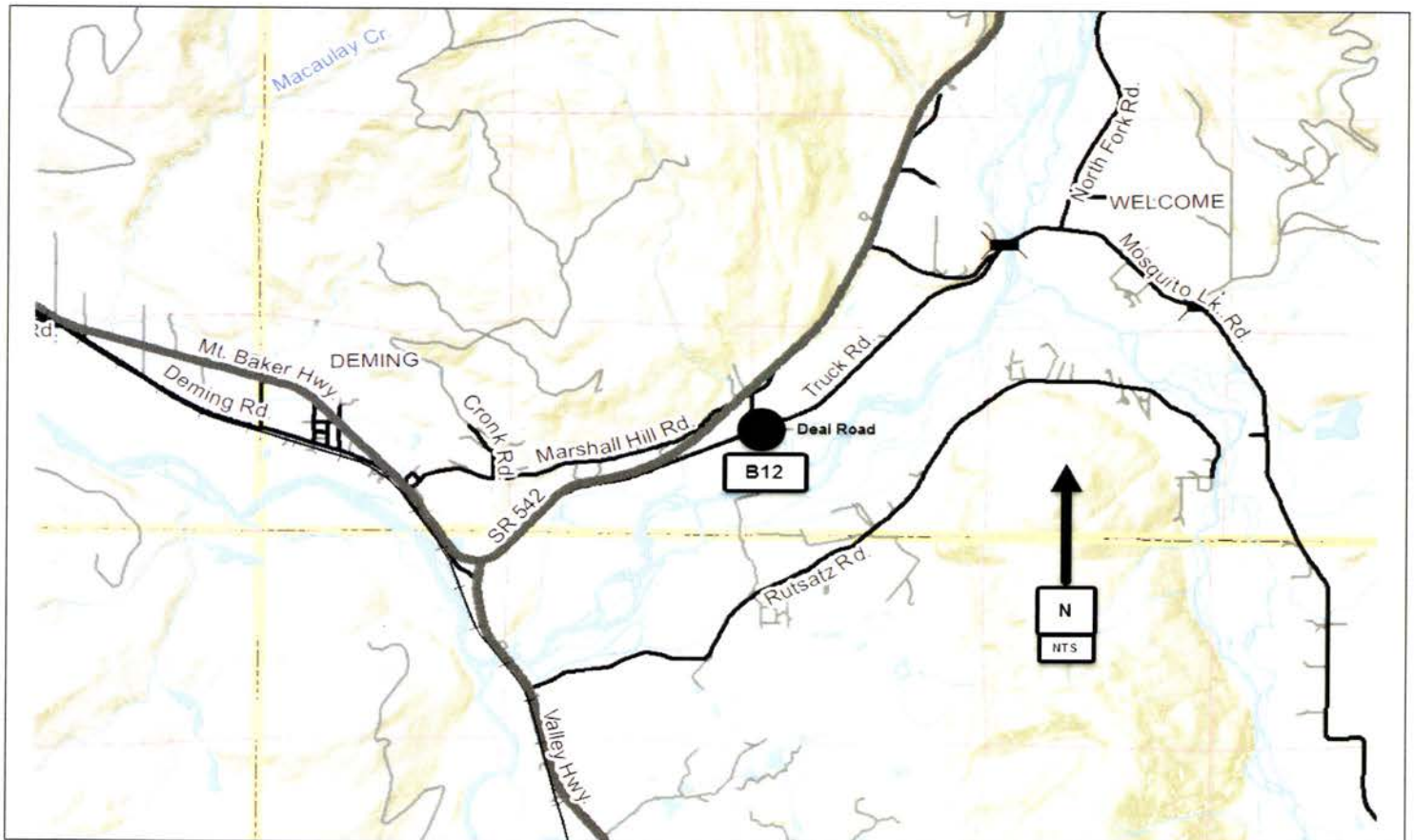
**Total Estimated Project Cost:** \$ 400,000

**Expenditures to Date:** \$ 70,000

### Funding Sources:

Federal	\$ 0
State	\$ 0
Local	\$400,000

<b>Environmental Permitting</b>	SEPA, CLR/CAO, Shorelines, HPA
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## Deal Road Fish Passage Culverts CRP # 921008

**Construction Funding Year(s):** TBD

**Project Narrative:** This project is located in Sections 33, T39N, R5E. The project. This project is listed **#B13** on the 2021-2026 Six-Year Transportation Improvement Program. Project includes replacing two existing culverts that have been identified as barriers to fish passage in the Deal Road area with culverts that meet current fish passage requirements.

**Project Status:** Preliminary design and permitting to begin in 2021.

**Total Estimated Project Cost:** \$ 0  
**Expenditures to Date:** \$ 0

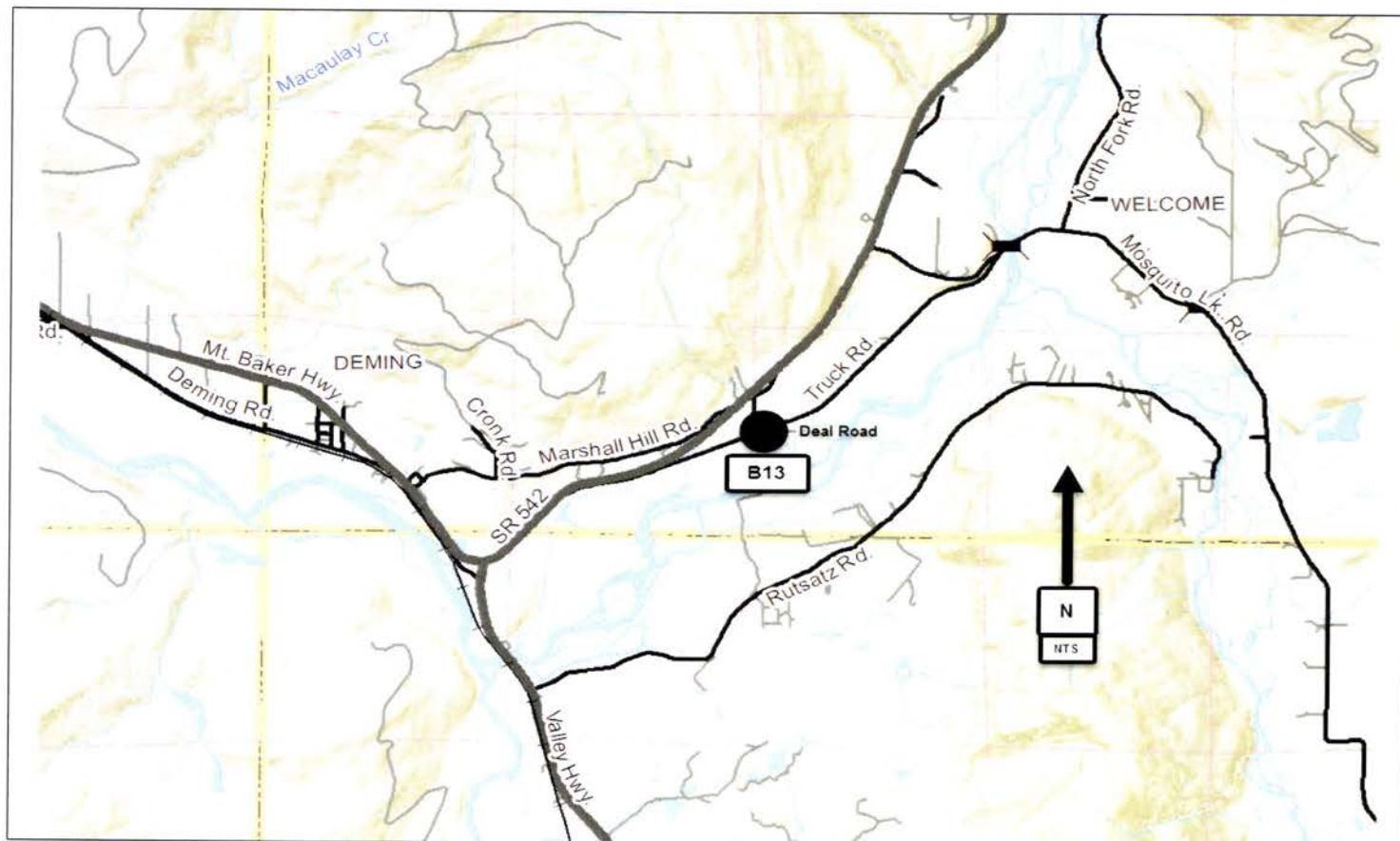
**Funding Sources:**

Federal	\$ 0
State	\$ 0
Local	\$80,000

**Environmental Permitting** TBD

**Right-of-Way Acquisition (Estimate)** TBD

**County Forces (Estimate)** TBD



## Replacement of Whatcom Chief & Terminal Modification CRP # 919008

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project includes replacement of the Whatcom Chief with a 34 car vessel and modifications of the existing ferry terminals to accommodate the new vessel. This work will be accomplished as outlined in the Lummi Island Ferry Service Level of Service Action Plan approved by the Whatcom County Council via Resolution 2018-026. This project is listed **#F1** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Design work for the new vessel is underway. This work will coincide with the next cycle of funding by the County Road Administration Board.

**Total Estimated Project Cost:** TBD  
  
**Expenditures to Date:** \$450,000

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$750,000

<b>Environmental Permitting</b>	None Required
<b>Right-of-Way Acquisition (Estimate)</b>	None Required
<b>County Forces (Estimate)</b>	N/A

### M/V Whatcom Chief



## Gooseberry Point Terminal Preservation Project CRP # 919021

**Construction Funding Year(s):** 2021

**Project Narrative:** This project includes removing and replacing the transfer span paint system and application of overcoat paint system to the tower and apron systems. This project is listed #F2 on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:** Design and permitting work anticipated to be completed in 2020. Construction scheduled for 2021 to coincide with the dry dock period of the Whatcom Chief.

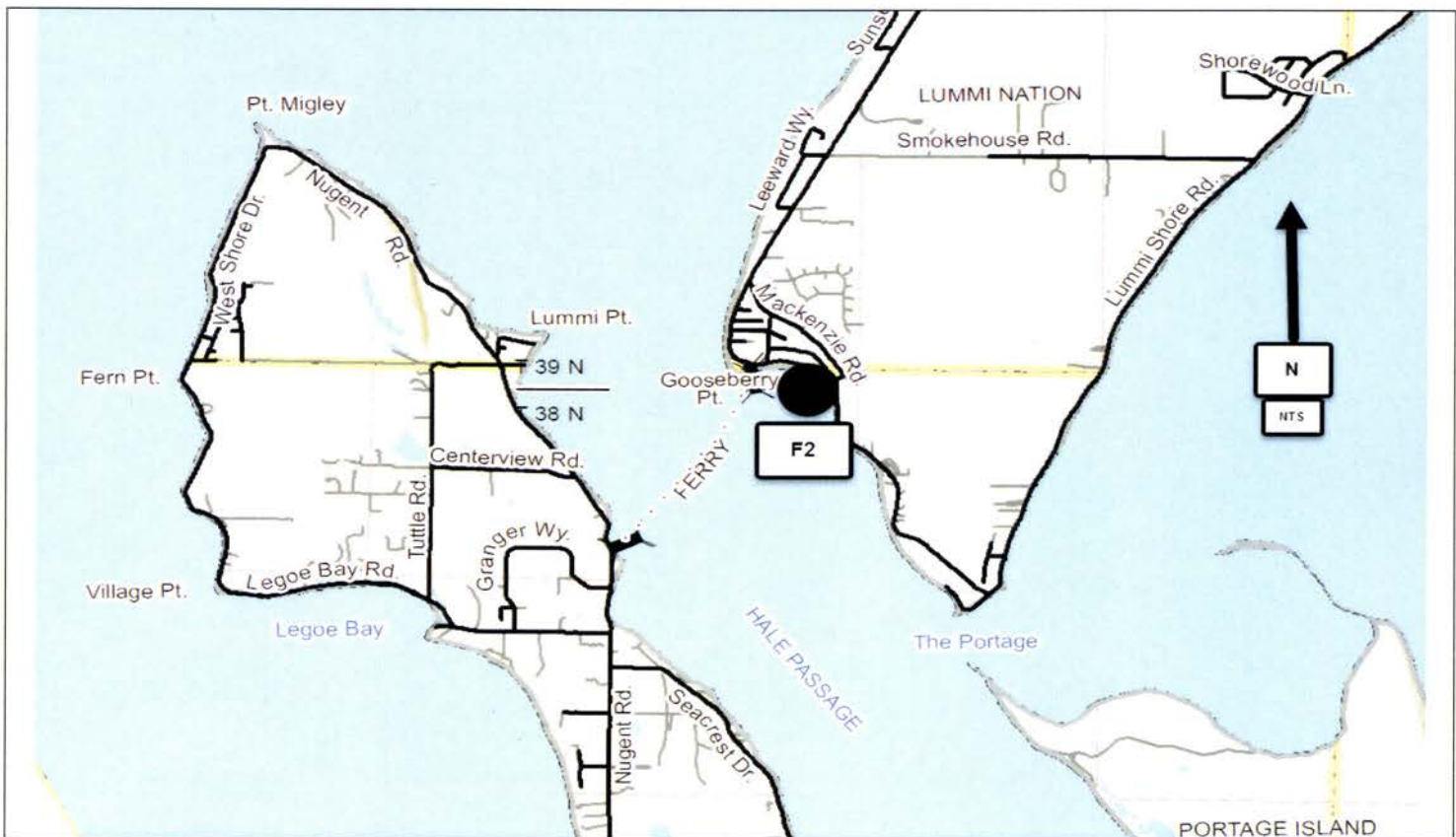
**Total Estimated Project Cost:** \$850,000

**Expenditures to Date:** \$ 50,000

### Funding Sources:

Federal	\$
State	\$
Local	\$850,000

<b>Environmental Permitting</b>	HPA, SEPA, CORPS 404, COUNTY SHORELINES
<b>Right-of-Way Acquisition (Estimate)</b>	None Required
<b>County Forces (Estimate)</b>	N/A



## Lummi Island Breakwater Replacement CRP #914015

**Construction Funding Year(s):** 2021

**Project Narrative:**

This project includes replacing the southerly breakwater at the Lummi Island ferry terminal. This structure was constructed in the mid 1980's and is reaching the end of its service life. This project is listed **#F3** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Design and permitting work expected to be completed in early 2021, with construction of this project scheduled in late 2021. Approximately \$1,005,000 in federal Ferry Boat Program funds will be utilized for the preliminary engineering and construction phases of this project.

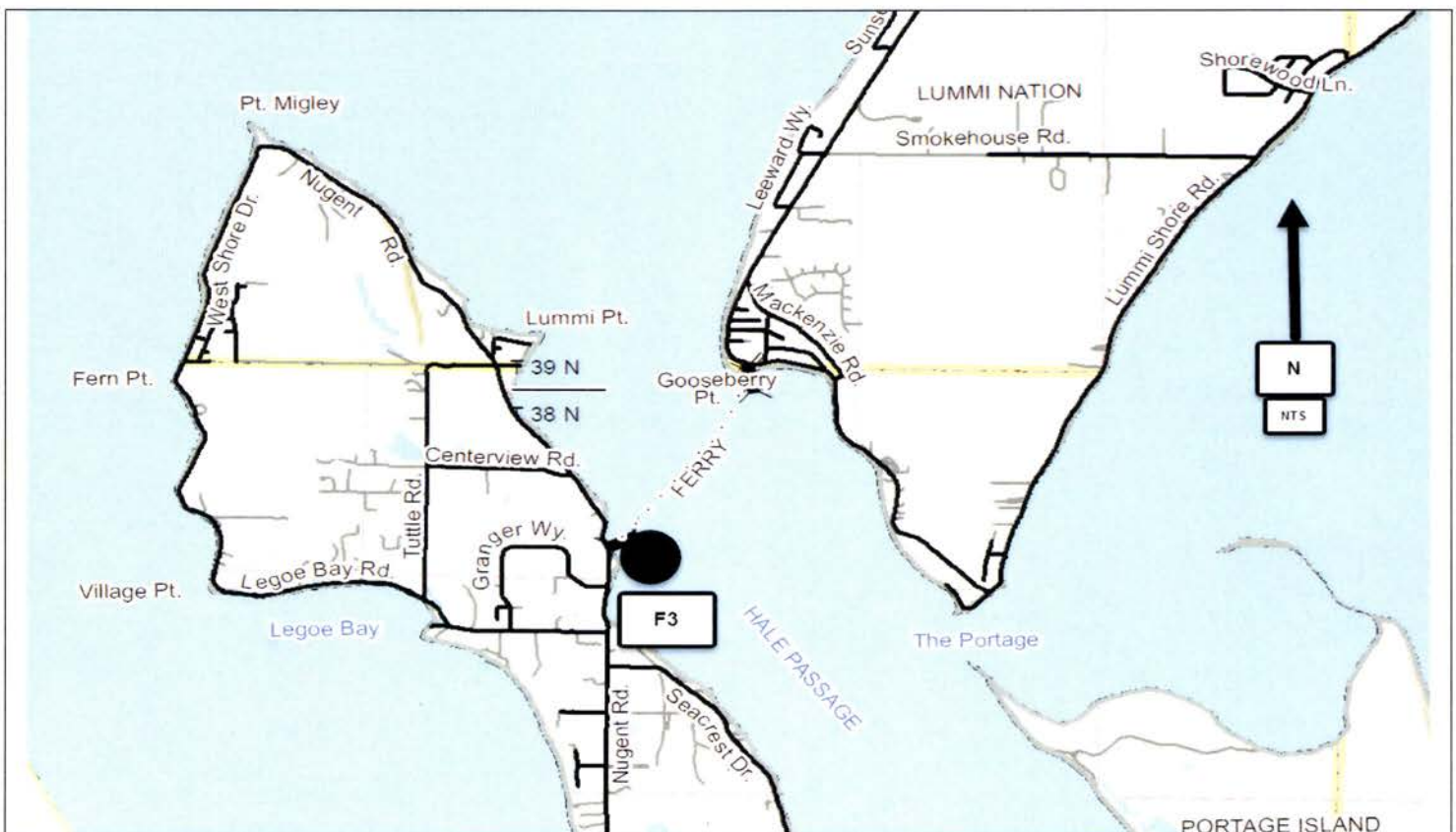
**Total Estimated Project Cost:** \$2,235,000

**Expenditures to Date:** \$185,000

**Funding Sources:**

Federal	\$1,005,000 (FBP)
State	\$
Local	\$1,230,000

<b>Environmental Permitting</b>	HPA, SEPA, CORPS 404, COUNTY SHORELINES
<b>Right-of-Way Acquisition (Estimate)</b>	None Required
<b>County Forces (Estimate)</b>	N/A



## Relocation of Gooseberry Terminal CRP # 919009

Construction Funding Year(s): TBD

### Project Narrative:

This project involves relocation of the Gooseberry Point Ferry Terminal. This work will be accomplished as outlined in the Lummi Island Ferry Service Level of Service Action Plan approved by the Whatcom County Council via Resolution 2018-026. This project is listed #F4 on the 2021-2026 Six Year Transportation Improvement Program.

### Project Status:

Early action items will likely include EIS and real estate work. This work will coincide with the next cycle of funding by the County Road Administration Board.

Total Estimated Project Cost: TBD

Expenditures to Date: \$ 0

### Funding Sources:

Federal	\$0
State	\$0
Local	\$150,000

Environmental Permitting	None Required
--------------------------	---------------

Right-of-Way Acquisition (Estimate)	None Required
-------------------------------------	---------------

County Forces (Estimate)	None Required
--------------------------	---------------



## Various Bridges Rehabilitation / Replacement CRP # 921009

**Construction Funding Year(s):** 2021 - 2026

**Project Narrative:**

This item provides funding to address unanticipated bridge rehabilitation and/or replacement. It is listed #Y1 on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Design and construction to occur as necessary.

**Total Estimated Project Cost:** \$1,800,000

**Expenditures to Date:** N/A

**Funding Sources:**

Federal	\$
State	\$
Local	\$1,800,000 (STIP 2021-2026)

<b>Environmental Permitting</b>	TBD
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	TBD
---------------------------------	-----

Due to the nature of this item, no map exists. Council review and prioritization will be sought at the appropriate times.

**Right of Way Acquisition**  
**CRP # 921010**

**Construction Funding Year(s):** 2021-2026

**Project Narrative:**

This item addresses the unanticipated need for Right-of-Way that may arise during a given year that requires immediate action. This project is listed **#Y2** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

N/A.

**Total Estimated Project Cost:** \$150,000

**Expenditures to Date:**

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$150,000 (2021-2026)

<b>Environmental Permitting</b>	TBD
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	N/A
---------------------------------	-----

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

## Unanticipated Site Improvements CRP # 921011

**Construction Funding Year(s):** 2021 - 2026

**Project Narrative:**

This Annual Construction Program item addresses the unanticipated project(s) that may arise during a given year that require immediate action due to safety concerns, environmental factors, traffic volumes, accident history, funding or grant availability and other issues not related to an existing program project. This project is listed #Y3 on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

It is anticipated that the design and construction of projects will occur yearly as the needs and locations are determined.

**Total Estimated Project Cost:** \$1,800,000

**Expenditures to Date:**

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$1,800,000 (2021-2026)

<b>Environmental Permitting</b>	TBD
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	N/A
---------------------------------	-----

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

## Unanticipated Stormwater Quality Improvements CRP # 921012

**Construction Funding Year(s):** 2021 - 2026

**Project Narrative:**

This project varies in location. Identification and prioritization to be addressed and reviewed through County Council. This project is listed #Y4 on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

It is anticipated that the design and construction of projects will occur yearly as the needs and locations are determined.

**Total Estimated Project Cost:** \$720,000

**Expenditures to Date:**

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$720,000 (2021-2026)

<b>Environmental Permitting</b>	TBD
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	TBD
---------------------------------	-----

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

## Unanticipated Non-motorized Transportation Improvements CRP # 921013

**Construction Funding Year(s):** 2021 - 2026

**Project Narrative:**

This program item addresses the need to identify and prioritize non-motorized projects for future consideration. Projects would include pedestrian and bike facilities (eg: sidewalks, trails, shoulder widening) in various locations around the county. This project is listed **#Y5** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

It is anticipated that the design and construction of projects will occur yearly as the needs and locations are determined.

**Total Estimated Project Cost:** \$160,000

**Expenditures to Date:**

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$160,000 (2021-2026)

<b>Environmental Permitting</b>	TBD
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	TBD
---------------------------------	-----

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

**Fish Passage Project**  
**CRP # 921014**

**Construction Funding Year(s):** 2021

**Project Narrative:**

This project is for the design and construction of fish passage projects. This project is listed **#Y6** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Design work will begin in 2020 with construction of the first project scheduled for 2021.

<b>Total Estimated Project Cost:</b> TBD	<b>Funding Sources:</b>	
	Federal	\$0
	State	\$0
	Local	\$300,000 (2021-2026)
<b>Expenditures to Date:</b> N/A		

<b>Environmental Permitting</b>	TBD
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	N/A

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

## Swift Creek Transportation Impacts CRP # 921015

**Construction Funding Year(s):** TBD

**Project Narrative:**

This item addresses the various projects related to Sumas Mountain/Swift Creek Slide. Locations to be determined. This project is #Y7 on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Design and construction for the various projects will be initiated in 2020 and extend through 2026.

**Total Estimated Project Cost:** \$400,000

**Expenditures to Date:**

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$400,000 (2021-2026)

<b>Environmental Permitting</b>	N/A
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	N/A
--	-----

<b>County Forces (Estimate)</b>	N/A
---------------------------------	-----

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

## Railroad Crossing Improvements CRP # 921016

**Construction Funding Year(s):** 2021 - 2026

**Project Narrative:**

Locations to be determined. Identification and prioritization to be addressed. This project is listed **#Y8** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Locations and prioritization of projects is on-going. Negotiations with BNSF will be a factor on timing and cost.

**Total Estimated Project Cost:** \$300,000

**Expenditures to Date:** - 0 -

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$300,000 (2021-2026)

<b>Environmental Permitting</b>	TBD
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	TBD
---------------------------------	-----

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

**Beam Guardrail Replacements/Upgrades**  
**CRP # 921017**

**Construction Funding Year(s):** 2021 - 2026

**Project Narrative:**

Locations to be determined. Identification and prioritization to be addressed. This project is listed **#Y9** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Locations and prioritization of projects is on-going, with close coordination with M&O Division and Traffic Section.

**Total Estimated Project Cost:** \$1,200,000

**Expenditures to Date:** - 0 -

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$1,200,000 (2021-2026)

<b>Environmental Permitting</b>	SEPA, Cllrg/CAO,
---------------------------------	------------------

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	TBD
---------------------------------	-----

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

**ADA Barrier Removal  
ADA Transition Plan, Multiple Locations  
CRP # 921018**

**Construction Funding Year(s):** TBD

**Project Narrative:**

Whatcom County will be addressing an update to its Americans with Disabilities Act (ADA) Transition Plan in 2019, concentrating on an assessment of facilities in County road rights-of-way. This project will involve the removal of a number of barriers yearly, in a systematic and prioritized method. This project is listed **#Y10** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** ADA Transition Plan update will be completed in 2020, with a number of priority barrier locations highlighted by the study, addressed by design efforts in 2020.

**Total Estimated Project Cost:** \$1,200,000

**Expenditures to Date:** \$0

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$1,200,000

**Environmental Permitting**

**Right-of-Way Acquisition (Estimate)**

**County Forces (Estimate)**

Due to the nature of this item, no map exists. Location and priority of the ADA Barrier Removals will be determined when the updated Transition Plan is complete.



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-439

---

<b>File ID:</b>	AB2020-439	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	10/06/2020	<b>Entered by:</b>	DBrown@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Discussion		
<b>Assigned to:</b>	Council Public Works & Health Committee	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: DBrown@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Discussion regarding a proposed ordinance amending the Whatcom County Code to create a Whatcom County Child and Family Well-Being Task Force

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Discussion regarding a proposed ordinance amending the Whatcom County Code to create a Whatcom County Child and Family Well-Being Task Force

---

### HISTORY OF LEGISLATIVE FILE

---

Date:	Acting Body:	Action:	Sent To:

---

**Attachments:** Discussion Form, Proposed Ordinance



## Health Board Discussion Form

October 6, 2020

---

**AGENDA ITEM #3:** Racism as a Public Health Crisis  
**PRESENTERS:** Steve Bennett, PhD, Public Health Advisory Board member  
**BOARD ACTION:** ☒ Action Item ☐ Discussion ☐ FYI - Only

---

### **SIGNIFICANT POINTS OR EXECUTIVE SUMMARY**

Recognizing the historical and ongoing impacts of racism on health and well-being, cities and counties across the nation and in Washington State are declaring racism as a public health crisis, and are committing to take steps toward racial equity.

On September 3, 2020, the Public Health Advisory Board voted to advance a resolution declaring racism as a public health crisis to the County Health Board for adoption. On September 22, 2020, the PHAB met again to review some requested edits and consider community feedback. After discussion and some additional edits, PHAB voted to advance the revised version to the Health Board.

### **BOARD ROLE / ACTION REQUESTED**

- Review and adopt resolution declaring Racism as a Public Health Crisis
- Support County membership in the *Government Alliance on Race and Equity (GARE)*, a national network of governments working to achieve racial equity
- Approve allocation of resources within County budget process to address race equity issues, including staff training and outreach and engagement with communities of color

### **ATTACHMENTS**

- Slide Presentation: Addressing Racism as a Public Health Crisis
- Draft Resolution of the Whatcom County Health Board Affirming That Racism is a Public Health Crisis



Whatcom County  
**HEALTH**  
Department

**ORDINANCE ESTABLISHING WHATCOM COUNTY CODE 2.106  
AND CREATING A WHATCOM COUNTY  
CHILD AND FAMILY WELL-BEING TASK FORCE**

**WHEREAS**, in April 2019, the County Health Board adopted Resolution 2019-020 affirming commitment to Whatcom County's Young Children and Families; and

**WHEREAS**, in February 2020, the County Health Board officially adopted a child and family action plan entitled: "Whatcom Working Towards Well-being: An Action Plan for County Government" (Action Plan); and

**WHEREAS**, the Action Plan calls for the development of an ordinance to create a county task force, or other official county committee, with high level staffing and resources to ensure that diverse community partners are informed, coordinated and included in the implementation of the action plan, make additional recommendations, and regularly report progress to County Council and County Executive; and

**WHEREAS**, the Action Plan recommends using the County Incarceration Prevention and Reduction Task Force as a model, including representatives from government, community organizations, and families; and

**WHEREAS**, the Action Plan also specifies that the task force will focus on tracking and furthering progress of community efforts to achieve the desired results for children and families;

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom County Code Chapter 2.106 is hereby established, creating a Whatcom County Child and Family Well-being Task Force as outlined in Exhibit A to this ordinance.

**BE IT FURTHER ORDAINED** that the initial tasks to be accomplished by the Task Force are as follows:

**A. Develop processes and procedures to ensure that all work of the Task Force is embedded in principles of:**

- a. Equity, with specific attention to racial equity
- b. Family engagement
- c. Results-based approaches

**B. Develop recommendations for County infrastructure to promote child and family wellbeing**

- a. Clarify scope and purpose of infrastructure
- b. Identify and evaluate infrastructure models such as a County Office of Child and Family Well-being
- c. Recommend funding approaches to build and sustain infrastructure

- d. Recommend policies and practices that increase accountability to parents, caregivers, and stakeholders from under-represented communities in county committees and workgroups.
- e. Propose strategies to adopt trauma-informed practices across County government, including staff training and development

**C. Develop recommendations for adoption of a “children and families first” approach for County policy and funding decisions across all departments**

- a. Recommend policy and program review process
- b. Recommend ways to fully integrate parents, caregivers, and stakeholders from underrepresented communities in county committees and workgroups, including compensation for time
- c. Recommend processes to ensure consideration and prioritization of child and family needs in county funding decisions

**D. Develop recommendations to promote shared governmental and community accountability for child and family results**

- a. Review results approaches in other communities and recommend strategies for County adoption
- b. Identify mechanisms for government and community stakeholders to agree on and work together toward desired results, including identification of key strategies and actions
- c. Identify mechanisms to track and share progress on key indicators aligned with desired results

**E. Develop recommendations for coordination and enhancement of existing county initiatives focused on issues impacting young children and their families**

- a. Review existing County initiatives and groups focused on issues such as racial equity, housing, behavioral health, economic development, and incarceration prevention, and recommend ways to incorporate focus on young children and their families into these initiatives and groups.
- b. Review existing community initiatives addressing high priority concerns such as child/family homelessness, lack of access to affordable child care and early learning opportunities, and need for child/family behavioral health supports and identify opportunities for additional County support and coordination.

**F. Develop recommendations for new, or enhancement of existing, funding streams to support child and family programs and services that are aligned with desired results**

- a. Recommend scope and process of fiscal analysis
- b. Review and recommend options for new or enhanced funding streams

**BE IT FINALLY ORDAINED** that the initial work of the Task Force for the above tasks shall be accomplished and reported to the County Council and County Executive in the following phases:

**PHASE I** – Establish Task Force processes and procedures. Clarify goals and metrics. Establish processes for shared accountability for results. Evaluate and recommend infrastructure model for County adoption. Propose scope and approach for County fiscal

analysis to identify existing and potential funding streams for child and family programs. Review and identify existing child and family serving collaborative resources and initiatives, and infrastructure. Recommend strategies to fill the gaps identified. Deliver the initial Phase I report by June 1, 2021

**PHASE II** -- Develop and establish methods to increase and stabilize funding streams for child and family programs, services, and infrastructure. Deliver the initial Phase II report as completed no later than March 2022

**PHASE III** – Develop specific operational plans and budgets leading to implementation of appropriate programs, services and infrastructure. Include details on assignment of responsibilities, and projected outcomes anticipated. Deliver the initial Phase III report with sufficient details to proceed with programs and infrastructure no later than October 1, 2022.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

**WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON**

\_\_\_\_\_  
**Dana Brown-Davis, Clerk of the Council**

\_\_\_\_\_  
**Barry Buchanan, Council Chair**

**APPROVED AS TO FORM:  
WASHINGTON**

**WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY,**

\_\_\_\_\_  
**Civil Deputy Prosecutor**

\_\_\_\_\_  
**Satpal Sidhu  
County Executive**

( ) Approved ( ) Denied

**Date Signed:** \_\_\_\_\_

## **EXHIBIT A**

### **Chapter 2.106**

#### **CHILD AND FAMILY WELL-BEING TASK FORCE**

##### **Sections:**

- 2.106.010 Established**
- 2.106.020 Purpose**
- 2.106.030 Function**
- 2.106.040 Permanent Members**
- 2.106.050 Additional Appointed Members**
- 2.106.060 Term of Office**
- 2.106.070 Organization – Meetings**
- 2.106.080 Staff and Funding Support**
- 2.106.090 Reporting**

##### **2.106.010 Established**

There is hereby established a Whatcom County Child and Family Well-being Task Force.

##### **2.106.020 Purpose**

The purpose of the Whatcom County Child and Family Well-being Task Force is to continually review Whatcom governmental impact on children and families and make specific recommendations for improvements for all departments

##### **2.106.030 Function**

The Task Force will consider input from diverse families throughout Whatcom County and evidence-based and promising practices and report on and make recommendations to County Council, Executive, and other appropriate officials regarding implementation of recommendations in the Whatcom Working Toward Well-being: An Action Plan for County Government (Action Plan) as adopted on February 4, 2020.

##### **2.106.040 Permanent Members**

Members of the Child and Family Well-being Task Force shall include the following 15 designated officials or their representative:

- A. Three representatives from families selected by Generations Forward Family Council
- B. One representative from Whatcom Early Learning Alliance
- C. One representative from Whatcom Taking Action for Children/Youth with Special Health Needs
- D. One representative from School Superintendents (selected by Superintendents)
- E. One representative from DCYF (Child Welfare)-local office
- F. One representative from the Whatcom County Health Department (selected by Health Director)
- G. One representative from Public Health Advisory Board (selected by PHAB)
- H. One member of the Whatcom County Council/Health Board
- I. Whatcom County Executive or alternate
- J. One representative from City of Bellingham
- K. One representative from small cities (selected by small cities)
- L. One representative from Lummi Nation (selected by Lummi Nation)
- M. One representative from Nooksack Tribe (selected by Nooksack Tribe)

#### **2.106.050 Additional Appointed Members**

In addition to officials designated above, the Child and Family Well-being Task Force shall include the following 10-15 members appointed by the Whatcom County Council:

- ☐ Community Members from Under-Represented Communities: Hispanic/Latino, American Indian/Alaska Native, Black/African American, Immigrant, Rural (up to 5 members)
- ☐ Community Action
- ☐ Non-Profit Housing and Social Services
- ☐ Child Care/Early Learning
- ☐ Higher Education
- ☐ Health Care Agency (serving young children and families)
- ☐ Behavioral Health Agency (serving young children and families)
- ☐ Philanthropy
- ☐ Private business or corporation

#### **2.106.060 Term of Office**

The term of office for appointed members shall be two years; members may apply for membership renewal only once. Appointment of members shall comply with Chapter 2.03 WCC.

#### **2.106.070 Organization — Meetings.**

- A. Meetings of the task force shall be open and accessible to the public and shall be subject to the Open Public Meetings Act.
- B. At every meeting, the task force will schedule an open session to take public comment.
- C. Written records of meetings, resolutions, research, findings and recommendations shall be kept and such records shall be submitted to county staff and shall be made public, including posting on the county website.
- D. The task force shall adopt its own rules and procedures for the conduct of business.
- E. The task force shall elect co-chairs (including at least one representing family perspective) from among its members who shall preside at its meetings.
- F. The task force shall determine its meeting schedule and agenda, but shall meet at least quarterly.
- G. The task force may form and appoint ad hoc committees to work on specific issues, so long as at least two committee members are also members of each ad hoc committee.

#### **2.106.080 Staff and Funding Support**

The Task Force will have full support from the Council, the County Executive's Office, Health Department staff, and locally delivered paid consultant assistance to conduct and complete its tasks in an efficient and effective manner.

#### **2.106.090 Reporting**

As outlined in the Phases of the Ordinance and at least biannually thereafter, no later than March 30 and September 30 of each year, the Task Force will provide a report and recommendations to the County Council and County Executive on progress.



# Whatcom County

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

## Agenda Bill Master Report

File Number: MIN2020-093

---

<b>File ID:</b>	MIN2020-093	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/24/2020	<b>Entered by:</b>	KFelbing@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Minutes Consent		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	
<b>Agenda Date:</b>	10/13/2020			<b>Enactment #:</b>	

---

Primary Contact Email: KFelbing@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Water Work Session for September 22, 2020

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

None

---

### HISTORY OF LEGISLATIVE FILE

---

Date:	Acting Body:	Action:	Sent To:

---

**Attachments:** Water Work Session Sep 22 2020

# **Whatcom County Council Water Work Session**

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



## **Minutes - Draft Minutes**

**Tuesday, September 22, 2020**

**10:30 AM**

**VIRTUAL MEETING**

### **COUNCILMEMBERS**

Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

**Call To Order**

Council Chair Barry Buchanan called the meeting to order at 10:30 a.m. in a virtual meeting.

**Roll Call**

**Present:** 3 - Barry Buchanan, Todd Donovan and Carol Frazey

**Absent:** 4 - Rud Browne, Tyler Byrd, Ben Elenbaas and Kathy Kershner

**Water Resources Update**

Gary Stoyka, Public Works Department, updated the Councilmembers on the following items:

- Lake Whatcom updates
- Watershed Planning
- Water Use Efficiency Projects
- Adjudication

He answered questions about what the solutions to water supply problems might be in drainage basins and how much the funding would be for the enhanced water use efficiency program.

Satpal Sidhu, County Executive, spoke about the Department of Ecology's pending recommendation for adjudication in the Nooksack and Upper Columbia Basins. The Administration, along with the Natural Resources Department, has prepared a white paper settlement proposal. They consulted with the major parties during the drafting of the proposal and have shared it with Lummi and Nooksack. They also requested a position paper and would like every affected party to write out what their vision is for what the ideal settlement should look like, share it with the other parties, then just concentrate on what they do not agree on. The County will be a neutral facilitator.

He answered questions about the nature of the position paper and what the agricultural community may not cooperate with. He stated he is going to make a request to the Department of Ecology and the Legislature to give the County \$200,000 for each of the next five years to facilitate these settlement talks and is also still on track to hire a director-level person to focus on all water issues.

Stoyka updated the Councilmembers on the dates and topics of the next Watershed Management Board and Planning Unit meetings.

### **Lake Whatcom Stormwater Utility Capital Facilities Charge**

The following staff briefed the Councilmembers and answered questions.

- Kraig Olason, Public Works Department
- Cathy Craver, Public Works Department

Olason answered whether the proposed amendment is just to fix problems with the language of the original Ordinance which set up a capital facilities charge and not a policy change.

Craver went over the proposed changes to the Code language and answered what the dollar amount would be if they were to collect it and whether it is a one-time or a per-year charge.

### **2021-2026 Water Resources Improvement Plan**

The following staff briefed the Councilmembers:

Kraig Olason, Public Works Department  
Paula Harris, Public Works Department

Olason answered questions about how Whatcom County was going to be able to partner with Kitsap County on the Geneva Bioretention Pilot Project, and whether none of the projects are using the stormwater utility funds after 2023.

Harris briefed the Councilmembers on River and Flood projects and answered a question about the dollar amount listed for the Everson Overflow Pipeline Bank Stabilization project.

### **WRIA 1 Planning Unit**

Skip Richards briefed the Councilmembers on items scheduled on the Planning Unit's upcoming agenda for September 23, 2020.

### **Other Business**

There was no other business.

### **Adjournment**

The meeting adjourned at 11:51 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

\_\_\_\_\_  
Kristi Felbinger, Minutes Transcription



# Whatcom County

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

## Agenda Bill Master Report

File Number: MIN2020-095

---

<b>File ID:</b>	MIN2020-095	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	10/02/2020	<b>Entered by:</b>	KFelbing@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Minutes Consent		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	
<b>Agenda Date:</b>	10/13/2020			<b>Enactment #:</b>	

---

Primary Contact Email: KFelbing@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Committee of the Whole for September 29, 2020

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

None

---

### HISTORY OF LEGISLATIVE FILE

---

Date:	Acting Body:	Action:	Sent To:

---

**Attachments:** Committee of the Whole Sep 29 2020

# **Whatcom County Council Committee of the Whole**

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



## **Committee Minutes - Draft Minutes**

**VIRTUAL MEETING - ENDS NO LATER THAN 5 P.M.**

**Tuesday, September 29, 2020**

**3:25 PM**

**Virtual Meeting**

### **COUNCILMEMBERS**

Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

**Call To Order**

Council Chair Barry Buchanan called the meeting to order at 3:25 p.m. in a virtual meeting.

**Roll Call**

**Present:** 7 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, Ben Elenbaas and Kathy Kershner

**Absent:** None

**Announcements****Committee Discussion**

1. [AB2020-219](#) Discussion and update on strategies and other items related to COVID-19 (Council and Health Board)

Tyler Schroeder, Executive's Office, briefed the Councilmembers on updated allocations of CARES Act dollars for the County and the City of Bellingham and contract amounts for how the money will be spent. He highlighted an additional amount of \$4.5 million in CARES Act dollars for local government operations with recommended budget and buckets for the Council to consider.

Erika Lautenbach, Health Department Director, updated the Councilmembers on the following:

- The Public Health portion of the additional \$4.5 million dollars: The funds are retroactive to March 27, 2020 but must be spent by the end of the year. Almost half of the money will stay in Whatcom County government.
- The housing and human services response: They want to make sure they are also supporting behavioral health providers.
- Use of the allocation for school technology.
- A recent outbreak at a long-term care facility in Whatcom County and whether they know how the outbreak happened.
- Work with Steve Bennett from Western Washington University on a social marketing campaign geared toward younger people.

Dr. Steve Bennett, Western Washington University, briefed the Councilmembers on the social marketing campaign and what they learned from a Whatcom County survey.

He and Lautenbach answered questions about how to best get messages out, how to fund messaging efforts, how to help people understand how to

practice non-pharmaceutical interventions (NPI) with friends and family, whether there is a bench mark or baseline data for the rate of anxiety and depression in youth prior to COVID-19, and whether spending money to tell people that our response is the right response will make a statistical difference in the outcome.

Satpal Sidhu, County Executive, asked Dr. Bennett to describe similar past campaigns.

Bennett answered whether there is data for the exact sources of confirmed cases.

Kershner spoke about using CARES Act dollars on measures that will help us get back to normal such as getting County staff working forty hours a week again without furloughs.

**This agenda item was DISCUSSED.**

2. [AB2020-345](#) Discussion of proposed Cherry Point amendments

Councilmembers discussed an emailed request for more time to work on the amendments, getting the greenhouse gas mitigation standards back in, getting clarity on the refinery language, dealing with all the suggested changes at one time, inviting the Pipeline Safety Trust to the conversations and scheduling a public work session with the interested parties to work on the suggested amendments.

Dana Brown-Davis, Clerk of the Council, answered whether they could schedule such a work session.

*Elenbaas moved* that the Council gather their concerns for Cherry Point amendments and then schedule a work session and invite all interested parties to join. The motion was seconded by Browne.

Councilmembers discussed the motion, when concerns for consideration would need to get submitted to the Clerk of the Council and whether all concerns have already been submitted.

Matt Aamot, Planning and Development Services Department, stated staff would like the group to look at the definition of fossil fuel transshipment facilities in Exhibit B, page 32, Section 20.97.160.3; restoring the definition of facility emissions in the Zoning Code (Section 20.97.124.1); and a question about the connection between change of use and the zoning scheme of permitted uses, conditional uses, and prohibited uses.

Councilmembers discussed Aamot's questions with him, having more time to submit additional comments, maintaining a public process, and whether to set a deadline to submit comments.

Donovan listed the concerns that are currently on the table.

The motion carried by the following vote:

**Aye:** 7 - Donovan, Elenbaas, Frazey, Kershner, Browne, Buchanan, and Byrd

**Nay:** 0

**Browne moved** to extend an invitation to the Pipeline Safety Trust. The motion was seconded by Byrd.

Councilmembers discussed the motion.

**Buchanan suggested** a friendly amendment that it just be a recommendation that the group includes them.

Councilmembers discussed the motion.

**Browne accepted** the friendly amendment.

The motion carried by the following vote:

**Aye:** 6 - Elenbaas, Frazey, Kershner, Browne, Buchanan, Donovan

**Nay:** 0

**Out of the Meeting:** 1 - Byrd

**This agenda item was DISCUSSED AND MOTION(S) APPROVED.**

3. [AB2020-382](#)

Discussion regarding Council Office contracts for 2021

Dana Brown-Davis, Clerk of the Council, briefed the Councilmembers.

Councilmembers discussed whether Council meetings should still be aired on BTV-10.

Cathy Halka, Council Legislative Analyst, briefed the Councilmembers on the options for Hearing Examiner services. She answered what the requirements are for being the Hearing Examiner and why the person is not an elected official.

Karen Frakes, Prosecuting Attorney's Office, answered a question about the requirement that the Hearing Examiner be an attorney.

Halka stated she is looking for feedback on whether the Council Office

should bring forward a contract amendment including a five percent reduction in pay for Hearing Examiner services for the 2021 year.

Donovan suggested they move forward with a contract amendment as described in the packet and Councilmembers (except for Elenbaas) concurred.

**This agenda item was DISCUSSED.**

### **Other Business**

There was no other business.

### **Adjournment**

The meeting adjourned at 5:05 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

\_\_\_\_\_  
Kristi Felbinger, Minutes Transcription



# Whatcom County

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

## Agenda Bill Master Report

File Number: MIN2020-096

---

<b>File ID:</b>	MIN2020-096	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	10/05/2020	<b>Entered by:</b>	KFelbing@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Minutes Consent		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	
<b>Agenda Date:</b>	10/13/2020			<b>Enactment #:</b>	

---

Primary Contact Email: KFelbing@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Regular County Council for September 29, 2020

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

None

---

### HISTORY OF LEGISLATIVE FILE

---

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

---

---

**Attachments:** Council Sep 29 2020

# **Whatcom County Council**

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



## **Minutes - Draft Minutes**

**VIRTUAL MEETING - VIEW ONLINE**

**Tuesday, September 29, 2020**

**6 PM**

**Virtual Meeting**

### **COUNCILMEMBERS**

Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## COUNTY COUNCIL

### CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 6 p.m. in a virtual meeting.

### ROLL CALL

**Present:** 7 - Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, Ben Elenbaas, and Kathy Kershner

**Absent:** None

### FLAG SALUTE

### ANNOUNCEMENTS

### COUNTY EXECUTIVE'S REPORT

Satpal Sidhu, County Executive, gave a presentation and updated the Councilmembers on the following:

- Fiscal impacts in 2020
- 2020 mitigation measures
- Grants received
- Capital projects
- Water settlement discussions
- Child and Family Action Plan
- A Racial Equity Committee/Commission

He answered questions about how the Health Department would deal with the Child and Family Action Plan with all their responsibilities during the COVID-19 crisis.

Tyler Schroeder, Executive's Office, spoke about additional information sent to the Council about 2021-2022 financial projections.

### MINUTES CONSENT

***Donovan moved*** to accept the minutes consent items. The motion was seconded by Frazey (see votes on individual items below).

1. [MIN2020-089](#) Special Council meeting (Interlocal Collaboration Meeting with Cities) for September 9, 2020

**Donovan moved and Frazey seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

2. [MIN2020-090](#) Committee of the Whole Executive Session for September 15, 2020

**Donovan moved and Frazey seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

3. [MIN2020-091](#) Committee of the Whole for September 15, 2020

**Donovan moved and Frazey seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

4. [MIN2020-092](#) Regular County Council for September 15, 2020

**Donovan moved and Frazey seconded that the Minutes Consent be APPROVED BY CONSENT. The motion carried by the following vote:**

**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

## **PUBLIC HEARINGS**

1. [AB2020-352](#) Ordinance adopting various amendments to WCC Titles 12 (Roads & Bridges), 16 (Environment), 20 (Zoning), 21 (Land Division Regulations), and 22 (Land Use and Development Procedures)

Cliff Strong, Planning and Development Services Department, stated he made some textual changes and saw one error that he would like to fix and he described the error.

Karen Frakes, Prosecuting Attorney's Office answered whether it is a substantial enough change that the Ordinance would need to be re-introduced.

Council staff played a short video with instructions on how to speak at the meeting.

Buchanan opened the public hearing, and hearing no one, closed the public hearing.

**Elenbaas moved and Donovan seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:**

**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2020-045

2. [AB2020-358](#) Resolution adopting the Six-Year Water Resources Improvement Program (WRIP) 2021-2026 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

Paula Harris, Public Works Department, briefed the Councilmembers and stated that this is a substitute version to fix a scrivener's error.

Buchanan opened the public hearing, and hearing no one, closed the public hearing.

**Donovan moved and Frazey seconded that the SUBSTITUTE Resolution (FCZDBS) Requiring a Public Hearing be APPROVED. The motion carried by the following vote:**

**Aye:** 6 - Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 1 - Browne

Enactment No: RES 2020-033

3. [AB2020-360](#) Ordinance to amend Whatcom County Code 12.60.040, appointment and responsibilities of the Citizen Address and Road Name Appeals Committee

Jim Karcher, Public Works Department, stated he did not have a staff report.

Buchanan opened the public hearing, and hearing no one, closed the public hearing.

**Frazey moved and Donovan seconded that the Ordinance Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:**

**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

Enactment No: ORD 2020-046

4. [AB2020-363](#) Resolution in the matter of the Whatcom County Six-Year Transportation Improvement Program (STIP) for the years of 2021 through 2026

Jim Karcher, Public Works Department, stated he had no report.

Buchanan opened the public hearing, and hearing no one, closed the public hearing.

Dana Brown-Davis, Clerk of the Council, answered a question about whether this item had a substitute version.

***Donovan moved*** that the Resolution Requiring a Public Hearing be approved. The motion was seconded by Frazey.

Byrd stated he would like to amend the Six-Year Transportation Improvement Program to move up the assessment of the following three Lakeway Drive improvements:

- R21 (“Lake Louise, Austin St to Lake Whatcom Blvd.”) on Combined Packet page 671
- R27 (“Lakeway Drive/Terrace, City of B’ham to Cable St”) on Combined Packet page 671
- R28 (“Lakeway Drive Corridor Improvements”) on Combined Packet page 671

Jon Hutchings, Public Works Department Director, addressed the request and stated line item R28, as referenced above, is the one that would allow Public Works to begin work on evaluating the implications and alternatives for that corridor and trying to align them with the City of Bellingham. He stated it would require a motion from the Council to put some out-year funding (perhaps 2022 funding) under that line item and give Public Works the support they need to advance that work.

He and Karcher discussed the request and the recommendation with the Councilmembers.

***Byrd moved*** to amend the Resolution to move line item R28 to 2021 with a

proposed budget of \$100,000 with the understanding that it would likely begin at the end of the year or more likely sometime in 2022.

Hutchings suggested to split the budget between the two years to make it clear.

***Byrd withdrew*** his motion.

***Byrd moved*** to amend the Resolution to move the R28 project forward with a \$50,000 budget in 2021 and a \$50,000 budget in 2022 so that it may begin in 2021 or later. The motion was seconded by Elenbaas.

Councilmembers, Satpal Sidhu, County Executive, Hutchings, and Karcher discussed the motion.

***Byrd amended*** his motion to replace the word “project” with the word “study” so that it reads: to amend the Resolution to move the R28 study forward with a \$50,000 budget in 2021 and a \$50,000 budget in 2022 so that it may begin in 2021 or later.

Dana Brown-Davis, Clerk of the Council, stated it was ok for him to amend his motion at this point.

Councilmembers and staff continued to discuss the motion to amend.

Hutchings suggested they put a modest amount of money in 2021 so that the Public Works Department can direct some of their engineering resources and begin to develop a scope that they could then bring back to the Council to have a conversation about what that appropriate scope is. Have committee discussion in 2021 about what the appropriate scope and the goals are of the project. Figure out the scope before spending any money.

***Byrd restated*** his motion to amend the Resolution to have the item R28 study begin in 2021 or later with a \$50,000 budget allocation in 2021 and a \$50,000 budget allocation in 2022.

The motion to amend carried by the following vote:

**Aye:** 5 - Donovan, Elenbaas, Frazey, Kershner, and Byrd

**Nay:** 1 - Browne

**Out of the Meeting:** 1 - Buchanan

**Donovan's motion that the Resolution Requiring a Public Hearing be APPROVED AS AMENDED carried by the following vote:**

**Aye:** 6 - Browne, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Buchanan

Enactment No: RES 2020-034

5. [AB2020-366](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for FY2020 Byrne Justice Assistance Grant Program Award, in the amount of \$12,832.00

Browne (Buchanan temporarily out of the meeting) opened the public hearing and hearing no one, closed the public hearing.

*Frazey moved* and Byrd seconded that the Agreement Requiring a Public Hearing be authorized.

Tyler Schroeder, Executive's Office, answered a question about what the grant award is.

**Frazey's motion that the Agreement Requiring a Public Hearing be AUTHORIZED carried by the following vote:**

**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

### **OPEN SESSION (20 MINUTES)**

Council Office staff played a short video explaining how to speak in the meeting.

Buchanan opened the Open Session and the following people spoke:

- Miguel Perry spoke about the proposed Cherry Point amendments.
- Lane McIlvoy spoke about the proposed Cherry Point amendments.
- Tim Johnson spoke about the proposed Cherry Point amendments.
- Trevor Smith spoke about the proposed Cherry Point amendments.
- Valerie Rupp Hauer spoke about concerns with housing issues and rules about sitting on sidewalks.
- Lance Calloway spoke about the proposed Cherry Point amendments.
- Barney Smith spoke about the proposed Cherry Point amendments.

- Markis Dee Stidham spoke about homelessness and emergency shelter in the winter.
- Melissa Gragg spoke about homelessness, emergency shelters, and not having misdemeanor charges during a pandemic.
- Wendy Harris spoke about fire concerns, logging the forests, and updating wildlife inventory.
- Heather Katahdin spoke about winter shelters.

Hearing no one else, Buchanan closed the open session.

### **CONSENT AGENDA**

*Clerk's note:* Councilmember Byrd was out of the meeting so Council Chair Buchanan decided to skip the Consent Agenda and come back to it later.

### **OTHER ITEMS (part 1)**

**(From Council Public Works and Health Committee)**

11.     [AB2020-415](#)     Resolution approving the Birch Bay Water and Sewer District Comprehensive Water System Plan Update

**Fraze reported for the Public Works and Health Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: RES 2020-035

12.     [AB2020-416](#)     Resolution approving the Birch Bay Water and Sewer District Comprehensive Sewer System Plan Update

**Fraze reported for the Public Works and Health Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: RES 2020-036

(From Council Criminal Justice and Public Safety Committee)

13. [AB2020-406](#) Resolution supporting Whatcom County Sheriff Deputies, Corrections Deputies, and Law Enforcement Officials across the County in response to the increased attacks on law enforcement across the Country

Buchanan reported for the Criminal Justice and Public Safety Committee.

**Donovan moved** and Buchanan seconded that the substitute Resolution be approved.

Satpal Sidhu, County Executive, stated that he did not get a copy of the substitute resolution and Dana Brown-Davis, Clerk of the Council, stated she would send it to him.

Councilmembers commented on the effort to put the Substitute Resolution together.

**Donovan's motion that the SUBSTITUTE Resolution be APPROVED carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: RES 2020-037

After the vote, Elenbaas requested that Kershner read the Resolution into the record and so she did.

14. [AB2020-418](#) Resolution stating support and appreciation of the Whatcom County Sheriff's Department, Whatcom County Sheriff Deputies, Whatcom County Corrections Deputies and support staff

**This agenda item was DISCUSSED.**

**CONSENT AGENDA**

Byrd was still out of the meeting so **Browne** reported for the Finance and Administrative Services Committee and **moved** to approve Consent Agenda items 1-11 and 13-14. Councilmembers discussed and voted on those items (see votes on individual items below). They then voted on item number 12 (AB2020-405).

Tyler Schroeder, Executive's Office, stated he just wanted to make sure that

the Council was voting on the substitute version of AB2020-412 and an updated contract for AB2020-410.

Browne also stated that the title of AB2020-402 was amended.

**(From Council Finance and Administrative Services Committee)**

1. [AB2020-375](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the U.S. Department of Justice for FY20 Coronavirus Emergency Supplemental Funding, in the amount of \$43,145.00

**Browne moved that the Agreement be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

2. [AB2020-380](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and U.S. Department of Justice Drug Enforcement Administration for Cooperative State and Local Task Force Agreement FY2021, in the amount of \$0

**Browne moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

3. [AB2020-381](#) Request authorization for the County Executive to enter into an Interlocal agreement between Whatcom County and U.S. Department of Justice Drug Enforcement Administration for Program-Funded State and Local Task Force Agreement FY2021, in the amount of \$38,360.50

**Browne moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

4. [AB2020-386](#) Request authorization for the County Executive to renew an interlocal agreement between Whatcom County and the Department of Corrections for the housing and care of Department of Corrections offenders in the Whatcom County Jail

**Browne moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

5. [AB2020-395](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Family & Community Network in the amount of \$80,000 for a total amended contract amount of \$145,000

**Browne moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

6. [AB2020-399](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Meridian School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000

**Browne moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

7. [AB2020-400](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Nooksack Valley School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000

**Browne moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

8. [AB2020-401](#) Requesting authorization for the County Executive to enter into a contract between Whatcom County and Mount Baker School District for costs associated with distance instruction and learning due to the COVID-19 emergency in an amount not to exceed \$130,000

**Browne moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

9. [AB2020-402](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Ferndale School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000  
Title revised 9.29.2020 to change "COVID-10" to "COVID-19."

**Browne moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

10. [AB2020-403](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Blaine School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000

**Browne moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

11. [AB2020-404](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Lynden School District for costs associated with distance instruction and learning resulting from the COVID-19 emergency in an amount not to exceed \$130,000

**Browne moved that the Interlocal be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

13. [AB2020-410](#) Requests authorization for the County Executive to negotiate and enter into an agreement with PogoZone Internet Solutions for rural broadband access in an amount not to exceed \$110,000 to provide access to distance learning for approximately 200 households

**Browne moved that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

14. [AB2020-412](#) Request authorization for the County Executive to enter into a subrecipient agreement between Whatcom County and Bellingham Food Bank for costs associated with food insecurity resulting from the COVID-19 emergency in an amount not to exceed \$400,000

**Browne moved that the SUBSTITUTE Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

Temp Absent: 1 - Byrd

12. [AB2020-405](#) Request authorization for the County Executive to enter a contract amendment between Whatcom County and Cascadia Law Group PLLC to expand the Scope of Work and increase the compensation by \$25,000 to a total consideration not to exceed \$69,000

**Donovan moved and Browne seconded that the Contract be AUTHORIZED BY CONSENT. The motion carried by the following vote:**

**Aye:** 4 - Browne, Buchanan, Donovan, and Frazey

**Nay:** 2 - Elenbaas, and Kershner

**Absent:** 0

Temp Absent: 1 - Byrd

## **OTHER ITEMS (Part 2)**

**(From Council Finance and Administrative Services Committee)**

1. [AB2020-383](#) Request Council Approval of the 2020-2021 Criminal Justice Treatment Account Plan Update

**Browne reported for the Finance and Administrative Services Committee and moved that the Agreement be AUTHORIZED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

Temp Absent: 1 - Byrd

2. [AB2020-357](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Department of Ecology 2020-2021 Washington Conservation Corps Crew Agreement (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Browne reported for the Finance and Administrative Services Committee and moved that the Contract (FCZDBS) be AUTHORIZED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

3. [AB2020-356](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Conservation District to amend the 2019 Interlocal and Subrecipient Agreement for the Pollution Identification and Correction Program Non-Dairy Agricultural Technical Assistance in the amount of \$223,932.00 for a total amended contract amount of \$530,182.00 (Council acting as the Flood Control Zone District Board of Supervisors)

**Browne reported for the Finance and Administrative Services Committee and moved that the Contract (FCZDBS) be AUTHORIZED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

*Clerk's note:* Councilmember Browne skipped AB2020-417 and started reading AB2020-368.

Dana Brown-Davis, Clerk of the Council, asked that he go back to AB2020-417 so he did and then reported on AB2020-368 after that.

4. [AB2020-417](#) Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and Washington State Department of Health to provide funding for the delivery of various public health programs and services in the amount of \$5,962,796 for a total amended contract amount of \$10,890,796

Donovan reported for the Finance and Administrative Services Committee and ***Browne moved*** that the Interlocal be authorized.

Elenbaas stated he would like to vote on items individually.

**Browne's motion that the Interlocal be AUTHORIZED carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

5. [AB2020-368](#) Ordinance amending the 2020 Whatcom County Budget, request no. 17, in the amount of \$871,548

**Browne** reported for the Finance and Administrative Services Committee and ***moved*** that the Ordinance be adopted.

Elenbaas stated he mixed this item up with AB2020-417 and would have voted yes for AB2020-417. Dana Brown-Davis, Clerk of the Council stated they would have to reconsider the item in order for him to change how he voted so Elenbaas decided not to go back and reconsider AB2020-417.

**Kershner moved** to amend the Ordinance to remove item number one: [\$50,000] To fund Cascadia Law - Potential Fossil Fuel Litigation. The motion was seconded by Elenbaas.

The motion to amend failed by the following vote:

**Aye:** 2 - Kershner and Elenbaas

**Nay:** 4 - Buchanan, Donovan, Frazey, and Browne

**Out of the Meeting:** 1 - Byrd

**Elenbaas moved** to amend the Ordinance to separate all six of the items and vote on them individually. The motion was seconded by Kershner.

The motion to amend failed by the following vote:

**Aye:** 2 - Elenbaas and Kershner

**Nay:** 4 - Donovan, Frazey, Browne, and Buchanan

**Out of the Meeting:** 1 -Byrd

**Browne's motion that the Ordinance be ADOPTED carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: ORD 2020-047

Satpal Sidhu, County Executive, and Councilmembers discussed why budget supplemental items are not voted on separately.

6. [AB2020-371](#) Ordinance amending Whatcom County Code 2.09, Public Defender, to reflect current standards of practice outlined under RCW 10.101.030 and the ethical standards relating to conflicts of interest outlined by Washington court rules of professional conduct

**Browne reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: ORD 2020-048

7. [AB2020-377](#) Ordinance amending the 2020 Whatcom County Budget, request no. 18, in the amount of \$220,000

**Browne reported for the Finance and Administrative Services Committee and moved that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: ORD 2020-049

8. [AB2020-396](#) Request authorization for the County Executive to enter into this Memorandum of Agreement between Whatcom County and PeaceHealth St. Joseph Medical Center and Opportunity Council and Unity Care NW to initiate a capital campaign for the construction of the “The Way Station” at the County owned building at 1500 State St. in Bellingham, that will provide services to people who are homeless and living either in shelters or who are unsheltered

Browne read the title of the item and ***Donovan*** reported for the Finance and Administrative Services Committee and ***moved*** that the Memorandum of Agreement be authorized.

Councilmembers discussed what building is at 1500 State Street and discussed the motion.

Kershner stated she would like to have a presentation on this item.

Tyler Schroeder, Executive's Office, answered questions about whether the request on this item would just start the conversation but is not asking for money yet, whether the City of Bellingham has weighed in on this, and the

cost of moving the morgue. He and Councilmembers discussed the item.

**Donovan's motion that the Memorandum of Agreement be AUTHORIZED carried by the following vote:**

**Aye:** 5 - Browne, Buchanan, Donovan, Frazey, and Kershner

**Nay:** 1 - Elenbaas

**Absent:** 0

**Temp Absent:** 1 - Byrd

9. [AB2020-388](#) Resolution accepting the 2015 Comprehensive Economic Development Strategy (CEDS) Project List update

**Browne reported for the Finance and Administrative Services Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:**

**Aye:** 6 - Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

**Temp Absent:** 1 - Byrd

Enactment No: RES 2020-038

10. [AB2020-392](#) Amendment 2 to Resolution 2019-061 for unrepresented Whatcom County employees

***Browne*** reported for the Finance and Administrative Services Committee and ***moved*** that the Resolution be approved.

Kershner stated she would like to look at using funding to get the County's workforce back to work.

Tyler Schroeder, Executive's Office, answered whether vacation time could be paid out as opposed to carrying it over to next year and whether time above and beyond the limits listed would be lost.

*Clerk's note:* Byrd returned to the meeting.

Councilmembers continued to discuss the item.

**Browne's motion that the Resolution be APPROVED carried by the following vote:**

**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

Nay: 0

Absent: 0

Enactment No: RES 2020-039

**(From Council Planning and Development Committee)**

15.     [AB2020-397](#)     Resolution approving recommendation on one application for Open Space Current Use Assessment

**Elenbaas reported for the Planning and Development Committee and moved that the Resolution be APPROVED. The motion carried by the following vote:**

**Aye:** 7 -   Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

Enactment No: RES 2020-040

Elenbaas also reported on the committee's discussion about AB2020-414.

**COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

1.     [AB2020-340](#)     Appointment to the Drayton Harbor Shellfish Protection District Advisory Committee, Applicant(s): Patricia Erin Lulu

***Donovan moved*** to nominate the applicant. The motion was seconded by Byrd.

Elenbaas asked if the applicant was available to speak but she was not.

**Donovan's motion that Patricia Erin Lulu be APPOINTED carried by the following vote:**

**Aye:** 7 -   Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

2.     [AB2020-362](#)     Appointment to the Climate Impact Advisory Committee, Applicant(s): Stevan Harrel, Sue Gunn, Hunter Hassig, Alec Howard

***Donovan moved*** to nominate all applicants. The motion was seconded by Frazey.

Councilmembers discussed what positions are open and whether applicants have to be a citizen to serve on the board. One applicant (Gunn) did not

indicate on the application that she was a citizen.

***Buchanan moved*** to hold the item in Council for two weeks in order to reach out to applicant Gunn to get more information about her not having the citizenship box checked.

Dana Brown-Davis, Clerk of the Council, asked about the box on the application that they are referring to and that the applicant answered yes that she is registered to vote in Whatcom County.

***Buchanan withdrew*** his motion.

Councilmembers discussed whether to hold in Council.

***Donovan withdrew*** his motion to nominate all applicants.

Councilmembers concurred that the Appointment be held in Council.

**This agenda item was HELD IN COUNCIL.**

3. [AB2020-384](#) Request Council Approval For A Criminal Justice Treatment Account Panel Appointment

***Byrd moved*** approval on the item and Donovan seconded but Councilmembers discussed what motion was needed.

Dana Brown-Davis, Clerk of the Council, pointed out in the paperwork and clarified what is being requested for this item.

Kershner ***moved*** that Carolyn Mason be appointed as the substance use disorder treatment agency. The motion was seconded by Frazey.

***Byrd withdrew*** his motion.

**Kershner's motion that Carolyn Mason be APPOINTED as the substance use disorder treatment agency carried by the following vote:**

**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

## **INTRODUCTION ITEMS**

***Donovan moved*** to introduce items one through five. The motion was seconded by Byrd (see votes on individual items below).

Browne pointed out item one and stated it has caused a lot of controversy around the country.

1. [AB2020-409](#) Ordinance increasing community oversight and transparency to establish fair contract negotiations

**Donovan moved and Byrd seconded that the Ordinance be INTRODUCED. The motion carried by the following vote:**

**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

2. [AB2020-390](#) Ordinance regarding installation of a stop sign on Homesteader Road

**Donovan moved and Byrd seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

3. [AB2020-391](#) Ordinance to Establish Speed Limits on Marine Drive

**Donovan moved and Byrd seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

4. [AB2020-393](#) Ordinance amending Whatcom County Code 16.30 Lake Whatcom Stormwater Utility Service Area

**Donovan moved and Byrd seconded that the Ordinance Requiring a Public Hearing be INTRODUCED FOR PUBLIC HEARING. The motion carried by the following vote:**

**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

5. [AB2020-407](#) Appointment to the Birch Bay Watershed and Aquatic Resources Management Advisory Committee (BBWARM), Applicant(s): Theresa Coe (Council acting as the

Whatcom County Flood Control Zone District Board of Supervisors)

**Donovan moved and Byrd seconded that the Council Appointment Requiring Introduction be INTRODUCED. The motion carried by the following vote:**

**Aye:** 7 - Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner

**Nay:** 0

**Absent:** 0

### **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

Councilmembers gave committee reports and updates on recent activities and upcoming events.

### **ADJOURN**

The meeting adjourned at 10:18 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

\_\_\_\_\_  
Kristi Felbinger, Minutes Transcription



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-390

---

<b>File ID:</b>	AB2020-390	<b>Version:</b>	1	<b>Status:</b>	Introduced for Public Hearing
<b>File Created:</b>	09/16/2020	<b>Entered by:</b>	SMock@co.whatcom.wa.us		
<b>Department:</b>	Public Works Department	<b>File Type:</b>	Ordinance Requiring a Public Hearing		
<b>Assigned to:</b>	Council	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: sdraper@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Ordinance regarding installation of a stop sign on Homesteader Road

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance to install a stop sign on Homesteader Road for westbound traffic on Homesteader Road at the intersection with Standard Road

---

### HISTORY OF LEGISLATIVE FILE

---

Date:	Acting Body:	Action:	Sent To:
09/29/2020	Council	INTRODUCED FOR PUBLIC HEARING	Council

---

**Attachments:** Memo, Proposed Ordinance

Jon Hutchings  
Director



James P. Karcher, P. E.  
County Engineer  
322 N. Commercial Street, Ste 301  
Bellingham, WA 98225-4042  
Phone: (360) 778-6210  
Fax: (360) 778-6211

## Memorandum

**To:** The Honorable Satpal Sidhu, Whatcom County Executive and  
The Honorable Members of the Whatcom County Council

**Through:** Jon Hutchings, Director *EAH* SIGN FOR DIRECTOR

**From:** James P. Karcher, P.E., County Engineer *JPk*

**Date:** September 16, 2020

**Re:** Ordinance - Installation of a Stop Sign on Homesteader Road.

---

### Requested Action

Public Works respectfully requests that the County Council adopt the proposed ordinance to install a stop sign for westbound traffic on Homesteader Road at the intersection with Standard Road.

### Background and Purpose

A citizen request for a stop sign was received on 7/29/2019 and Public Works conducted an investigation of the location, including doing traffic counts during the height of the harvest season in June of 2020. It was determined that due to limited sight distance to the east, along with the current configuration of the intersection striping and signage, that traffic southbound on Standard Road to westbound on Homesteader Road, and eastbound on Homesteader Road to northbound on Standard Road, should have the right-of-way at the intersection. Furthermore, WAC 468-95-29005 *Traffic control devices for low-volume roads – Stop and yield signs* changes the Guidance of the MUTCD Section 5B.02 to allow for the installation of stop signs at an intersection of two low-volume roads where limited sight distance exists for the prevailing vehicle speeds. Given that the prevailing vehicle speeds for westbound traffic are in excess of 30 MPH and the speed limit is 35 MPH, the location does not meet sight distance requirements and a stop sign should be established.

### Information

This ordinance will allow for the installation of a stop sign and is necessary to comply with RCW 36.32.120 *Powers of legislative authorities* and 46.61.200 *Stop intersections other than arterials may be designated* to install traffic control signs.

Please contact Douglas Ranney, Interim Traffic Engineering Manager at extension 6255 if you have any questions regarding this ordinance.

**ORDINANCE NO. \_\_\_\_\_**

**INSTALLATION OF A STOP SIGN ON HOMESTEADER RD**

**WHEREAS**, in compliance with RCW 36.32.120 and 46.61.200, it is found necessary and expedient to install traffic control signs on certain County Roads; and

**WHEREAS**, stop sign installation has been requested by a citizen; and

**WHEREAS**, it is found possible to install a stop sign to help control traffic at the intersection of Homesteader Road and Standard Road; and

**WHEREAS**, the County Engineer has agreed that it is necessary to formally establish the new stop sign; and

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that the following be added to the Whatcom County Code Section 10.16:

<b>Road Name</b>	<b>Direction- Stopping</b>	<b>Cross Street</b>
<u>Homesteader Road</u>	<u>Westbound</u>	<u>Standard Road</u>

**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.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

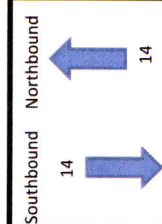
\_\_\_\_\_  
Approved via email  
Christopher Quinn,  
Sr. Deputy Prosecuting Attorney,  
Civil Division

\_\_\_\_\_  
Satpal Singh Sidhu, County Executive

(    ) Approved      (    ) Denied

Date Signed: \_\_\_\_\_

# Standard Rd



## Recommendation:

### Add stop control to Westbound Homesteader Rd, East of Standard Rd

Sight Distance to the east does not meet standards for stopping sight distance

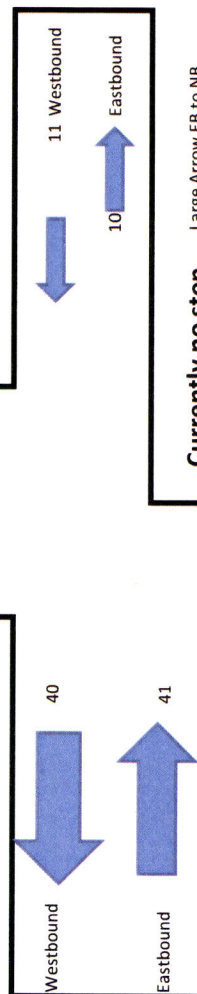
WAC 468-95-29005 Traffic control devices for low-volume roads - stop and yield signs.

Change the Guidance of MUTCD Section 5B.02, Stop and Yield Signs, to become an Option and amend to read:

STOP (R1-1) and YIELD (R1-2) signs may be considered for use on low-volume roads where engineering judgment or study, consistent with the provisions of Sections 2B.04 to 2B.10,

indicates that either of the following conditions applies:

B. An intersection that has restricted sight distance for the prevailing vehicles speeds.



To SR-9

Homesteader Rd

East of intersection is gravel road

Currently no stop control

Large Arrow EB to NB  
Large Arrow SB to WB  
Striping indicates EB to NB and SB to WB have the ROW

## Vicinity Map

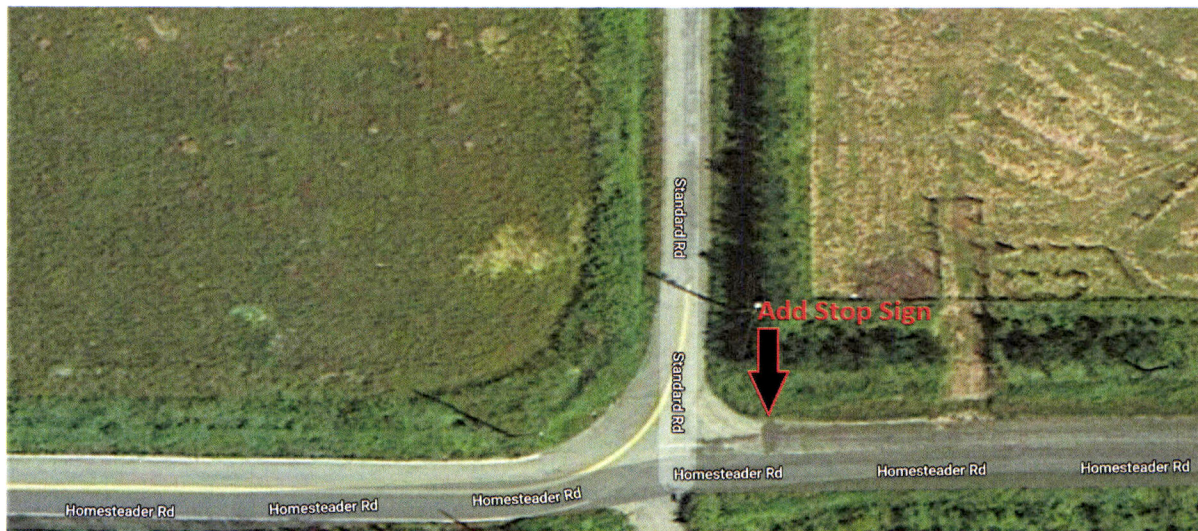


## Homesteader Rd – Standard Rd Intersection Review

This review was at the request of Maya Henderson, 2938 Standard Rd, to consider the addition of a stop sign at this intersection on 7/26/2019.

The traffic study consisted of 3 traffic counts near the intersection, measuring sight distance, review of collisions, review of signs and markings, and measurement of road and shoulder. Homesteader Road and Standard Road both have a Federal Function Classification of Rural Local Access. Standard Road has two 9 foot BST driving lanes with 1 foot gravel shoulders; Homesteader Road has two 9 foot BST driving lanes with 1 foot gravel shoulders west of the intersection and a 14 foot wide gravel road east of the intersection. Both roads have speed limits of 35 mph per Whatcom County Code 10.04.050 Thirty-five miles per hour - Maximum generally.

### Vicinity Map



### Traffic Counts

Traffic counts were taken on Standard Road, north of Homesteader Road and Homesteader Road, east and west of Standard Road. These counts consisted of volume, speed and truck volume percentage.

WHATCOM COUNTY TRAFFIC COUNTS																				
ROAD NAME	LEG	CROSS ROAD	BEGAN	ENDED	TOTAL VOLUME		WEEKDAY	WEEKDAY	DIRECTIONAL VOLUME				SPEED (MPH)				CLASSIFICATION			
					ADT	ADT	PM PEAK	PM PEAK	DIR	ADT	DIR	ADT	DIR	85TH %	DIR	85TH %	DIR	TRUCKS	DIR	TRUCKS
					WEEKDAY	WEEKLY	TRAFFIC	TIME	N/E	N/E	S/W	S/W	N/E	N/E	S/W	S/W	N/E	N/E	S/W	S/W
HOMESTEADER RD	E	STANDARD RD	6/17/2020	6/25/2020	21	19	3	9:00	E	10	W	11	E	32.7	W	29.6	E	4.60%	W	4.50%
HOMESTEADER RD	W	STANDARD RD	6/17/2020	6/25/2020	81	74	9	15:00	E	41	W	40	E	30.0	W	31.6	E	23.00%	W	23.80%
STANDARD RD	N	HOMESTEADER RD	6/17/2020	6/25/2020	28	27	3	15:00	N	14	S	14	N	29.6	S	30.5	N	21.60%	S	20.40%

## Sight Distance

Sight distance checks were performed on 07/28/2020 and the results are as follows:

Stopping sight distance for southbound Standard Rd at Homesteader Rd was inadequate. Stopping sight distance for westbound Homesteader Rd at Standard Rd was adequate. Stopping sight distance for eastbound Homesteader Rd at Standard Rd was adequate.

## Collisions

A review of collisions that we have received from the Washington State Patrol showed there has been 1 collision in the past 5 plus years at the intersection from 01/01/2015 to 07/14/2020. No collisions were the result of failure to yield the right of way. The 1 property damage collision was a single vehicle collision where the vehicle went into the ditch and hit a power pole while exceeding a reasonably safe speed on compact snow and ice.

## Signs and Markings

There are no stop or yield signs at this intersection. There is a One Direction Large Arrow Warning Sign (Right) for southbound traffic on Standard Rd and a One Direction Large Arrow Warning Sign (Left) for eastbound traffic on Homesteader Rd. Current markings of double no-pass are painted through the intersection and end approximately 65 feet north of the intersection on Standard Road. These markings would indicate that precedent is being given to the eastbound to northbound and southbound to westbound turning movements.

## MUTCD Section 2b.04 Right-of-Way at Intersections

The Manual on Uniform Traffic Control Devices (MUTCD) is the standard for the installation of signs on roads in the United States. Guidelines within the manual help determine the proper locations to install traffic control devices.

Support:

01 State or local laws written in accordance with the "Uniform Vehicle Code" (see [Section 1A.11](#)) establish the right-of-way rule at intersections having no regulatory traffic control signs such that the driver of a vehicle approaching an intersection must yield the right-of-way to any vehicle or pedestrian already in the intersection. When two vehicles approach an intersection from different streets or highways at approximately the same time, the right-of-way rule requires the driver of the vehicle on the left to yield the right-of-way to the vehicle on the right. The right-of-way can be modified at through streets or highways by placing YIELD (R1-2) signs (see [Sections 2B.08](#) and [2B.09](#)) or STOP (R1-1) signs (see [Sections 2B.05](#) through [2B.07](#)) on one or more approaches.

Guidance:

02 Engineering judgment should be used to establish intersection control. The following factors should be considered:

- A. Vehicular, bicycle, and pedestrian traffic volumes on all approaches;
- B. Number and angle of approaches;

- C. Approach speeds;
- D. Sight distance available on each approach; and
- E. Reported crash experience.

03 *YIELD or STOP signs should be used at an intersection if one or more of the following conditions exist:*

- A. *An intersection of a less important road with a main road where application of the normal right-of-way rule would not be expected to provide reasonable compliance with the law;*
- B. *A street entering a designated through highway or street; and/or*
- C. *An unsignalized intersection in a signalized area.*

04 *In addition, the use of YIELD or STOP signs should be considered at the intersection of two minor streets or local roads where the intersection has more than three approaches and where one or more of the following conditions exist:*

- A. *The combined vehicular, bicycle, and pedestrian volume entering the intersection from all approaches averages more than 2,000 units per day;*
- B. *The ability to see conflicting traffic on an approach is not sufficient to allow a road user to stop or yield in compliance with the normal right-of-way rule if such stopping or yielding is necessary; and/or*
- C. *Crash records indicate that five or more crashes that involve the failure to yield the right-of-way at the intersection under the normal right-of-way rule have been reported within a 3-year period, or that three or more such crashes have been reported within a 2-year period.*

05 *YIELD or STOP signs should not be used for speed control.*

**WAC 468-95-29005 Traffic control devices for low-volume roads – Stop and yield signs.**

Change the Guidance of MUTCD Section 5B.02, Stop and Yield Signs, to become an Option and amend to read:

STOP (R1-1) and YIELD (R1-2) signs (see Figure 5B-1) may be considered for use on low-volume roads where engineering judgment or study, consistent with the provisions of Sections 2B.04 to 2B.10, indicates that either of the following conditions applies:

- A. An intersection of a less important road with a main road where application of the normal right-of-way rule might not be readily apparent.
- B. An intersection that has restricted sight distance for the prevailing vehicles speeds.

## **Conclusion**

Given that sight distance southbound on Standard Rd to the east is inadequate, and following the guidance of WAC 468-95-29005 subsection B, a stop sign is recommended for westbound Homesteader Rd at Standard Rd. This would be consistent with both: the current striping which gives precedent to the eastbound Homesteader Rd to northbound Standard Rd and southbound Standard Rd to westbound Homesteader Rd turn movements; and the current eastbound W1-6L One Direction Large Arrow (Left) warning sign and the southbound W1-6R One Direction Large Arrow (Right) warning signs.



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-391

---

<b>File ID:</b>	AB2020-391	<b>Version:</b>	1	<b>Status:</b>	Introduced for Public Hearing
<b>File Created:</b>	09/16/2020	<b>Entered by:</b>	SMock@co.whatcom.wa.us		
<b>Department:</b>	Public Works Department	<b>File Type:</b>	Ordinance Requiring a Public Hearing		
<b>Assigned to:</b>	Council	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: sdraper@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Ordinance to Establish Speed Limits on Marine Drive

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

To comply with RCW 46.61.415, at the direction of the County Council, it is found necessary and expedient to modify speed limits on portions of Marine Drive, to reduce the speed limit to 35 mph on Marine Drive from 1000 feet east of Locust Avenue to Old Marine Drive and 30 mph on Marine Drive from Old Marine Drive to Bancroft Road

---

### HISTORY OF LEGISLATIVE FILE

---

Date:	Acting Body:	Action:	Sent To:
09/29/2020	Council	INTRODUCED FOR PUBLIC HEARING	Council

---

**Attachments:** Memo, Proposed Ordinance

JON HUTCHINGS  
Director



ENGINEERING SERVICES  
JAMES P. KARCHER, P.E.  
County Engineer  
5280 Northwest Dr.  
Bellingham WA 98226-9098  
Phone: 360.778.6220  
Fax: 360.778.6221

## MEMORANDUM

**To:** The Honorable Satpal Singh Sidhu, Whatcom County Executive and  
The Honorable Members of the Whatcom County Council

**Through:** Jon Hutchings, Director *eaX* SIGN FOR DIRECTOR

**From:** James P. Karcher, P.E., County Engineer *JPK*

**Date:** September 16, 2020

**Re:** Ordinance Establishing Speed Limits on Marine Drive

---

### Requested Action

Public Works respectfully requests that the County Council adopt the proposed ordinance to reduce the speed limit to 35 MPH on Marine Drive, from 1000 feet east of Locust Avenue to Old Marine Drive, Sections 15, 22, and 23, Township 38 North, Range 2 East, W.M. and 30 MPH on Marine Drive from Old Marine Drive to Bancroft Road, Sections 15 and 16, Township 38 North, Range 2 East, W.M.

### Background and Purpose

Whatcom County Public Work received a petition from local residents of the Fort Bellingham neighborhood on 7/17/2020, along with a letter of support from the Whatcom County Bicycle/Pedestrian Advisory Committee and commenced an engineering study of the speed limits on Marine Drive. It was determined through this study that the speed limits should be lowered as stated above. This speed limit reduction is supported by the Whatcom County Sheriff's Office.

### Information

This ordinance is necessary to comply with RCW 46.61.415 – authority to establish speed limits on county roads.

Please contact Jim Karcher at extension 6271 with any questions regarding this ordinance.

ORDINANCE NO. \_\_\_\_\_

**ESTABLISHING SPEED LIMITS ON MARINE DRIVE**

**WHEREAS**, the County Council is authorized under RCW 46.61.415 to establish speed limits on certain County roads; and

**WHEREAS**, a petition to lower the speed limit on Marine Drive has been received by the County Engineers' Office from local residents; and

**WHEREAS**, the County Engineer conducted an engineering study of Marine Drive, and

**WHEREAS**, the County Engineer has agreed that it is necessary to formally establish the new speed limits; and

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that the speed limits be established as follows:

~~40-MPH~~ 35 MPH on Marine Drive, from 1000 feet east of Locust Avenue to Old Marine Drive, Sections 15, 22, and 23, Township 38 North, Range 2 East, W.M.

~~40-MPH~~ 30 MPH on Marine Drive, from Old Marine Drive to Bancroft Road, Sections 15 and 16, Township 38 North, Range 2 East, W.M.

**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, Sections 10.04.050 and 10.04.040.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

Approved via email  
\_\_\_\_\_  
Christopher Quinn,  
Sr. Deputy Prosecuting Attorney,  
Civil Division

\_\_\_\_\_  
Satpal Singh Sidhu, County Executive

(    ) Approved      (    ) Denied

Date Signed: \_\_\_\_\_

## Exhibit A - Whatcom County Code Amendment

10.04.040 Thirty miles per hour.

MARINE DRIVE. On Marine Drive from Old Marine Drive to Bancroft Road

10.04.050 Thirty-five miles per hour – Maximum generally.

MARINE DRIVE. On Marine Drive from 1,000 feet east of Locust Avenue to Old Marine Drive

10.04.060 Forty miles per hour.

~~MARINE DRIVE. Marine Drive from 1,000 East of Locust Road to Hoff Road.~~

## New 35 MPH Speed Limit



# Vicinity Map

New 30 MPH Speed Limit





From: Whatcom County Bicycle Pedestrian Advisory Committee

Co-Chairs:

Stephen Zylstra (zmanpdx@gmail.com)

Sonja Max (max.sonja@gmail.com)

To:

James P. Karcher, County Engineer

322 N. Commercial St., Suite 301

Bellingham WA 98225

June 16, 2020

Re: Marine Drive Bridge Petition

Dear Mr. Karcher,

The Whatcom County Bicycle Pedestrian Advisory Committee supports the petition of Marine Drive residents to lower the speed limit across the Marine Drive Bridge (Bridge no. 172) over the railroad tracks just east of Wynn Road.

It has been brought to the Committee's attention multiple times that this bridge does not facilitate safe passage for people walking, biking or using other micromobility devices, as there are no shoulders and just one narrow elevated walkway on the north side of the bridge. Vehicles routinely pass people walking and biking at 40+ mph in a no passing zone with limited visibility and not enough space. This creates a high level of traffic stress for all bridge users, including those in vehicles.

Additionally, there are no crosswalks at either end of the bridge to allow people walking on the south side to access the walkway on the north side. Lowering the speed limit would make crossing the roadway safer.

Roughly 400 people work at Smith Gardens, which is accessed from the west side of the bridge. Many of those employees are ethnic minorities and not all may have access to a vehicle. Ensuring the safety of those who walk, take the bus or ride a bike to their place of work should be a priority. Residents of Marine Drive, the Lummi reservation and the Lummi peninsula should also be able to traverse the bridge safely by foot or bicycle.

The committee supports lowering the speed limit to 25 mph to provide a safer roadway for all bridge users.

Sincerely,

Stephen Zylstra, Co-Chair

Sonja Max, Co-Chair

**PETITION TO WHATCOM COUNTY PUBLIC WORKS DEPARTMENT TO DECREASE VEHICLE SPEED ON  
MARINE DRIVE BRIDGE OVER THE BNSF RAILWAY**

March 20, 2020

We, the members of the community near the Marine Drive Bridge are concerned for the safety of people who walk and bike on across this bridge. There are no sidewalks and no bike lanes. This area of Marine Drive has a speed limit of 40 MPH. The bridge has limited sight lines and creates a dangerous situation when drivers cross the double yellow lines into oncoming traffic to pass people walking and biking. There is not an alternative to cross the railway unless one ventures over the I-5 corridor at Slater Road, 3 miles north.

Therefore, we as a concerned community are requesting a decrease in the speed limit on Marine Drive to 25 mph from Bancroft Road to Old Marine Drive.

Signature: <u>[Signature]</u>	Name: <u>Tordan</u>	Address: <u>3856 Bancroft</u>
Signature: <u>[Signature]</u>	Name: <u>Kelley Peck</u>	Address: <u>3855 Bancroft</u>
Signature: <u>[Signature]</u>	Name: <u>Sarah Briggs</u>	Address: <u>3846 Bancroft Rd</u>
Signature: <u>[Signature]</u>	Name: <u>Jack Blumberg</u>	Address: <u>3836 Bancroft Rd.</u>
Signature: <u>[Signature]</u>	Name: <u>Judy &amp; Steve</u>	Address: <u>3835 " "</u>
Signature: <u>[Signature]</u>	Name: <u>Steve Spear</u>	Address: <u>3835 BANCROFT RD</u>
Signature: <u>[Signature]</u>	Name: <u>Julie Klammer</u>	Address: <u>3823 Bancroft Rd.</u>
Signature: <u>[Signature]</u>	Name: <u>Fred Fernandez</u>	Address: <u>3797 Bancroft</u>
Signature: <u>[Signature]</u>	Name: <u>Melissa Bishop</u>	Address: <u>1361 Olympic Drive</u>
Signature: <u>[Signature]</u>	Name: <u>Jim Bishop</u>	Address: <u>1361 Olympic way</u>
Signature: <u>[Signature]</u>	Name: <u>Gord Smith</u>	Address: <u>1359 Olympic Way</u>
Signature: <u>[Signature]</u>	Name: <u>GAIL STELLWAGEN</u>	Address: <u>1359 OLYMPIC WAY</u>
Signature: <u>[Signature]</u>	Name: <u>ELIZABETH KEMP</u>	Address: <u>1354 OLYMPIC WAY</u>
Signature: <u>[Signature]</u>	Name: <u>NICK KEMP</u>	Address: <u>↓</u>
Signature: <u>[Signature]</u>	Name: <u>Jacqueline Carlson</u>	Address: <u>1351 Olympic Way</u>
Signature: <u>[Signature]</u>	Name: <u>Jim Carls</u>	Address: <u>1351 Olympic way</u>
Signature: <u>[Signature]</u>	Name: <u>Page L DuBois</u>	Address: <u>3788 Fort Bellingham</u>
Signature: <u>[Signature]</u>	Name: <u>CLAUDIA PEDERSON</u>	Address: <u>3845 FORT BELLINGHAM RD</u>
Signature: <u>[Signature]</u>	Name: <u>Alexandria Pederson</u>	Address: <u>3845 Fort Bellingham Road</u>

**PETITION TO WHATCOM COUNTY PUBLIC WORKS DEPARTMENT TO DECREASE VEHICLE SPEED ON  
MARINE DRIVE BRIDGE OVER THE BNSF RAILWAY**

March 20, 2020

We, the members of the community near the Marine Drive Bridge are concerned for the safety of people who walk and bike on across this bridge. There are no sidewalks and no bike lanes. This area of Marine Drive has a speed limit of 40 MPH. The bridge has limited sight lines and creates a dangerous situation when drivers cross the double yellow lines into oncoming traffic to pass people walking and biking. There is not an alternative to cross the railway unless one ventures over the I-5 corridor at Slater Road, 3 miles north.

Therefore, we as a concerned community are requesting a decrease in the speed limit on Marine Drive to 25 mph from Bancroft Road to Old Marine Drive.

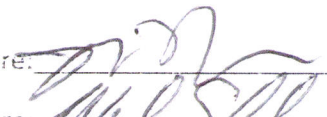
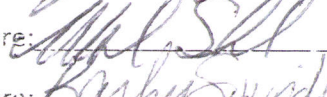
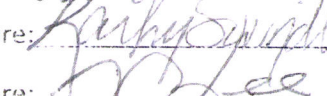
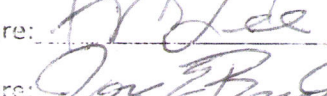
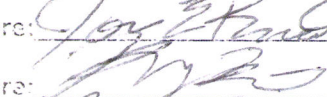
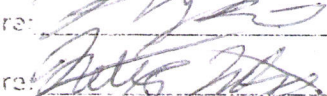
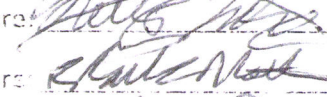
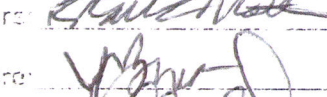
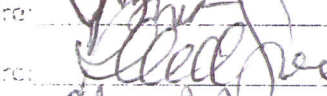
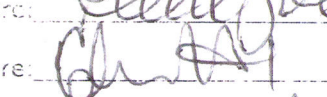
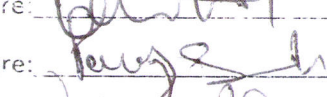
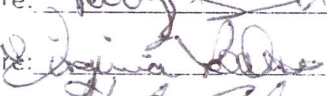
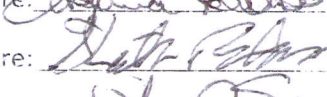
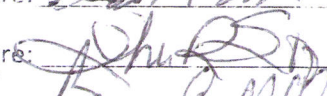
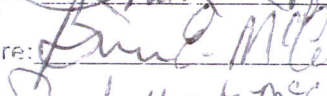
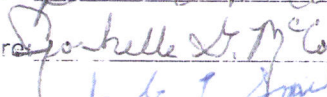
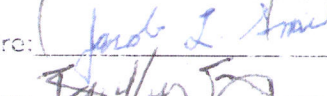
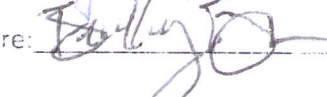

Signature: <u>CP Foster</u>	Name: <u>Chuck Foster</u>	Address: <u>3797 East Bellingham Rd</u>
Signature: <u>[Signature]</u>	Name: <u>Lauren Foster</u>	Address: <u>3797 H. Bellingham Rd.</u>
Signature: <u>Julie Hallmark</u>	Name: <u>JULIE HALLMARK</u>	Address: <u>3797 Ft. B'ham Rd.</u>
Signature: <u>[Signature]</u>	Name: <u>Jeany Brumfield</u>	Address: <u>1149 Old Marine Dr</u>
Signature: <u>Marion Heath</u>	Name: <u>MARION HEATH</u>	Address: <u>1145 Marine Drive 9022</u>
Signature: <u>Charlotte Wren</u>	Name: <u>Charlotte Wren</u>	Address: <u>1159 Old Marine Dr. 4822</u>
Signature: <u>Robert Wren</u>	Name: <u>ROBERT WREN</u>	Address: <u>1159 Old Marine Dr</u>
Signature: <u>Jaymie Westfall</u>	Name: <u>Jaymie Westfall</u>	Address: <u>1170 old marine drive 902</u>
Signature: <u>Janel Weiss</u>	Name: <u>Janel Weiss</u>	Address: <u>1165 Old Marine Dr #1</u>
Signature: <u>John Dickerson</u>	Name: <u>JOHN DICKERSON</u>	Address: <u>1175 Old Marine Dr.</u>
Signature: <u>Cathy Lehman</u>	Name: <u>Cathy Lehman</u>	Address: <u>1185 Old Marine Dr.</u>
Signature: <u>Reo D. Lanham</u>	Name: <u>Reo D. Lanham</u>	Address: <u>1191 Old Marine Dr.</u>
Signature: <u>Aaron Flower</u>	Name: <u>Aaron Flower</u>	Address: <u>55 Rock Ridge Dr</u>
Signature: <u>Douglas Likins</u>	Name: <u>DOUGLAS LIKINS</u>	Address: <u>1203 OLD MARINE DR.</u>
Signature: <u>Jana Kobler</u>	Name: <u>Jana Kobler</u>	Address: <u>1209 Old Marine Dr</u>
Signature: <u>Shirley Nagel</u>	Name: <u>Shirley Nagel</u>	Address: <u>1170 Old Marine Dr.</u>
Signature: <u>McLan Johnson</u>	Name: <u>McLan Johnson</u>	Address: <u>5697 Bass Dr.</u>
Signature: <u>Sheryl Munro</u>	Name: <u>Sheryl Munro</u>	Address: <u>3023 Cyclone Dr.</u>
Signature: <u>WILL Mc DANIEL</u>	Name: <u>WILL Mc DANIEL</u>	Address: <u>3895 Ft. Bellingham Rd</u>

**PETITION TO WHATCOM COUNTY PUBLIC WORKS DEPARTMENT TO DECREASE VEHICLE SPEED ON  
MARINE DRIVE BRIDGE OVER THE BNSF RAILWAY**

March 20, 2020

We, the members of the community near the Marine Drive Bridge are concerned for the safety of people who walk and bike on across this bridge. There are no sidewalks and no bike lanes. This area of Marine Drive has a speed limit of 40 MPH. The bridge has limited sight lines and creates a dangerous situation when drivers cross the double yellow lines into oncoming traffic to pass people walking and biking. There is not an alternative to cross the railway unless one ventures over the I-5 corridor at Slater Road, 3 miles north.

Therefore, we as a concerned community are requesting a decrease in the speed limit on Marine Drive to 25 mph from Bancroft Road to Old Marine Drive.

Signature: 	Name: <u>JUSTIN TAPPENDEN</u>	Address: <u>1334 MARINE DR.</u>
Signature: 	Name: <u>MAC K SCHERB</u>	Address: <u>1353 MARINE DR.</u>
Signature: 	Name: <u>Kathy Swigler</u>	Address: <u>1362 Marine Dr.</u>
Signature: 	Name: <u>Michael Lee</u>	Address: <u>1362 MARINE DR</u>
Signature: 	Name: <u>Jan Reinstra</u>	Address: <u>1363 Marine</u>
Signature: 	Name: <u>Kellie Kildahl</u>	Address: <u>1372 Marine</u>
Signature: 	Name: <u>Kelsey Trille</u>	Address: <u>1372 Marine Dr.</u>
Signature: 	Name: <u>RANDALL MATTER</u>	Address: <u>1384 MARINE DR.</u>
Signature: 	Name: <u>Junnie Block</u>	Address: <u>3403 Fort of Bellingham</u>
Signature: 	Name: <u>REN FRAZIER</u>	Address: <u>1333 Marine Dr.</u>
Signature: 	Name: <u>Cleveland Harris</u>	Address: <u>1307 Marine Dr.</u>
Signature: 	Name: <u>ARNIE PANDYA</u>	Address: <u>1385 MARINE Drive</u>
Signature: 	Name: <u>Virginia Pedersen</u>	Address: <u>3855 Ft Bellingham</u>
Signature: 	Name: <u>KEITH PETERSON</u>	Address: <u>3865 Fort Bellingham</u>
Signature: 	Name: <u>Shaun Sofia</u>	Address: <u>3835 Fort Bellingham</u>
Signature: 	Name: <u>Bruce McConnell</u>	Address: <u>3823 Fort Bellingham Rd</u>
Signature: 	Name: <u>Rochelle G. McConnell</u>	Address: <u>3823 Fort Bellingham Dr</u>
Signature: 	Name: <u>Jacob L. Smith</u>	Address: <u>3800 Fort Bellingham</u>
Signature: 	Name: <u>BRAD FOSTER</u>	Address: <u>3797 Ft. Bellingham Rd.</u>

②

**PETITION TO WHATCOM COUNTY PUBLIC WORKS DEPARTMENT TO DECREASE VEHICLE SPEED ON  
MARINE DRIVE BRIDGE OVER THE BNSF RAILWAY**

March 20, 2020

We, the members of the community near the Marine Drive Bridge are concerned for the safety of people who walk and bike on across this bridge. There are no sidewalks and no bike lanes. This area of Marine Drive has a speed limit of 40 MPH. The bridge has limited sight lines and creates a dangerous situation when drivers cross the double yellow lines into oncoming traffic to pass people walking and biking. There is not an alternative to cross the railway unless one ventures over the I-5 corridor at Slater Road, 3 miles north.

Therefore, we as a concerned community are requesting a decrease in the speed limit on Marine Drive to 25 mph from Bancroft Road to Old Marine Drive.

Signature: <u>Gary P. Malick</u>	Name: <u>Gary P. Malick</u>	Address: <u>3854 Fort Bellingham Rd.</u>
Signature: <u>Thomas L. Gorgier</u>	Name: <u>Thomas L. Gorgier</u>	Address: <u>3838 Fort Bellingham Rd</u>
Signature: <u>Matt McBeath</u>	Name: <u>Matt McBeath</u>	Address: <u>3838 Fort Bellingham Rd</u>
Signature: <u>Wendy Malick</u>	Name: <u>Wendy Malick</u>	Address: <u>3854 Fort Bellingham Rd</u>
Signature: <u>Sherry Helde</u>	Name: <u>Sherry Helde</u>	Address: <u>3879 Fort Bellingham Rd</u>
Signature: <u>Jon Helde</u>	Name: <u>Jon Helde</u>	Address: <u>3879 Fort Bellingham Rd</u>
Signature: <u>Marya Gorgier</u>	Name: <u>Marya Gorgier</u>	Address: <u>3862 Fort Bellingham Rd</u>
Signature: <u>Dragi Gorgier</u>	Name: <u>Dragi Gorgier</u>	Address: <u>3862 Fort Bellingham Rd</u>
Signature: <u>Kristina Gorgier</u>	Name: <u>Kristina Gorgier</u>	Address: <u>3862 Fort Bellingham Rd</u>
Signature: <u>Natalija Gorgier</u>	Name: <u>Natalija Gorgier</u>	Address: <u>3862 Fort Bellingham Rd</u>
Signature: <u>Antonija Gorgier</u>	Name: <u>Antonija Gorgier</u>	Address: <u>3862 Fort Bellingham Rd</u>
Signature: <u>Blair Helde</u>	Name: <u>Blair Helde</u>	Address: <u>3879 Fort Bellingham Rd</u>
Signature: <u>Carolyn C Smith</u>	Name: <u>Carolyn C Smith</u>	Address: <u>3884 Fort Bellingham Rd</u>
Signature: <u>Terry C Smith</u>	Name: <u>TERRY C. SMITH</u>	Address: <u>3884 FORT BELLINGHAM</u>
Signature: <u>Ryan Priestman</u>	Name: <u>Ryan Priestman</u>	Address: <u>1324 Marine Dr.</u>
Signature: <u>Linda S. Herrin</u>	Name: <u>Linda S. Herrin</u>	Address: <u>1316 Marine Dr.</u>
Signature: <u>Stephanie Bell</u>	Name: <u>Stephanie Bell</u>	Address: <u>2951 Wyan Road, Bham</u>
Signature: <u>J. McLaughlin</u>	Name: <u>J. McLAUGHLIN</u>	Address: <u>1304 MARINE DR</u>
Signature: <u>M. Tappenden</u>	Name: <u>M. Tappenden</u>	Address: <u>1334 Marine Dr</u>

**PETITION TO WHATCOM COUNTY PUBLIC WORKS DEPARTMENT TO DECREASE VEHICLE SPEED ON  
MARINE DRIVE BRIDGE OVER THE BNSF RAILWAY**

March 20, 2020

We, the members of the community near the Marine Drive Bridge are concerned for the safety of people who walk and bike on across this bridge. There are no sidewalks and no bike lanes. This area of Marine Drive has a speed limit of 40 MPH. The bridge has limited sight lines and creates a dangerous situation when drivers cross the double yellow lines into oncoming traffic to pass people walking and biking. There is not an alternative to cross the railway unless one ventures over the I-5 corridor at Slater Road, 3 miles north.

Therefore, we as a concerned community are requesting a decrease in the speed limit on Marine Drive to 25 mph from Bancroft Road to Old Marine Drive.

Signature: <u>Vincent C. Rzycki</u>	Name: <u>Vincent C. Rzycki</u>	Address: <u>1182 Old Marine Dr.</u>
Signature: <u>Jeannette Binschus</u>	Name: <u>Jeannette Binschus</u>	Address: <u>1206 Old Marine Dr.</u>
Signature: <u>Glen Binschus</u>	Name: <u>Glen Binschus</u>	Address: <u>1206 Old Marine Dr.</u>
Signature: <u>Howard Zandt</u>	Name: <u>Howard Zandt</u>	Address: <u>1188 Old Marine Dr.</u>
Signature: <u>Geni Gullett</u>	Name: <u>Geni Gullett</u>	Address: <u>1165 Old Marine Dr, B'h.</u>
Signature: <u>James Hark</u>	Name: <u>James Hark</u>	Address: <u>1151 Old Marine Dr.</u>
Signature: <u>Rosalind Lynch</u>	Name: <u>Rosalind Lynch</u>	Address: <u>1182 Old Marine Dr.</u>
Signature: <u>Kim Tillerson</u>	Name: <u>Kim Tillerson</u>	Address: <u>4009 Wynn Rd.</u>
Signature: <u>Mark Kaufman</u>	Name: <u>Mark Kaufman</u>	Address: <u>4012 Wynn Rd.</u>
Signature: <u>Beverly Kaufman</u>	Name: <u>Beverly Kaufman</u>	Address: <u>4012 Wynn Rd.</u>
Signature: <u>Tony Arndt</u>	Name: <u>Tony Arndt</u>	Address: <u>4037 Wynn Rd.</u>
Signature: <u>DNDREA</u>	Name: <u>DNDREA</u>	Address: <u>4036 Wynn Rd.</u>
Signature: <u>BARRY</u>	Name: <u>BARRY</u>	Address: <u>4072 Wynn</u>
Signature: <u>Carmen Andersen</u>	Name: <u>Carmen Andersen</u>	Address: <u>4090 Wynn Rd.</u>
Signature: <u>Steve Radisich</u>	Name: <u>Steve Radisich</u>	Address: <u>3977 Hoff Rd 9822</u>
Signature: <u>Sadie L Davis</u>	Name: <u>Sadie L Davis</u>	Address: <u>3879 Bancroft Rd 98225</u>
Signature: <u>Clarice Harrison</u>	Name: <u>Clarice Harrison</u>	Address: <u>3902 Bancroft Rd 98225</u>
Signature: <u>Nesse Grant</u>	Name: <u>Nesse Grant</u>	Address: <u>3903 Bancroft Rd 98225</u>
Signature: <u>J. Gene Beers</u>	Name: <u>J. Gene Beers</u>	Address: <u>3865 Bancroft Rd 9822</u>

**PETITION TO WHATCOM COUNTY PUBLIC WORKS DEPARTMENT TO DECREASE VEHICLE SPEED ON  
MARINE DRIVE BRIDGE OVER THE BNSF RAILWAY**

March 20, 2020

We, the members of the community near the Marine Drive Bridge are concerned for the safety of people who walk and bike on across this bridge. There are no sidewalks and no bike lanes. This area of Marine Drive has a speed limit of 40 MPH. The bridge has limited sight lines and creates a dangerous situation when drivers cross the double yellow lines into oncoming traffic to pass people walking and biking. There is not an alternative to cross the railway unless one ventures over the I-5 corridor at Slater Road, 3 miles north.

Therefore, we as a concerned community are requesting a decrease in the speed limit on Marine Drive to 25 mph from Bancroft Road to Old Marine Drive.

3C\*

Signature: <u>Regina DeLahunt</u>	Name: <u>Regina DeLahunt</u>	Address: <u>3835 Howard Ave</u>
Signature: <u>TUAN TRAN</u>	Name: <u>TUAN TRAN</u>	Address: <u>1174 Marine Dr</u>
Signature: <u>BRIAN RAND</u>	Name: <u>BRIAN RAND</u>	Address: <u>425 W Stuart Dr</u>
Signature: <u>Michael Smith</u>	Name: <u>Michael Smith</u>	Address: <u>3796 Bancroft Rd 98225</u>
Signature: <u>April Salazar</u>	Name: <u>April Salazar</u>	Address: <u>" " "</u>
Signature: <u>John Walker</u>	Name: <u>John Walker</u>	Address: <u>3895 Bancroft Rd.</u>
Signature: <u>Sad Harris</u>	Name: <u>Sad Harris</u>	Address: <u>3888 " "</u>
Signature: <u>Elisa Brachenhofer</u>	Name: <u>Elisa Brachenhofer</u>	Address: <u>3880 Bancroft</u>
Signature: <u>Eric Smith</u>	Name: <u>Eric Smith</u>	Address: <u>1261 Marine Dr.</u>
Signature: <u>Finn Smith</u>	Name: <u>Finn Smith</u>	Address: <u>1261 Marine Dr.</u>
Signature: <u>Jill Smith</u>	Name: <u>Jill Smith</u>	Address: <u>1261 Marine</u>
Signature: <u>Rachel Beatty</u>	Name: <u>Rachel Beatty</u>	Address: <u>1392 Olympic Way.</u>
Signature: <u>Average Whitfield</u>	Name: <u>Average Whitfield</u>	Address: <u>1400 Olympic Way</u>
Signature: <u>Jean Zelenka</u>	Name: <u>Jean Zelenka</u>	Address: <u>1408 Olympic Way</u>
Signature: <u>MARLENE PICCOLI</u>	Name: <u>MARLENE PICCOLI</u>	Address: <u>1424 Olympic Way</u>
Signature: <u>Donald Ligocki</u>	Name: <u>Donald Ligocki</u>	Address: <u>1430 Island View Dr.</u>
Signature: <u>Kim Thornadtsen</u>	Name: <u>Kim Thornadtsen</u>	Address: <u>" "</u>
Signature: <u>Christina Olympia</u>	Name: <u>Christina Olympia</u>	Address: <u>1453 Island View Dr.</u>
Signature: <u>Grant Richardson</u>	Name: <u>Grant Richardson</u>	Address: <u>1425 Olympic Way</u>

BC = Bike commuter to work

**PETITION TO WHATCOM COUNTY PUBLIC WORKS DEPARTMENT TO DECREASE VEHICLE SPEED ON  
MARINE DRIVE BRIDGE OVER THE BNSF RAILWAY**

March 20, 2020

We, the members of the community near the Marine Drive Bridge are concerned for the safety of people who walk and bike on across this bridge. There are no sidewalks and no bike lanes. This area of Marine Drive has a speed limit of 40 MPH. The bridge has limited sight lines and creates a dangerous situation when drivers cross the double yellow lines into oncoming traffic to pass people walking and biking. There is not an alternative to cross the railway unless one ventures over the I-5 corridor at Slater Road, 3 miles north.

Therefore, we as a concerned community are requesting a decrease in the speed limit on Marine Drive to 25 mph from Bancroft Road to Old Marine Drive.

Signature: <u>[Signature]</u>	Name: <u>David Lehmann</u>	Address: <u>1188 Marine DR.</u>
Signature: <u>[Signature]</u>	Name: <u>Laura E. Chandler</u>	Address: <u>3792 Ft. Bellingham</u>
Signature: <u>[Signature]</u>	Name: <u>Cary Stevens</u>	Address: <u>3792 Ft Bellingham Rd.</u>
Signature: <u>[Signature]</u>	Name: <u>Anne Mortimer</u>	Address: <u>3930 Jones Lane</u>
Signature: <u>[Signature]</u>	Name: <u>Juan C. Brizuela</u>	Address: <u>3930 Jones Lane</u>
Signature: _____	Name: _____	Address: _____
Signature: _____	Name: _____	Address: _____
Signature: _____	Name: _____	Address: _____
Signature: _____	Name: _____	Address: _____
Signature: _____	Name: _____	Address: _____
Signature: _____	Name: _____	Address: _____
Signature: _____	Name: _____	Address: _____
Signature: _____	Name: _____	Address: _____
Signature: _____	Name: _____	Address: _____
Signature: _____	Name: _____	Address: _____
Signature: _____	Name: _____	Address: _____
Signature: _____	Name: _____	Address: _____
Signature: _____	Name: _____	Address: _____
Signature: _____	Name: _____	Address: _____

# Employees Smith Gardens

## PETITION TO WHATCOM COUNTY PUBLIC WORKS DEPARTMENT TO DECREASE VEHICLE SPEED ON MARINE DRIVE BRIDGE OVER THE BNSF RAILWAY

March 20, 2020

We, the members of the community near the Marine Drive Bridge are concerned for the safety of people who walk and bike on across this bridge. There are no sidewalks and no bike lanes. This area of Marine Drive has a speed limit of 40 MPH. The bridge has limited sight lines and creates a dangerous situation when drivers cross the double yellow lines into oncoming traffic to pass people walking and biking. There is not an alternative to cross the railway unless one ventures over the I-5 corridor at Slater Road, 3 miles north.

Therefore, we as a concerned community are requesting a decrease in the speed limit on Marine Drive to 25 mph from Bancroft Road to Old Marine Drive.

Signature: <u>Patrick Berschauer</u>	Name: <u>Patrick Berschauer</u>	Address: <u>1534 Lakewood Ln, Bellingham</u>
Signature: <u>[Signature]</u>	Name: <u>Theresa Griffin</u>	Address: <u>1539 Citlantic St</u>
Signature: <u>[Signature]</u>	Name: <u>Kathryn Griffin</u>	Address: <u>" "</u>
Signature: <u>[Signature]</u>	Name: <u>Roberto</u>	Address: <u>                    </u>
Signature: <u>                    </u>	Name: <u>                    </u>	Address: <u>                    </u>
Signature: <u>                    </u>	Name: <u>                    </u>	Address: <u>                    </u>
Signature: <u>                    </u>	Name: <u>                    </u>	Address: <u>                    </u>
Signature: <u>                    </u>	Name: <u>                    </u>	Address: <u>                    </u>
Signature: <u>                    </u>	Name: <u>                    </u>	Address: <u>                    </u>
Signature: <u>                    </u>	Name: <u>                    </u>	Address: <u>                    </u>
Signature: <u>                    </u>	Name: <u>                    </u>	Address: <u>                    </u>
Signature: <u>                    </u>	Name: <u>                    </u>	Address: <u>                    </u>
Signature: <u>                    </u>	Name: <u>                    </u>	Address: <u>                    </u>
Signature: <u>                    </u>	Name: <u>                    </u>	Address: <u>                    </u>
Signature: <u>                    </u>	Name: <u>                    </u>	Address: <u>                    </u>
Signature: <u>                    </u>	Name: <u>                    </u>	Address: <u>                    </u>
Signature: <u>                    </u>	Name: <u>                    </u>	Address: <u>                    </u>
Signature: <u>                    </u>	Name: <u>                    </u>	Address: <u>                    </u>



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-393

---

<b>File ID:</b>	AB2020-393	<b>Version:</b>	1	<b>Status:</b>	Introduced for Public Hearing
<b>File Created:</b>	09/16/2020	<b>Entered by:</b>	BBushaw@co.whatcom.wa.us		
<b>Department:</b>	Public Works Department	<b>File Type:</b>	Ordinance Requiring a Public Hearing		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	
<b>Agenda Date:</b>	10/13/2020			<b>Enactment #:</b>	

---

Primary Contact Email: sdraper@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code 16.30 Lake Whatcom Stormwater Utility Service Area

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance amending Whatcom County Code 16.30 Lake Whatcom Stormwater Utility Service Area  
Regarding Clarification of Requirements of Capital Facilities Charges

---

### HISTORY OF LEGISLATIVE FILE

---

Date:	Acting Body:	Action:	Sent To:
09/29/2020	Council	INTRODUCED FOR PUBLIC HEARING	Council

---

**Attachments:** Memo, Proposed Ordinance



## MEMORANDUM

**TO:** The Honorable Satpal Singh Sidhu, County Executive and  
The Honorable Members of the Whatcom County Council

**THROUGH:** Jon Hutchings, Public Works Director *Jon X*  
*SIGN FOR DIRECTOR*

**FROM:** Kraig Olason, Stormwater Program Manager *KO*  
Cathy Craver, Senior Planner *CC*

**DATE:** September 15, 2020

**RE:** Amendment to WCC 16.30 regarding the Lake Whatcom Stormwater  
Utility Capital Facilities Charge

---

### Requested Action

Public Works respectfully requests that the Whatcom County Council and County Executive approve the proposed amendments to Whatcom County Code 16.30.

### Background and Purpose

On July 23, 2019, the Whatcom County Council authorized a charge for the furnishing of service to those who are receiving or will receive benefits from stormwater control facilities or programs who are contributing to an increase in surface water runoff in the Lake Whatcom stormwater utility service area. (Ordinance 2019-053)

The original implementing ordinance included a one-time Capital Facilities Charge (CFC) "intended to recover a share of the cost of system capacity needed to serve growth." (Executive Summary of Lake Whatcom Stormwater Utility Formation Process, FCS Group, October 2019). This charge provides for recovery of cost spent on system development.

At the time of adoption of the implementing ordinance for the utility, the CFC needed further clarification regarding the recipients of the charge, the calculation of the charge amount, and to ensure consistency of definitions within Whatcom County Code.

This amendment:

1. Modifies the definition of "Equivalent service unit" (ESU) from the original ordinance for clarification when implanting the regulation.
2. Modifies the definition of "Impervious surface" to be consistent with the current adopted definition within Whatcom County Code.
3. Expands on how the CFC is assessed to single-family residential parcels and other developed parcels.

Please contact Kraig Olason at extension 6301, or Cathy Craver at extension 6299, if you have any questions or concerns regarding the amendment.

ORDINANCE NO. 2020-

AMENDMENT TO WHATCOM COUNTY CODE 16.30  
LAKE WHATCOM STORMWATER UTILITY SERVICE AREA REGARDING  
CLARIFICATION OF REQUIREMENTS OF CAPITAL FACILITIES CHARGES

**WHEREAS**, RCW 36.89.080 authorizes a charge for the furnishing of service to both those who are receiving or will receive benefits from stormwater control facilities and programs and to those who are contributing to an increase in surface water runoff; and,

**WHEREAS**, the Lake Whatcom Stormwater Utility Service Area was adopted with Ordinance 2017-076 to include the entire unincorporated Lake Whatcom watershed; and,

**WHEREAS**, on July 23, 2019 the Council adopted ordinance 2019-053 authorizing for the furnishing of service to those who are receiving or will receive benefits from stormwater control facilities or programs and who are contributing to an increase in surface water runoff in the Lake Whatcom Stormwater Utility Service Area; and,

**WHEREAS**, the Council put implementing WCC section 16.30.120 Capital Facilities Charge on hold until January 1, 2021 to provide staff time to modify the original language and establish an internal process for processing CFCs; and,

**WHEREAS**, staff have completed the proposed modifications to the existing language and have established an internal process for CFCs.

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

Section 1. Whatcom County Code 16.30.050 and 16.30.120 are amended to include changes regarding capital facilities charges as included in **Exhibit A** of this ordinance.

Section 2. Challenges to the validity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 3. This ordinance shall become effective upon approval by Council.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE  
APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

CQ/Emailled/BB9-16-2020  
\_\_\_\_\_  
Christopher Quinn, Senior Civil Deputy  
Prosecuting Attorney

\_\_\_\_\_  
Satpal Singh-Sidhu, County Executive

( ) Approved ( ) Denied

Date Signed: \_\_\_\_\_

EXHIBIT A

**CHAPTER 16.30**  
**LAKE WHATCOM STORMWATER UTILITY SERVICE AREA**

**16.30.050 Definitions**

For the purposes of this Chapter, the words or phrases below shall have the following meanings:

- (1) "County" means Whatcom County, or as indicated by the context, may mean the Department of Public Works, Public Works Director, County Engineer, or other employee or agent representing the County in the discharge of his or her duties.
- (2) "County Council" means the Whatcom County Council, which is the legislative branch of Whatcom County government.
- (3) "County roads" means public rights-of-way, excluding State roads, in the unincorporated areas served by the LWSU.
- (4) "Developed parcel" means a parcel of real property which has been altered by impervious surface coverage.
- (5) "Enterprise fund" means a fund established to account for operations that are financed and operated in a manner similar to private business enterprises where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges. As such, enterprise funds must report actual financial position and results of operations, such as actual assets, liabilities, fund equity balances, revenues, expenditures, and expenses.
- (6) "Equivalent service unit" (ESU) means ~~a configuration of impervious surface estimated to contribute an amount of runoff to the County's stormwater management system which is approximately equal to that created by the average single-family residential developed parcel in the service area.~~ the amount of runoff a development contributes to the County's municipal separate storm sewer system (MS4) as defined by square footage of impervious surface or approximately equal to the impervious surface created by the average single-family residential developed parcel as recommended by the Western Washington Stormwater Management Manual for runoff modeling.
- (7) "Forestland" or "Timberland" means forestland or timberland parcels on lands taxed as forestland under chapter 84.33 RCW or as timberland under chapter 84.34 RCW (including forest roads and or any roads on

lands taxed as forestland under chapter 84.33 RCW or as timberland under chapter 84.34 RCW).

- (8) ~~“Impervious surface” means hard surfaced areas which prevent or retard the entry of water into the soil mantle and/or cause water to run off the surface in greater quantities or at an increased rate of flow than under natural conditions. Common impervious surfaces include, but are not limited to: rooftops, concrete or asphalt roads, sidewalks and paving, walkways, patio areas, driveways, parking lots or storage areas and gravel, hard-packed dirt, oiled or other surfaces which similarly impede the natural infiltration of surface water or runoff patterns existent prior to development.~~ A non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of Minimum Requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.
- (9) “Manager” means the Public Works Director or his/her designee.
- (10) “Municipal separate storm sewer system (MS4)” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains
- (11) “Other Developed Parcel” means a parcel that contains impervious surface area and is not a single-family residence, including but not limited to, commercial, industrial, multi-family apartment, and public property.
- (12) “Parcel” means the smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which is documented for real property purposes and a tax account number assigned by the Whatcom County Assessor-Treasurer.
- (13) “Private roads” means a road which is on private property and is maintained with private funds and requires a name per WCC 12.60.050.
- (14) “Service charge” means the fee in an amount to be determined by applying the appropriate rate to a particular parcel of real property based upon factors established by this Chapter.

- 1 (15) "Single-family residence" means a residential structure designed  
2 exclusively for occupancy by one family, including but not limited to mobile  
3 homes, cabins and duplex units, as defined by the Whatcom County Land  
4 Use and Development Code.
- 5 i. "Small single-family residential footprint" means a parcel containing  
6 a single-family residence that has less than or equal to 2,500  
7 impervious square feet.
- 8 ii. "Medium single-family residential footprint" means a parcel  
9 containing a single-family residence with more than 2,500  
10 impervious square feet and less than or equal to 8,400 impervious  
11 square feet.
- 12 iii. "Large single-family residential footprint" means a parcel containing  
13 a single-family residence with more than 8,400 impervious square  
14 feet.
- 15 (16) "Undeveloped parcel" means any parcel of real property which has not  
16 been altered by construction of any structure or other impervious surface  
17 area.
- 18 (17) "Unit rate" means the dollar amount charged per ESU.
- 19 (18) "WSDOE" means the Washington State Department of Ecology.

20  
21 **16.30.120 Capital Facilities Charge**

22  
23 The County Council shall establish from time to time, by ~~resolution~~ ordinance, the  
24 unit rate per ESU for a one-time, capital facilities charge (CFC) applicable to: ~~new~~  
25 ~~development, expansion, or densification of existing development.~~

26  
27 A. Single-family Residential Parcels. ~~that are being developed would pay the CFC~~  
28 ~~equal to one ESU when developing a new single-family residence. New single-~~  
29 ~~family dwelling units shall pay a CFC equal to one ESU. The CFC fee is required~~  
30 ~~at the time of approved project permit authorizing construction.~~

31  
32 B. Other Developed Parcels. ~~would pay the CFC rate times the number of ESUs on~~  
33 ~~the parcel as determined by County approved site plan (Binding Site Plan) when~~  
34 ~~constructing a new development or when the expansion or densification of~~  
35 ~~existing development results in additional ESUs being assessed to the property.~~  
36 ~~New or additional ESUs shall pay the CFC rate times the number of ESUs. The~~  
37 ~~CFC fee is required at the time of the approved project permit authorizing~~  
38 ~~construction. No CFC is required for redevelopment or expansion if the total of~~  
39 ~~new and replaced impervious surface does not cause the existing number of~~

1 ESUs to increase, or if the entire project is replaced or redeveloped existing  
2 impervious surface.  
3  
4  
5  
6



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-362

---

<b>File ID:</b>	AB2020-362	<b>Version:</b>	1	<b>Status:</b>	Held in Council
<b>File Created:</b>	09/02/2020	<b>Entered by:</b>	CHalka@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Council Appointment Requiring Introduction		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	
<b>Agenda Date:</b>	10/13/2020			<b>Enactment #:</b>	

---

Primary Contact Email: jnixon@co.whatcom.wa.us

### **TITLE FOR AGENDA ITEM:**

Appointment to the Climate Impact Advisory Committee, Applicant(s): Stevan Harrel, Sue Gunn, Hunter Hassig

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

3 vacancies, partial terms expiring January 31, 2021 and 2023.

2 partial terms expiring 1/31/2023

1 partial term expiring 1/31/2021

**Council should determine which appointee's term will expire 1/31/2021.**

Prefer previous work or educational experience in subjects including climate change, renewable energy development, energy conservation, energy sector, waste reduction and recycling, farming, food security, land use planning, municipal government and flood mitigation and planning. The Whatcom County Climate Impact Advisory Committee (CIAC) provides review and recommendations to the Whatcom County Council and Executive on issues related to the preparation and adaptation for, and the prevention and mitigation of, impacts of climate change. The key focus of the committee is building climate resilience in Whatcom County through mitigation of greenhouse gases and adaptation to a changing climate. The CIAC meets on the first Thursday of every month (5:30 pm to 7:30 pm) and may include 1 to 2 smaller working group meetings per month. All meetings are currently held remotely.

Boards, commission, and committee (BCAC) members have to meet the following qualifications:

1. US Citizen (*Charter 4.20*)
2. Resident and registered voter in Whatcom County (*Charter 4.20*)
3. Resident of the district, agency, or group the person is appointed to represent on a specific board, committee or commission (*WCC 2.03.100*)
4. If required, the specific qualifications per the enabling ordinance, resolution, or RCW (*see enabling statute of the specific BCAC.*)

---

## HISTORY OF LEGISLATIVE FILE

---

Date:	Acting Body:	Action:	Sent To:
09/15/2020	Council	INTRODUCED	Council
09/29/2020	Council	HELD IN COUNCIL	Council

---

**Attachments:** Harrell Application, Gunn Application, Hassig Application, Additional Information - Ury Application.pdf

## Online Form Submittal: Board and Commission Application

noreply@civicplus.com <noreply@civicplus.com>

Tue 9/1/2020 4:03 PM

**To:** Ben Glassett <bglassett@co.whatcom.wa.us>; Jill Nixon <JNixon@co.whatcom.wa.us>; Suzanne Mildner <SMildner@co.whatcom.wa.us>; Kristi Felbinger <KFelbing@co.whatcom.wa.us>; Dana Brown-Davis <DBrown@co.whatcom.wa.us>; Executive <Executive@co.whatcom.wa.us>; NaDean Hanson <NHanson@co.whatcom.wa.us>; Cathy Halka <CHalka@co.whatcom.wa.us>

### 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.*

Title	Mr.
First Name	Stevan
Last Name	Harrell
Today's Date	9/1/2020
Street Address	1430 Undine 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	206 755-0071
Secondary Telephone	Field not completed.
Email Address	meiguimuga@gmail.com

**Step 2**

1. Name of Board or Committee	Climate Impact Advisory Committee
Climate Impact Advisory Committee Position:	I have previous work or educational experience in climate change.
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	<i>Field not completed.</i>
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities,	I retired from the faculty of the School of Environmental and Forest Sciences and the Department of Anthropology at the University of Washington in 2017, and moved to Bellingham then. While on the faculty, I taught courses on sustainability, biological resource production, historical ecology, social and

and education

scientific aspects of climate change (together with a climate scientist) and ecosystem resilience. The biological resource production class involved field trips to forestry, shellfish farming, and dairy farming communities, including dairy farms in Whatcom County. At that time I became closely acquainted with several dairy farmers (two of whom are on my references list) and came to appreciate the way that farming (whether of shellfish, cows, or crops) depends on a healthy environment, and also learned about farmers' sophisticated knowledge of ecosystems.

After moving to Whatcom County, I continued to work with farmers, including writing the "agriculture and food security" section of this Committee's Community Research Project Report, for which I interviewed farmers, tribal members, biologists, civil engineers, civil servants, and environmental scientists, all of whom have stakes in the future climate of Whatcom County. I also worked with the Whatcom chapter of Citizens Climate Lobby, planning an educational activity for urban people to listen to farmers' concerns with climate, though the plans did not materialize because of the pandemic.

---

10. Please describe why you're interested in serving on this board or commission

My background as an ethnographer has enabled me to talk with varied stakeholders and understand their variety of positions on important issues, including climate. Working with the Committee on the Community Research Project deepened my interest in local issues and in the differing stakes that farmers, tribes, and urban citizens on issues that involve us all. Now retired, I have time to devote to the work of the Committee and to creating consensus among stakeholders on climate-related issues.

---

References (please include daytime telephone number):

Ellyn Murphy (committee member) 509 554-6203  
Sharon Shewmake, 42nd district representative 850 591-0202  
Larry Stap, dairy farmer 360 354-4105  
Karen Steensma, Whatcom County dairy farmer and biology professor, TWU 360 739-5972  
David Battisti, Professor of Atmospheric Sciences, UW 206 295-0356

---

Signature of applicant:

Stevan Harrell

---

Place Signed / Submitted

Bellingham, WA

---

(Section Break)

---

Email not displaying correctly? [View it in your browser.](#)

## Online Form Submittal: Board and Commission Application

noreply@civicplus.com <noreply@civicplus.com>

Sat 9/12/2020 6:28 PM

### 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.*

---

Title	Dr.
First Name	Sue
Last Name	Gunn
Today's Date	9/12/2020
Street Address	49054 Springland Court
City	Bellingham
Zip	98226
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	36 746-8155
Secondary Telephone	Field not completed.
Email Address	suegunn@comcast.net

---

**Step 2**

1. Name of Board or Committee	Climate Impact Advisory Committee
Climate Impact Advisory Committee Position:	I have previous work or educational experience in municipal government
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?	<i>Field not completed.</i>
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	<a href="#">Gunn resume 2020.pdf</a>
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities,	Regarding Q1, I have experience in municipal government as port commissioner, farming and food security as a board member of a farmland trust, flood mitigation through work on ripping and rehabing forest roads and repairing culverts through the Washington Watershed Initiative and land use

and education	planning as a port commissioner and working on land conservation by advocating for projects for Land and Water Conservation Trust funding.
10. Please describe why you're interested in serving on this board or commission	I would like to contribute to solving or mitigating some of the problems related to the climate crisis we're experiencing. The west is on fire and it is reasonable to assume that massive fires will occur in Whatcom County sometime in the near future. I would like to help avoid such a disaster and have a range of skills that could help
References (please include daytime telephone number):	Betsy Gross 360 303-7089 Jayne Freudenberger 303 734-8283 Tye Menser 360 481-0498
Signature of applicant:	Sue Gunn
Place Signed / Submitted	Bellingham, WA
(Section Break)	

Email not displaying correctly? [View it in your browser.](#)

# Sue Gunn

4054 Springland Court, Bellingham, WA 98226

360 746-8155

My career has utilized my scientific training to analyze social and environmental problems to develop and promote solutions by establishing and expanding coalitions, consensus building and education and outreach.

## Work Experience

<i>December 2017 - November 2018</i>	Campaign Manager, Tye Menser for Thurston County Commission, Olympia, WA
<i>January 2014 - April 2015</i>	Commissioner, Port of Olympia, Olympia WA
<i>August 2007 – July 2011</i>	Washington Watershed Initiative Restoration Campaign Director, Wildlands CPR, Olympia, WA
<i>May 2007 – March 2008</i>	Government Affairs Director, The Center for Environmental Law and Policy, Olympia, WA
<i>February 2006 – April 2007</i>	Washington State Director, Public Employees for Environmental Responsibility, Olympia, WA
<i>June 2005 – October 2005</i>	Senior Washington Representative, Global Security Program, Union of Concerned Scientists, Washington, DC
<i>August 2001 – October 2004</i>	Director National Park Program, The Wilderness Society, Washington, DC
<i>December 1996 – June 2002</i>	Director Budget and Appropriations, The Wilderness Society, Washington, DC
<i>March, 1984 – October 1995</i>	Geologist, U.S. Geological Survey, Branch of Isotope Geology, Menlo Park, CA
<i>Fall, 1981 – Winter, 1983</i>	Research and Teaching Assistant, San Diego State University, San Diego, CA

## Education

Ph.D.	Isotope Geochemistry, University of California, Santa Cruz, CA
M.S.	Geology, San Diego State University, San Diego, CA
B.A.	Political Science, University of Maryland, College Park, MD

## Honors and Awards

- U.S. Forest Service's Public Awareness Award
- U.S.G.S. Chief Geologist's Special Act Award
- OPM's Women's Executive Leadership Program
  - a series of fellowships with Congress and the Clinton Administration
- The Secretary of the Interior's Unit Award for Excellence in Service
- University of Maryland Political Science Award (Honors Graduate)
- Phi Kappa Phi (Scholastic Honors Society)
- Pi Sigma Alpha (Political Science Honors Society)

### **Scientific Experience**

Conducted research in the fields of igneous petrology, major- and trace-element geochemistry and Rb-Sr, Sm-Nd and common Pb isotope geochemistry.

Participated on federal advisory committees on personnel and technical issues and lectured at universities, symposias, and invited conferences.

Taught the basic principles of geology in the classroom and in remote field locations and coordinated the logistics for a field camp in Baja, California, Mexico.

### **Advocacy Experience**

Responsible for a division-wide effort at the U.S. Geological Survey to eliminate sexual harassment and sexual discrimination resulting in mandatory training for all employees, creating an open atmosphere within the agency, and leading to the reduction of sexual harassment complaints.

Worked in collaboration with multiple environmental and citizen groups to pass numerous amendments to the federal budget related for the Land and Water Conservation Fund which was permanently funded in 2020 in the Great America Outdoors Act.

Created the Grand Canyon Wilderness Alliance, a coalition dedicated to protecting and enhancing the wilderness character of the Colorado River in the Grand Canyon National Park.

Worked with a coalition, including the Humane Society and the NRA, to produce legislation to protect Yellowstone Bison from slaughter and ran amendments to limit funds to slaughter the bison in FY03 and FY04 Interior Appropriations bill.

Successfully amended the FY06 Senate Energy Bill to prevent the export of highly-enriched uranium to nations that had not agreed to convert to low enriched uranium in the production of medical isotopes.

In conjunction with numerous groups, stopped the funding of the development of the Robust Nuclear Earth Penetrator (RNEP).

As campaign director for the Washington Watershed Restoration Initiative aided in the creation of the Legacy Roads and Trails Remediation Program in the U.S. Forest Service. Mobilized recreation and conservation groups, several state agencies, and tribes to educate congress about the need to address the problems derived from the vast network of logging roads on streams and fish.

### **Community Activities**

Thurston County Progressives, Co-founder, Olympia, WA.

South of the Sound Community Farmland Trust, Board of Directors, Olympia, WA.

Wilderness Watch, Board of Directors, Missoula, MT.

Wolf Trap Green Homeowner's Association, Vice President, Great Falls, VA.

Boys soccer coach, California Youth Soccer Association, Cupertino, CA.

Fremont Union High School District Curriculum Committee, Cupertino, CA.

Second City, member improvisational comedy touring troupe, Chicago, IL.

## Online Form Submittal: Board and Commission Application

noreply@civicplus.com <noreply@civicplus.com>

Tue 9/15/2020 4:10 PM

### 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.*

---

Title	Mr.
First Name	Hunter
Last Name	Hassig
Today's Date	9/15/2020
Street Address	810 N Garden 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	360-410-9018
Secondary Telephone	<i>Field not completed.</i>
Email Address	hunterhassig@gmail.com

---

**Step 2**

1. Name of Board or Committee	Climate Impact Advisory Committee
Climate Impact Advisory Committee Position:	I have previous work or educational experience in the energy sector.
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	<a href="#">Resume NEW.pdf</a>
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities,	I work as an Energy Advisor for Puget Sound Energy. In my role I seek to empower residential and business customers to manage their energy use to lower costs, increase comfort and decrease their carbon footprints. I do this by advising them on energy efficiency and renewable energy upgrades, behavioral

and education

changes, connecting them with trusted installers and incentive programs and empowering them with self service online tools. I started in this profession out of college performing energy audits for a local heating company. Preceding this I spent time at WWU studying economics, renewable energy, energy economics, resource economics, environmental studies, environmental impact assessment and many other related topics graduating with a bachelor's combination degree from Huxley college of the environment and the college of business and economics.

10. Please describe why you're interested in serving on this board or commission

Climate change is one the biggest problems of our time and one that has interested me since my teenage years. I find that working locally affords me the most tangible impact on working to improve our chances at standing up to its enormous challenges. I hope my knowledge and skills can be put to good use on this board for the betterment of our community and perhaps our planet too.

References (please include daytime telephone number):

Ben Pelkey - 425-456-2851, Carryn Vande Griend

Signature of applicant:

Hunter Hassig

Place Signed / Submitted

Bellingham, WA

(Section Break)

Email not displaying correctly? [View it in your browser.](#)

# HUNTER HASSIG

linkedin.com/in/hunterhassig | hunterhassig@gmail.com | (360) 410-9018 | Bellingham, WA

## EDUCATION

**B.A. Economics/Environmental Studies** | Western Washington University

September 2009 - June 2013 *Bellingham, WA*

**GPA: 3.7**

Students for Renewable Energy, member

## EXPERIENCE

**Sr. Energy Advisor** | Puget Sound Energy

January 2017 - Present *Bellingham, WA*

- Performed quality assurance by completing over 500 call evaluations to identify knowledge gaps, training opportunities and provide coaching
- Carried out a training on our call review software to management
- Volunteered as a leader for our Green Team by organizing educational events, collaborating with facilities and writing articles to further sustainability goals
- Implemented the DIY insulation rebate process by sending over 50 applications and reviewing 10 projects for payment
- Provided feedback on customer experience by redesigning call wrap codes for tracking and representing our team at regional meetings
- Referred 910 contractors to clients resulting in annual revenue of \$20,633

**Energy Advisor** | Puget Sound Energy

April 2015 – January 2017 *Bellingham, WA*

- Provide advice and consulting to business, residential and contractor customers on energy conservation, efficiency and renewables by fielding 15-35 inquiries per day and staffing 18 outreach events per year
- Calculated energy savings for prospective residential and business retrofit projects to determine return on investment and payback
- Identified opportunity to reach off campus housed students through a student program and led training on PSE programs and energy efficiency
- Acted as team liaison for Northern Outreach activities

**Building Performance Analyst & Sales** | Barron Heating

September 2013 – April 2015 *Ferndale, WA*

- Performed energy audits on existing and new construction residential homes
- Answered questions and concerns about energy efficiency, indoor air quality, and comfort
- Sold and managed over \$175,000 in home performance and heating retrofits

## SKILLS

**Spanish** | Conversational Fluency

**Building Analyst** | Building Performance Institute

**LEED Green Associate** | U.S. Green Building Council

# ADDITIONAL INFORMATION FOR

## SEPTEMBER 29, 2020

### COUNCIL APPOINTMENTS

(AB2020-362)      Appointment to the Climate Impact Advisory Committee,  
Applicant(s): Stevan Harrel, Sue Gunn, Hunter Hassig, Alec  
Howard

RECEIPT OF ONE ADDITIONAL (LATE) APPLICATION, SEE ATTACHED.

## Online Form Submittal: Board and Commission Application

noreply@civicplus.com <noreply@civicplus.com>

Tue 9/22/2020 11:28 PM

**To:** Ben Glassett <bglasset@co.whatcom.wa.us>; Jill Nixon <JNixon@co.whatcom.wa.us>; Suzanne Mildner <SMildner@co.whatcom.wa.us>; Kristi Felbinger <KFelbing@co.whatcom.wa.us>; Dana Brown-Davis <DBrown@co.whatcom.wa.us>; Executive <Executive@co.whatcom.wa.us>; NaDean Hanson <NHanson@co.whatcom.wa.us>; Cathy Halka <CHalka@co.whatcom.wa.us>

### 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.*

Title	Field not completed.
First Name	Eddy
Last Name	Ury
Today's Date	9/22/2020
Street Address	2309 Meridian 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?	YES
Mailing Address	PO BOX 2622 Bellingham 98227
Primary Telephone	360 733 8307 ext 215
Secondary Telephone	Field not completed.

Email Address eddyu@re-sources.org

---

**Step 2**

---

1. Name of Board or Committee Climate Impact Advisory Committee

Climate Impact Advisory Committee Position: I have previous work or educational experience in climate change.

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 RE Sources for Sustainable Communities, my employer, is a non-profit engaged in community education and local policy advocacy. RE Sources also operates RE Store, which salvages building materials for re-use and accepts donations, selling items at a retail location in Bellingham.

You may attach a resume or detailed summary of experience, qualifications, & *Field not completed.*

---

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	<p>Climate &amp; Energy Policy Manager at RE Sources for Sustainable Communities, currently-- --formerly Clean Energy Program Manager (2016-19), Clean Energy Organizer (2014-16)</p> <p>Northwest Energy Coalition, "4 under 40" Awardee 2019 (honoring energy policy professionals in WA, OR, ID and MT)</p> <p>Supplementing my own expertise, I actively collaborate and communicate with a broad network of experts and energy professionals across the Pacific Northwest and beyond. I have attended numerous conferences and seminars on climate change and energy policy in several states, including the COP21 in Paris, 2015.</p>
10. Please describe why you're interested in serving on this board or commission	<p>I would be honored to serve the county in a formal capacity on this committee. Back in February 2016, I wrote to Whatcom County Council with the suggestion to establish a Climate Impact Advisory Committee, which was thereafter established and convened in 2018. I have attended the majority of the CIAC meetings to date, regularly providing input and reviewing meeting materials and related briefings from meetings missed. I have an expansive general knowledge of a range of issues related to climate change (causes, consequences, structural solutions, various frameworks and approaches), energy and power (fossil fuel and renewable), utilities structured in WA state, municipal land-use planning, environmental law and policy, county code &amp; development regulations, industrial permitting processes, legislative and rulemaking processes. Through six years of experience working in my field, I've also gained deeper understandings of the complexity and challenges in climate policymaking, engaging with stakeholders, balancing intersectional concerns and addressing community needs in the pursuit of lasting solutions that can lead to eventual stabilization of greenhouse gas levels in Earth's atmosphere, and adaption to the impacts of anthropogenic climate pollution.</p>
References (please include daytime telephone number):	<p>Ellyn Murphy - Chair, Climate Impact Advisory Committee Seth Fleetwood, Mayor of Bellingham, past - chair of Climate Impact Advisory Committee Shannon Wright, Executive Director - RE Sources for Sustainable Communities Atul Deshmane, Public Utility District Commissioner and Planning Commissioner Alex Ramel, WA State Representative, past-CIAC member</p>

Signature of applicant: Eddy Ury

---

Place Signed / Submitted Bellingham, WA

---

(Section Break)

---

Email not displaying correctly? [View it in your browser.](#)



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-407

---

<b>File ID:</b>	AB2020-407	<b>Version:</b>	1	<b>Status:</b>	Introduced
<b>File Created:</b>	09/21/2020	<b>Entered by:</b>	DBrown@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Council Appointment Requiring Introduction		
<b>Assigned to:</b>	Council	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: JNixon@co.whatcom.wa.us

### **TITLE FOR AGENDA ITEM:**

Appointment to the Birch Bay Watershed and Aquatic Resources Management Advisory Committee (BBWARM), Applicant(s): Theresa Coe, Michael Allan (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

1 Vacancy

The BBWARM Advisory Committee assists and makes recommendations to the Flood Control Zone District Board of Supervisors regarding implementing the BBWARM District stormwater program. The committee will assist the residents of the area and the Board of Supervisors with the implementation of the Birch Bay Watershed and Aquatic Resource Management District.

Committee members should geographically represent a broad spectrum of stakeholders from within the BBWARM District boundaries. Must reside in the subzone. Partial term ending 1/31/2023.

Boards, commission, and committee (BCAC) members have to meet the following qualifications:

1. US Citizen (*Charter 4.20*)
2. Resident and registered voter in Whatcom County (*Charter 4.20*)
3. Resident of the district, agency, or group the person is appointed to represent on a specific board, committee or commission (*WCC 2.03.100*)
4. If required, the specific qualifications per the enabling ordinance, resolution, or RCW (*see enabling*

*statute of the specific BCAC.)*

---

## **HISTORY OF LEGISLATIVE FILE**

---

<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
09/29/2020	Council	INTRODUCED	Council

---

**Attachments:** Coe Application, Allan Application

## Online Form Submittal: Board and Commission Application

noreply@civicplus.com <noreply@civicplus.com>

Tue 9/15/2020 1:35 PM

### 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.*

---

Title	Ms.
First Name	Theresa
Last Name	Coe
Today's Date	9/15/2020
Street Address	157 Northwood Drive
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?	Field not completed.
Primary Telephone	3605033166
Secondary Telephone	3603717122
Email Address	theresacoe@hotmail.com

---

**Step 2**

1. Name of Board or Committee	Birch Bay Watershed and Aquatic Resources Management 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 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	General Manager, Birch Bay Leisure Park
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<a href="#">Theresa-Coe.pdf</a>

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	Please see attached resume, includes all past employment but does not include my current employment at Birch Bay Leisure Park - June 2020 to Present, General Manager
10. Please describe why you're interested in serving on this board or commission	Birch Bay Leisure Park has a interest in the activities in and around Birch Bay and would like to participate as an active member of the Birch Bay community.
References (please include daytime telephone number):	David Lightfoot 206-660-6191 Ross Bradie 720-394-9540
Signature of applicant:	Theresa A. Coe
Place Signed / Submitted	Birch Bay, Wa
(Section Break)	

Email not displaying correctly? [View it in your browser.](#)

# Theresa Coe

Point Roberts, WA

[theresacoe@hotmail.com](mailto:theresacoe@hotmail.com)

360-503-3166

My enthusiasm, dedication and life experience along with my professional and personal work ethic and traits provide a dedicated responsible employee that has a diverse background from management, accounting, sales and service, construction, marine and aviation knowledge and experience. I enjoy a team environment, creative thinking, problem solving and new challenges that provide for both personal and professional growth.

Willing to relocate: Anywhere

Authorized to work in the US for any employer

## Work Experience

---

### **General Manager**

Point Roberts Marina - Point Roberts, WA

January 2018 to Present

- Responsible for all operations of the 920 slip marina and fuel dock.
- Liaison with the community, yacht club, fishing club and customers. Boating organizations, yacht brokers and rendezvous committees..
- Permitting and coordinating with agencies such as the Department of Ecology, Whatcom County, Clean Air Act, Fish and Wildlife, Army Corps of Engineering
- Accounting and payroll duties, daily, monthly, quarterly, annual reports and budgets. Capital expenditures. Reviewing monthly financial reports and taking corrective action as needed.
- Designing and executing marketing and advertising plans
- Creating new revenue streams such as JUICY RV Rentals and Whidbey Island Race Week now Point Roberts Race Week

### **Project Coordinator**

Point Roberts Marina - Point Roberts, WA

2014 to January 2018

- Administration and coordination of special projects and purchasing. (renovation of the marina restaurant to vehicle purchasing).
- Slip management and operations, (900+ slips) daily tenant account management/reconciliation. Bookkeeping practices including fuel management, bank reconciliation, monthly and quarterly reports.
- Problem solving, liaison between customers and facility maintenance
- Proficient in communicating the regulations regarding International waterway rules and customs and border protections regulations
- Employee training

### **Executive Assistant / Project Manager**

Aviation Research Corporation - Point Roberts, WA

2011 to 2014

- Office Manager responsible for payables/receivables, taxes, invoicing and all aspects of administrative duties.
- Corporate travel arrangements including flights, hotels and car rentals worldwide.
- Mass media newsletters, corporate user conference and global trade show organization.
- Responsible for airside simulation studies, airside user manual, concept development, software testing and training of users as well as liaising with the software development team for the construction of algorithms in air traffic control.
- Help desk support for software users.
- Management of client software licenses, renewals, and product keys.

### **Air Traffic Control / IFR Training Simulation Specialists**

Federal Aviation Administration & Nav Canada - Oakland, CA & Vancouver, BC  
2003 to 2011

- Air traffic control support and remote pilot operator for Nav Canada Air Traffic Control Training program.
- Operation of customized computer programs for simulated actions and communication to facilitate the training of new and seasoned air traffic controllers medium and high intensity training exercises.
- Translation of voice commands from students and controllers to simulate real life air traffic control operations ranging from day to day traffic flow to emergency and military operations.
- Working with specialized aviation software creating, developing and validating simulation packages, lessons, presentations and supporting documentation.
- Maintenance of aircraft types, performance, routes, departures and arrivals for aviation simulation software.
- Certificate Air Traffic Control, En Route Training and Oceanic Procedural Processing.
- Vancouver Area Control Center, Oakland Air Route Traffic Control Center and Oceanic air space.
- Air traffic procedures and policies of Nav Canada (Manual of Operations) and the FAA Operations Manual (7110.65).
- Air Traffic Control Oakland, Area D.
- Air Traffic Control Vancouver, Vancouver West.

### **Business Development Manager**

Jemco Display - Vancouver, BC  
2001 to 2003

- Business Development Manager in charge of acquiring new dealers throughout North America and extending into Europe.
- Training and support to new and existing dealers.
- Design of sales and marketing materials, created a dealer sales manual, product brochures and video CD productions.
- Design and cost analysis of custom trade show booths, construction supervisor and technical support for custom in-house manufacturing operations.
- Sales and technical adviser to the dealer network.
- Organized the first dealer conference.

### **Senior Sales Associate**

Divers Direct Outlet - West Palm Beach, FL  
2000 to 2001

- Senior Sales Associate for high end mega retail scuba diving establishment. (18,000 sq. ft store)
- Winner US Divers Aqualung sales contest;

- Member \$100,000 club for individual sales achievement.
- Member \$30,000.00 club for continuous monthly sales achievement.

### **Manager Design Department**

Expo Displays Inc - Tampa, FL  
1990 to 2000

- Trade show booth design and display.
- CAD and manual drafting from conceptual to presentation. Working and assembly drawings.
- Construction supervisor and technical support for in-house manufacturing operations.
- Sales and technical adviser to outside sales force for North America.
- Inside sales associate.
- Preparation of design and product literature.
- Computer management, installation and instruction.
- Accounting of monthly, quarterly and yearly sales for the design team.

### **Office Manager / Bookkeeper**

PWH Equipment - Tampa, FL  
1984 to 1987

- Office manager and bookkeeper for a petroleum construction company specializing in underground fuel tanks.
- Management of service calls and billing
- Payroll, taxes, daily, monthly, quarterly, annual reports.
- Accounts receivable and payable

## Education

---

### **Certificate in Design**

Hillsborough Community College - Tampa, FL  
1991

### **Associate of Science in Design**

United Electronics Institute Inc - Tampa, FL  
1988 to 1990

### **Air Traffic Control Degree in Aviation**

Mike Monroney Aeronautical University Center - Oklahoma City, OK  
2003

### **Bachelor's in Business**

University of South Florida - Tampa, FL  
1984

## Skills

---

- MS Office, Excel, Word, Quickbooks, Power Point, AutoCad, Marine and Aviation specialized software, Project Management, Accounting, Operations, Training, Scheduling, Sales, Training, Inventory Management, Team Building (10+ years)
- Financial Report Interpretation

- Bank Reconciliation
- Drafting
- Accounts Payable

## Assessments

---

### **Emotional Competence — Highly Proficient**

August 2019

Managing one's own emotions and understanding those of others.

Full results: [Highly Proficient](#)

Indeed Assessments provides skills tests that are not indicative of a license or certification, or continued development in any professional field.

## Additional Information

---

Private Pilot, Private Craft Operators License, Aviation and Marine Radio Operators License, CPR, Professional Level Scuba Diver, Qualify for Security Clearances in both Canada and the United States

Legal to work in both the United States and Canada

## Online Form Submittal: Board and Commission Application

noreply@civicplus.com <noreply@civicplus.com>

Sat 10/3/2020 9:03 AM

### 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.*

---

Title	Mr.
First Name	Michael
Last Name	Allan
Today's Date	10/3/2020
Street Address	5933 Normar Pl
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	9616 Harvey Rd
Primary Telephone	3607399869
Secondary Telephone	Field not completed.

---

Email Address mallan105@hotmail.com

---

**Step 2**

---

1. Name of Board or Committee	Birch Bay Watershed and Aquatic Resources Management 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?	No
---	----

---

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<a href="#">Michael Allan Resume BBWARM.pdf</a>
--	---

---

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	Environmental Health and Safety Coordinator for local manufacturing facility. Currently awaiting results for Certification from Board Certified Safety Professionals delayed due to Covid pandemic. Enrolled in Masters in Business Administration at Western Washington University, projected graduation date: 2022.
10. Please describe why you're interested in serving on this board or commission	Utilize my knowledge in environmental (storm/waste water) mitigation and budgetary planning to ensure best practices are in place which provide the most benefit, to the greatest number of citizens possible.
References (please include daytime telephone number):	Shafique Dhanani: Plant Manager, LKQ Bellingham: 360-201-9853 Robert Condon Regional Safety Manager, LKQ Corp: 562-667-6467
Signature of applicant:	Michael Allan
Place Signed / Submitted	Bellingham, WA
(Section Break)	

Email not displaying correctly? [View it in your browser.](#)

# MICHAEL J. ALLAN

5933 Normar Place, Blaine WA, 98230 | 360.739.9869 | [mallan105@hotmail.com](mailto:mallan105@hotmail.com)

## OBJECTIVE

Obtain position on Birch Bay Water and Aquatic Resource Management Advisory Committee.

## SKILLS & ABILITIES

- LEAN methodology certification, OTJ training, and applicable continuous improvement projects.
- ISO 9001:2015 internal quality auditor. Identify non-conforming product and implement corrective actions.
- CPR/1<sup>st</sup> aid certification card holder.
- Committed to utilitarian approach to problem solving and allocating recourses to best serve the community.

## EXPERIENCE

- 9/2015-Current    E.H.S. Coordinator, LKQ Corporation
- Execute and oversee company programs relating to environmental, health, and site safety.
  - Maintain operating permits through Federal, State, and Local agencies and ensure compliance with Air, Waste Water Quality, and Hazardous Waste regulations.
  - Develop and maintain site specific safety, ergonomics program, and process audits.
  - Ensure compliance regarding training requirements on topics including; Lock out/Tag out, Hazard Communication, Hearing Conservation, Fall Protection, Blood Borne Pathogens, Respiratory Protection, Powered Industrial Trucks, Hazardous Waste, and P.P.E.
  - Utilize leading indicators to audit and identify potential workplace hazards, and implement preventative measures.
  - Coach new hires and existing personnel on the appropriate use of safety equipment, heavy machinery, and pertinent regulations.
  - Spearhead site modifications to ensure the safety of employees and the surrounding environment.
  - Conduct Root Cause Analysis of all workplace incidents and determine preventative measures to minimize future occurrences.
  - Maintain working knowledge of Federal, State, and Local environmental and safety regulations.
- 1/2011-2/2015    Claims Closing Specialist, ATK Engines N.A.
- Oversee payment of parts and labor claims to mass merchants and direct to consumers.
  - Compile ISO 9001:2015 data for compliance and deliver to managers for review.

## EDUCATION

- 2020 - 2022    *(Projected)* Master’s in Business Administration, Bellingham, WA, Western Washington University.
- 2020 -        *(Pending)* Associate Safety Professional, Board Certified Safety Professionals.
- 2005 - 2009    Bachelors of Arts in Humanities, Pullman, WA, Washington State University.
- Areas of focus: Landscape Architecture and Entrepreneurial Studies.
- 2016 - 2018    Safety and Health Leadership Certificate, Seattle, WA, University of Washington.

## LEADERSHIP

Conduct “All Hands” meetings to communicate pertinent safety information to 200+ coworkers. Able to effectively communicate with managers, front line workers, and new hires of various experience levels. Confident in large group format and in personal settings. Organize annual collection of funds, food, toys, clothing, and labor for various charitable drives benefiting local chapters of Toys for Tots, Bellingham Food Bank, and Lydia Place.



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-429

---

<b>File ID:</b>	AB2020-429	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/30/2020	<b>Entered by:</b>	SMildner@co.whatcom.wa.us		
<b>Department:</b>	County Executive's Office	<b>File Type:</b>	Executive Appointment		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	
<b>Agenda Date:</b>	10/13/2020			<b>Enactment #:</b>	

---

Primary Contact Email: smildner@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

County Executive requests confirmation of his appointments (per attached list) to the Whatcom County Commission on Salaries for Elected Officials (Salary Commission)

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See membership slate and applications

---

### HISTORY OF LEGISLATIVE FILE

---

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

---

---

**Attachments:** Sal-Comm membership slate 093020, Applications-Sal-Comm

**EXECUTIVE'S OFFICE**

County Courthouse  
311 Grand Ave. Suite #108  
Bellingham, WA 98225



**Satpal Singh Sidhu**  
County Executive

**Whatcom County Commission on Salaries  
For Elected Officials  
("Salary Commission")**

**Effective January 1, 2021**

.....  
**Members chosen and appointed by County Executive (appointed to 1st term):**

<u>Name</u>	<u>Area of Expertise</u>
Lance Calloway	Business
Bernice Vonnegut	Professional Personnel Management
Jill Bernstein	Legal Profession
Lori Province	Organized Labor

**Members selected by lot by the County Auditor (per Ordinance, attached) and appointed (\*or reappointed to 2<sup>nd</sup> term) by County Executive:**

Karen Peila \*

Matthew Williams

Dewey Desler

Philip Howell

James Farmer

Tracie Gulit

PROPOSED BY: CLERK OF THE COUNCIL  
INTRODUCTION DATE: JUNE 28, 2016

ORDINANCE NO. 2016-026

**AMENDING WHATCOM COUNTY CODE SECTION 2.22.040, WHATCOM COUNTY  
COMMISSION ON SALARIES FOR ELECTED OFFICIALS  
(MEMBERSHIP – TERM OF OFFICE)**

**WHEREAS**, the voters of Whatcom County approved a proposed amendment to the Whatcom County Charter at the November 2011 General Election to create an independent citizens' commission to set salaries for the county executive, assessor, auditor, prosecuting attorney, sheriff, treasurer, and county council members; and

**WHEREAS**, this newly formed commission was established under Whatcom County Code Chapter 2.22 as the Whatcom County Commission on Salaries for Elected Officials (Salary Commission); and


**WHEREAS**, Whatcom County Code Section 2.22.040 outlines membership criteria for Salary Commission members and currently requires that six members be chosen by lot and of those six, two shall be selected from each of three county council district; and

**WHEREAS**, it is necessary to amend Whatcom County Code Section 2.22.040 in response to passage of a voter-approved amendment to the Whatcom County Charter that increased the number of council districts from three to five.

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom County Code Section 2.22.040 is hereby amended as outlined in "Exhibit A" to this ordinance.

ADOPTED this 12th day of July, 2016.

ATTEST:

  
Dana Brown-Davis, Clerk of the Council

APPROVED AS TO FORM:

  
Civil Deputy Prosecutor

**WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON**

  
Barry Buchanan, Council Chair

☒ Approved ☐ Denied

  
Jack Louws, County Executive

Date: July 13, 2016

## **EXHIBIT A**

### **(ORDINANCE AMENDING WCC 2.22.040, COMMISSION ON SALARIES - MEMBERSHIP)**

#### **2.22.040 Membership – Term of office.**

(1) The commission shall consist of ten members. Six members shall be selected by lot and appointed and confirmed as provided in subsection (2) of this section. The remaining four members shall be appointed and confirmed as provided in subsection (3) of this section. The members of the commission may not include any officer, official, or employee of the county or any of their immediate family members. For the purposes of this section, "immediate family member" means parent, spouse, domestic partner, sibling, child, or dependent relative of an officer, official, or employee of the county, whether or not living in the same household.

(2) Six of the ten commission members shall be selected by lot by the county auditor from among those registered voters eligible to vote at the time persons are selected for appointment to full terms on the commission. The county auditor shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection if a person declines appointment or if, following the person's appointment, the person's position on the commission becomes vacant before the end of the person's term of office. The county auditor shall forward the names of persons selected under this subsection to the county executive who shall appoint those persons to the commission. Appointments made by the county executive shall be confirmed by the county council.

(3) Four of the ten commission members shall be selected and appointed by the county executive and confirmed by the county council. The members under this subsection shall be residents of the county and shall all have experience in personnel management. Of these four members, one member shall be selected from each of the following fields of expertise: business, professional personnel management, legal profession, and organized labor. The county council may confirm or reject appointments made under this subsection. If the council rejects an appointment the county executive shall promptly appoint another person meeting the requirements of this subsection.

(4) The members of the commission shall serve two-year terms, with their terms ending on December 31, 2014. Thereafter, all members shall serve for two years. No person may be appointed to more than two terms. Members of the commission may be removed by the county executive, with the approval of the county council, only for cause of incapacity, incompetence, neglect of duty, malfeasance in office, or for a disqualifying change of eligibility. Upon a vacancy in any position on the commission, a successor shall be appointed and confirmed to fill the unexpired term. The appointment and confirmation shall be concluded within thirty days of the date the position becomes vacant and shall be conducted in the same manner as the original appointment.



## APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Lance Calloway Date: 9/17/2020  
Street Address: 1445 Terressa Lane  
City: Bellingham Zip Code: 98226  
Mailing Address (if different from street address): \_\_\_\_\_  
Day Telephone: 360.9615323 Evening Telephone: same Cell Phone: same  
E-mail address: lancercalloway@outlook.com

1. Name of board or committee-**please see reverse**: Salary Commission
2. **You must specify which position you are applying for.** Business representative  
**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.) \_\_\_\_\_ (X) yes ( ) no
4. Which Council district do you live in? \_\_\_\_\_ ( ) One ( ) Two (X) 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  
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.  
I currently work with Associated General Contractors of WA as their Northern District Manager. I have a BA in Economics from W. Washington University. For 20 years I served as the Ex. Dir. for Whatcom Sports & Recreation a local non-profit serving Whatcom sporting community. Currently serve: Member Bellingham Regional Chamber of Commerce Government Affairs Committee | Mt. Vernon Chamber Government Affairs Committee | Current Pres. Elect for Bellingham Bay Rotary Club | Vice President WA State Adult Soccer Assoc. Served:- 10 years on Whatcom County Visitors & Convention Bureau Board of Directors with 2 years as Chair and 4 years as Treasurer. - Member Bellingham Sister Cities Board of Directors for 3 years
11. Please describe why you're interested in serving on this board or commission: I am interested in serving on the Salary Commission as I am very interested in how the process is undertaken in how we compensate our elected officials as well as I view this as a great opportunity to serve our community.

References (please include daytime telephone number): Guy Occhiogrosso, President/CEO, Bellingham Regional Chamber of Commerce (360.734.1330) | John Huntley, Pres. Mills Electric (360.734.0730) | Sandy Ward, Pres./CEO Bellingham/Whatcom County Convention and Visitors Bureau (360.671.3990)

Signature of applicant: \_\_\_\_\_

A handwritten signature in blue ink that reads "Lance Calloway".

**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

### 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.*

Title	Ms.
First Name	Beth
Last Name	Vonnegut
Today's Date	8/26/20
Street Address	249 E. Wiser Lake Road
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	13608155890
Secondary Telephone	13603180791
Email Address	<a href="mailto:bvonnegut@comcast.net">bvonnegut@comcast.net</a>
1. Name of Board or Committee	<b>SALARY COMMISSION</b>
Other	Personnel Management
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	<a href="#"><u>BMV-RESUME 2020.pdf</u></a> - Attached
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	Retired Human Resource Professional. Thirty plus years in public service through higher education, Masters Degree in Business Administration, and many years of volunteerism. See resume for details. I also served on the WA State Compensation Board from State Management Employees; with have experience in the private sector including salary administration.
10. Please describe why you're interested in serving on this board or commission	As a passionate HR Professional, I am interested in staying in touch with what is happening in my field, community and beyond. Volunteering has always been a part of my life and I wish to continue to give of my time for many years to come.
References (please include daytime telephone number):	Jane Weston, VP HR - Woodstone: 360-927-9621; Tami Willett, HR, Bellingham Technical College: 360-752-8475; Steve Smith, VP Operations: 604-852-4398
Signature of applicant:	Beth (Bernice) Vonnegut
Place Signed / Submitted	Lynden, WA



**Beth Vonnegut, SPHR**

**Page 2**

**Northwest Oral and Maxillofacial Surgery, Bellingham, WA**

*June 2004 to May 2005*

*Practice Administrator*

**Bellingham Technical College, Bellingham, WA**

*July 1992 to August 2004*

*Director of Human Resources*

*September 2005 to 2006*

*Adjunct Faculty Member*

**Olympic College, Bremerton, WA**

*July 1987 to June 1992*

*Director of Human Resources*

**PERSONAL/COMMUNITY AFFILIATIONS**

CERT Whatcom

Bellingham Theatre Guild – Volunteer Costumes

Whatcom Literacy Council – Question writer for Trivia Bee

Lynden Pioneer Museum – Volunteer

ReUse Works – President, Vice President, Treasurer, Board Member

Lynden Performing Arts Guild, Board Member – House Manager, Box Office Manager,  
Costume Manager

Lynden Community Center, volunteer

Northwest Youth Services - Board Chair, Board Member

Advisory Committee - Displaced Homemakers - Whatcom Community College

Advisory Committee - Human Resource Management - Bellingham Technical College

Woodring College of Education, WWU, Guest Lecturer

Adjunct Faculty - City University, Bellingham Technical College

College and University Personnel Association (CUPA) former member

Washington State Community & Technical College Human Resource Commission -

Personnel/Payroll Management Systems Users Group, Chair

Olympic College Administrators Association, Chair

Civil Service Commission, City of Bremerton

Society for Human Resource Management - Member

Human Resource Certification Institute, Item Writer

Human Resource Certification Institute, Area V Exam Director

National Secretary/Treasurer

National Area V - Vice President

Area V Board Member

Washington State Council, Past Board Member

Northwest Human Resource Management Association - Past President, Vice  
President, Board Member

Kitsap County Chapter – SHRM, Past President, First Vice President, Committee Chair

Mount Baker Chapter – SHRM, Past Board Member

American Red Cross Board Member - Kitsap County Chapter

Past Chair Elect, Human Resources Chair

Kitsap County AIDS Task Force

Chief Kitsap Lions Club

East Bremerton Rotary

Whatcom County North Rotary

International Brotherhood of Electrical Workers Shop Steward

Gentel Belles Toastmistress



AUG 28 2020

WHATCOM COUNTY  
EXECUTIVE'S OFFICE

COUNCIL MEMBERS:  
Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: JILL BERNSTEIN Date: 8/27/20  
Street Address: 3433 SOUTH BAY DRIVE  
City: SEDRO WOOLLEY Zip Code: 98284  
Mailing Address (if different from street address): \_\_\_\_\_  
Day Telephone: 3605952110 Evening Telephone: 3605952110 Cell Phone: 3609612677  
E-mail address: JBERNSTEIN020@gmail.com

1. Name of board or committee-please see reverse: SALARY COMMISSION
2. You must specify which position you are applying for.  
Please refer to vacancy list. 'LEGAL PROFESSION'
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 (X) 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 (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 CRIMINAL DEFENSE LAWYER (PUBLIC & PRIVATE PRACTICE)  
Co-chair Incarceration Prevention & Reduction Task Force - 3yrs  
2017 RECIPIENT Joseph T Pemberton Award for

11. Please describe why you're interested in serving on this board or commission: OUTSTANDING SERVICE TO  
LAW ADVOCATES & THE CAUSE OF EQUAL JUSTICE IN WHATCOM COUNTY.  
I WANT TO BE OF SERVICE

References (please include daytime telephone number): Marilyn Melean 360 223 2103  
JAYNE FREUDENBERGER  
360 325 6921

Signature of applicant: [Signature]

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.

\* MORE INFORMATION REGARDING BACKGROUND EXPERIENCES  
AVAILABLE UPON REQUEST  
\* Cell Service is poor - better to use home #.



## 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.*

Title	Ms.
First Name	Leora (Lori)
Last Name	Province
Today's Date	9/22/2020
Street Address	2501 West 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	2063512956
Secondary Telephone	<i>Field not completed.</i>
Email Address	<a href="mailto:loriprovince50@gmail.com">loriprovince50@gmail.com</a>

### Step 2

1. Name of Board or Committee	Salary 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?	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 am presently retired and have time to serve as a Salary Commission member. Prior to retirement, I spent nearly 30 years representing first school, then county and city, then working people in Washington in various labor positions, culminating with 19 years at the Washington State Labor Council, AFL-CIO, engaged in negotiations, reading and understanding public pay policy and reading public budgets, and developing local, state and national proposals related to those policies and negotiations. I have a grounding in public employment salary comparables, and a clear understanding of the framework up which salary discussions occur in the public sector. I have lived in Bellingham since 1971 when I located here for education, after being raised in Pierce County. My grown children were raised here as well, and are graduates of Bellingham Public Schools. I think my background and experience will allow me to participate fully and engage in the business of the Whatcom County Salary Commission.
10. Please describe why you're interested in serving on this board or commission	I think I have the background necessary to understand the parameters of the Commission's work, the experience working in teams and taking lead roles, and the desire to give back within my experience to the community in which I live.
References (please include daytime telephone number):	Michele Stelovich, President NW WA Central Labor Council, AFL-CIO, 425.931.6522 ; Del McAlpine, (ret.), All American Marine, 360.303.3422; Trevor Smith, Business Agent Laborers Local 292, 360.395.5602
Signature of applicant:	Leora (Lori) Province
Place Signed / Submitted	Bellingham, WA

EXECUTIVE:  
Satpal Sidhu



RECEIVED

AUG 03 2020

WHATCOM COUNTY  
EXECUTIVE'S OFFICE

COUNCILMEMBERS:  
Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Karen Peila Date: 7/14/2020  
Street Address: 2915 Haggin St  
City: Bellingham Zip Code: 98226  
Mailing Address (if different from street address): same  
Day Telephone: \_\_\_\_\_ Evening Telephone: \_\_\_\_\_ Cell Phone: 360-201-6889  
E-mail address: peila.k@uw.edu

1. Name of board or committee-**please see reverse:** Salary Commission for Elected Officials
2. You must specify which position you are applying for  
**Please refer to vacancy list.** Citizen member, 2nd term
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 (X) 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: Jan 1, 2019 - Dec 31, 2020
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.

Operations Manager at Western Washington Univ.,  
administrative budgeting, contracting, personnel  
and operations; M.Ed. WU; BA WSU

11. Please describe why you're interested in serving on this board or commission:

My past experience working in local and state legislative  
and executive branches demonstrated the commitment of elected  
officials. Public participation is important.

References (please include daytime telephone number):

Maria Pardo, President, 360-920-1402; Marc Geisler, 360-224-7893

Signature of applicant: Karen L. Peila

**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.



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-430

---

<b>File ID:</b>	AB2020-430	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/30/2020	<b>Entered by:</b>	mcaldwel@co.whatcom.wa.us		
<b>Department:</b>	Finance Division	<b>File Type:</b>	Ordinance		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	
<b>Agenda Date:</b>	10/13/2020			<b>Enactment #:</b>	

---

Primary Contact Email: mcaldwel@co.whatcom.wa.us

### **TITLE FOR AGENDA ITEM:**

Ordinance amending the project budget for the Birch Bay Drive and Pedestrian Facility Project Fund, Request No. 6, in the amount of \$841,786

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

This Amendment No. 6 to Ordinance 2012-050 is for the Birch Bay Drive and Pedestrian Facility Project Fund. This request is to increase this project based budget by \$841,786 to cover increases due to unforeseen construction, cultural and COVID issues that may arise in the remaining contract or construction engineering work. The total project budget authority will be \$15,291,786.

---

### **HISTORY OF LEGISLATIVE FILE**

---

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

---

---

**Attachments:** Ordinance, Exhibit A, Memo, Supplemental

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING THE PROJECT BUDGET FOR THE BIRCH BAY DRIVE AND PEDESTRIAN FACILITY  
PROJECT FUND, REQUEST NO. 6**

**WHEREAS**, the Birch Bay Drive and Pedestrian Facility project is in season two of the construction phase of a two-season project, with work approximately 35% complete, and;

**WHEREAS**, the Public Works Department utilizes a project based budget for complex multi-year projects, and establishes said budget by phase - design, right-of-way, and construction; as the phases are clearly scoped and defined, and;

**WHEREAS**, it is necessary to add to the project budget to ensure expenditure capacity for the construction phase due to unforeseen construction, cultural and COVID issues that may arise in the remaining contract or construction engineering work, and;

**WHEREAS**, there is \$500,000 of existing budget capacity in the approved 2020 Road Fund Capital Budget for a transfer into this project fund, and;

**WHEREAS**, Public Works has successfully secured an additional \$326,786 of STBG federal grant funds and an additional \$15,000 in BBWARM funds in 2020, in addition to the \$2.36 million of secured outside construction funding commitments (\$1.61 million federal STP, \$500,000 EDI and \$250,000 BBWARM), and;

**WHEREAS**, a County Road Project identified as CRP No. 907001 titled "Birch Bay Drive and Pedestrian Facility" is listed as project priority No. 1 on both the current STIP and ACP, and

**WHEREAS**, this is a multi-year capital project requiring budget approval, and the time frame associated with the work, due to mitigation efforts, is anticipated to extend into 2025, and;

**NOW, THEREFORE, BE IT ORDAINED**, by the Whatcom County Council, that Ordinance No. 2012-050, associated with establishing the project-based budget and initiating the construction phase, is hereby amended by adding an additional amount of \$841,786 of expenditure authority to the project budget for a new current project budget expenditure amount of **\$15,291,786** as described in Exhibit "A".

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Approved by email/C Quinn/M Caldwell  
Senior Civil Deputy Prosecuting Attorney

\_\_\_\_\_  
Satpal Singh Sidhu, Executive Date

## Exhibit "A"

**Project Based Budget - Budget Request Tracking Sheet**

9/23/2020

JPK

Project Title: **Birch Bay Drive and Pedestrian Facility**Project Codes: **CRP No. 907001; Cost Center 339100**Project Based Budget Request: **No. 6**Duration Requested: **6 yrs (2020 - 2025)**

Budget Account	Project Activity	Current Approved Project Budget		Amended Project Budget Request		New Approved Project Budget
595110	Preliminary Engineering (In-Hse & Consultant)	\$2,350,000				\$2,350,000
595200	Right of Way	\$1,250,000				\$1,250,000
595300	Construction	\$9,065,000		\$791,786		\$9,856,786
595120	Construction Engineering (In-Hse & Consultant)	\$1,785,000		\$50,000		\$1,835,000
		<b>TOTAL</b>	<b>\$14,450,000</b>	<b>\$841,786</b>		<b>\$15,291,786</b>

Object Account	Project Funding	Current Approved Project Revenue		Amended Project Revenue Request		New Approved Project Revenue
4338	REET II Transfer	\$745,000				\$745,000
4333	Federal STP-E	\$327,324				\$327,324
4333	Federal STP-US	\$1,127,676				\$1,127,676
4333	Federal STP-US (Reimbursement for construction)	\$990,000				\$990,000
4333	Federal STBG (Reimbursement for construction)*			\$326,786		\$326,786
4333	TAP (Reimbursement for construction)	\$620,000				\$620,000
8301	BBWARM (Reimbursement for construction)	\$250,000		\$15,000		\$265,000
8301	EDI (CN funds)	\$500,000				\$500,000
8301	Local Funds (transfer from Road Fund)	\$9,890,000		\$500,000		\$10,390,000
		<b>TOTAL</b>	<b>\$14,450,000</b>	<b>\$841,786</b>		<b>\$15,291,786</b>

\* Denotes new revenue received in 2020

Jon Hutchings  
Director



James P. Karcher, P. E.  
County Engineer  
322 N. Commercial Street, Ste 301  
Bellingham, WA 98225-4042  
Phone: (360) 778-6210  
Fax: (360) 778-6211

## MEMORANDUM

**To:** The Honorable Satpal Singh Sidhu, Whatcom County Executive, and  
The Honorable Members of the Whatcom County Council

**Through:** Jon Hutchings, Director *JH*

**From:** James P. Karcher, P.E., County Engineer *JPK*  
Doug Burghart, Interim Engineering Manager *JPK FOR DB*

**Date:** September 30, 2020

**Subject:** Birch Bay Drive and Pedestrian Facility; CC 339100; CRP No 907001  
**Project Based Budget Amendment No. 6 to Ordinance 2012-050**

---

Enclosed for your review and signature is Amendment No. 6 to Ordinance 2012-050 associated with the Birch Bay Drive and Pedestrian Facility Project Based Budget Fund.

### Requested Action

Public Works respectfully requests that the County Council and the County Executive sign the ordinance amending the Birch Bay Drive and Pedestrian Facility Project Based Budget Fund.

### Background and Purpose

The Birch Bay Drive and Pedestrian Facility Project Based Budget Fund was established by Ordinance 2012-050 for an amount of \$1,072,324. Ordinance 2014-036 amended the project fund amount to \$2,200,000 for consultant design services. Ordinance 2016-069 amended the project fund amount to \$2,700,000 for consultant design services and property acquisition. Ordinance 2017-023 amended the project fund amount to \$3,600,000 for consultant design services and property acquisition. Ordinance 2017-069 amended the project fund amount to \$11,450,000 for consultant construction services and contract construction. Ordinance 2019-067 amended the project fund amount to \$14,450,000 to cover budget capacity lost to increased PE and R/W costs, inflation of construction costs, a separate mitigation site, and a large archaeological monitoring component to the construction effort. This request is to increase the Project Based Budget fund amount by \$841,786 to cover increases due to unforeseen construction, COVID-19 safety requirements, cultural issues and a contingency to ensure efficiency to react to changes during and an ability to pay project contract obligations. The total project budget authority will be \$15,291,786.

Current project status is: Construction phase for Berm work approximately 35% complete;  
Construction phase for mitigation work 100% complete.

### Funding Amount and Source

The Construction and Construction Engineering work will be funded by a variety of sources including Federal STP & TAP funds, EDI Program, BBWARM, and Road Funds as detailed in the attached documents. This request ensures the ability to cover our Birch Bay Drive and Pedestrian Facility contract obligations per prompt payment laws.

Please contact Jim Karcher at extension 6271, if you have any questions or concerns regarding the details of this Project Based Budget Amendment No. 6.

# Supplemental Budget Request

Status: Pending

## Public Works

## Engineering Design/Const

Suppl ID # 3115

Fund 339

Cost Center 339100

Originator: James Karcher

Year 2 2020

Add'l FTE ☐

Priority 1

Name of Request: Birch Bay Dr and Ped Facility -Amendment No 6

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4333.2022	STP (Surface Trans Prog	(\$326,786)
	6630.595120	Professional Services	\$50,000
	7380.595300	Other Improvements	\$791,786
	8301.108	Operating Transfer In	(\$500,000)
	8301.16925	Operating Transfer In	(\$15,000)
	<b>Request Total</b>		<b>\$0</b>

### 1a. Description of request:

This Birch Bay community-driven project is located parallel to Birch Bay Drive and consists of a Public Works project to construct a 1.58 mile separated berm with pathway to encourage pedestrian use along the waterfront from Cedar Avenue to the mouth of Terrell Creek. Several key attributes of the project will be pedestrian safety with an ADA accessible separated trail, and a soft shore berm to protect the Birch Bay Drive roadway from storm damage. In addition, the project will provide mitigation for beach erosion. It is the #1 priority project for the Public Works Department's 2020 Annual Construction Program. This supplemental budget request is consistent with Public Works' approach to requesting additional budget authority on a project as clarity develops with specific phases. Currently in the 2nd season of a two-season construction phase for the Birch Bay Drive and Pedestrian Facility project, this supplement will add expenditure capacity of \$841,786 to the existing project based budget for a new total expenditure authority of \$15,291,786.

### 1b. Primary customers:

The primary customers of this project are the citizens of Whatcom County, residents of the Birch Bay community, the general motoring public, and anyone who benefits from the recreational use of the Birch Bay waterfront beach.

### 2. Problem to be solved:

The Birch Bay Drive and Pedestrian Facility is a much needed public works improvement and a complex construction project. With constrained work windows due to permitting and tides, strict archaeological monitoring requirements, night work in an urban setting, and winter storm concerns, there will be challenges to address during construction. Having sufficient budget capacity, with contingency in the Project Based Budget, will allow Public Works to address construction concerns in a timely and cost-effective manner. This supplemental budget request will cover increases due to change orders in season one, COVID-19 safety requirements that have developed since the start of the project, dealing with winter storm events, unforeseen cultural issues and a contingency to ensure an ability to pay project contract obligations promptly. The request will fund the construction phase work of season two which includes the construction contract, construction engineering and contract administration.

### 3a. Options / Advantages:

A federally-funded project of this size and complexity is problematic to scale back during construction due to permit conditions, contractual issues, and public concerns for the improvement. Public Works will use up all available existing project expenditure capacity before utilizing the additional budget authority granted

## Supplemental Budget Request

Status: Pending

### Public Works

### Engineering Design/Const

Suppl ID # 3115

Fund 339

Cost Center 339100

Originator: James Karcher

by this Amendment No. 6.

#### 3b. Cost savings:

The cost savings are found in having sufficient budget capacity to make contract decisions quickly, without incurring construction delays, which can be very costly.

#### 4a. Outcomes:

Complete all planned construction scope, and have capacity for unseen contract or cultural issues.

#### 4b. Measures:

Complete construction in 2021 with an excess of budget capacity.

#### 5a. Other Departments/Agencies:

N/A

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

N/A

#### 6. Funding Source:

Unexpended Capital Budget Authority will be utilized to execute a \$500,000 transfer from the Road Fund. The remainder has come from federal grants and the BBWARM program.



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-433

---

<b>File ID:</b>	AB2020-433	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	10/01/2020	<b>Entered by:</b>	MCaldwel@co.whatcom.wa.us		
<b>Department:</b>	Finance Division	<b>File Type:</b>	Ordinance		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	
<b>Agenda Date:</b>	10/13/2020			<b>Enactment #:</b>	

---

Primary Contact Email: [mcaldwel@co.whatcom.wa.us](mailto:mcaldwel@co.whatcom.wa.us)

### **TITLE FOR AGENDA ITEM:**

Ordinance amending the 2020 Whatcom County Budget, request no. 19, in the amount of \$7,904,575

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

Supplemental #19 requests funding from the General Fund:

1. To appropriate \$75,000 in Health to fund CJTA Program increase from grant proceeds.
2. To appropriate \$2,990,000 in Health to fund Covid Response from DOH Con Con CARES grant proceeds.
3. To appropriate \$47,827 in Health to fund treatment services from NSASO Trueblood grant proceeds.
4. To appropriate \$264,234 in Prosecuting Attorney to fund LEAD program from HCA grant proceeds.

From the Election Reserve Fund:

5. To appropriate \$19,470 to fund Student Hub Engagement Center from grant proceeds.

From Behavioral Health Programs Fund:

6. To appropriate \$8,044 to fund additional Drug Court Case Manager position from grant proceeds.

From Covid-19 Emergency Response Fund:

7. To appropriate \$4,500,000 to fund Covid Response from additional CARES Act funding.

---

## HISTORY OF LEGISLATIVE FILE

---

<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
--------------	---------------------	----------------	-----------------

---

---

**Attachments:** Ordinance, Summary, Supplemental requests

**ORDINANCE NO.  
AMENDMENT NO. 19 OF THE 2020 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 2020 budget included therein:

Fund	Expenditures	Revenues	Net Effect
General Fund			
Health	3,112,827	(4,625,262)	(1,512,435)
Prosecutor	264,234	(264,234)	-
Total General Fund	3,377,061	(4,889,496)	(1,512,435)
Election Reserve Fund	19,470	(19,470)	-
Behavioral Health Program Fund	8,044	(8,044)	-
Covid-19 Emergency Response Fund	4,500,000	(4,500,000)	-
Total Supplemental	7,904,575	(9,417,010)	(1,512,435)

**BE IT FURTHER ORDAINED** by the Whatcom County Council that Exhibit C – Position Control  
Changes in the 2019-2020 Budget Ordinance should also be amended to provide for the following  
FTE change:

- Add 1 FTE Substance Abuse Specialist in Superior Court – Drug Court

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Chair of Council

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Approved by email/C Quinn/M Caldwell  
Civil Deputy Prosecutor

\_\_\_\_\_  
Satpal Sidhu, County Executive  
Date: \_\_\_\_\_

WHATCOM COUNTY				
Summary of the 2020 Supplemental Budget Ordinance No. 19				
Department/Fund	Description	Increased (Decreased) Expenditure	(Increased) Decreased Revenue	Net Effect to Fund Balance (Increase) Decrease
General Fund				
Health	To fund CJTA program increase from grant proceeds.	75,000	(76,000)	(1,000)
Health	To fund Covid Response from DOH Con Con CARES grant proceeds.	2,990,000	(4,500,000)	(1,510,000)
Health	To fund treatment services from NSASO Trueblood grant proceeds.	47,827	(49,262)	(1,435)
Prosecutor	To fund LEAD program from HCA grant proceeds.	264,234	(264,234)	-
Total General Fund		3,377,061	(4,889,496)	(1,512,435)
Election Reserve Fund	To fund Student Hub Engagement Center from grant proceeds.	19,470	(19,470)	-
Behavioral Health Program Fund	To fund additional Drug Court case manager from grant proceeds.	8,044	(8,044)	-
Covid-19 Emergency Response Fund	To fund Covid Response from additional CARES ACT funding.	4,500,000	(4,500,000)	-
Total Supplemental		7,904,575	(9,417,010)	(1,512,435)

# Supplemental Budget Request

Status: Pending

Health

Human Services

Suppl ID # 3114

Fund 1

Cost Center 675600

Originator: Anne Deacon

Expenditure Type: One-Time

Year 2 2020

Add'l FTE ☒

Add'l Space ☐

Priority 1

Name of Request: NSBHASO CJTA Increase

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4334.0466	CJTA Treatment	(\$76,000)
	6610	Contractual Services	\$56,956
	8351.118	Operating Transfer Out	\$10,000
	8351.124	Operating Transfer Out	\$8,044
	<b>Request Total</b>		<b>(\$1,000)</b>

## 1a. Description of request:

We are requesting additional expenditure authority to use state dedicated funding to support services for individuals who have been charged with non-violent crimes. Services supported will include substance use disorder (SUD) assessments, residential treatment, outpatient treatment, and housing assistance.

## 1b. Primary customers:

Individuals involved in the criminal justice system who have a pending non-violent criminal charge from a prosecuting attorney in the state of Washington, and who have a substance use disorder which requires treatment. Priority will be given to individuals who are enrolled in a therapeutic court program.

## 2. Problem to be solved:

Non-violent offenders have limited access to resources to help them initiate and maintain long term recovery. CJTA funding provides a full continuum of therapeutic services for these individuals, especially those enrolled in therapeutic court programs. Individuals with untreated or undertreated substance use disorders may have increased risk for future criminal activities, impact on ability to attain and maintain stable employment and housing, and compromised health and well-being.

## 3a. Options / Advantages:

CJTA funding supports a full continuum of therapeutic services for people in the criminal justice system with SUDs. Re-entry services and substance use disorder jail assessments assist people with smooth transitions into community services. CJTA funding provides increased re-entry services, an increase in jail assessments for individuals needing substance use disorder inpatient treatment services and an increase in Medication Assisted Treatment (MAT) for offenders currently incarcerated. A local CJTA panel was convened to consider best options for use of these dedicated funds and made recommendations for those areas of service most needed by the population to be served. Gaps in care included: assessments in the jail, outpatient and residential treatment, and especially housing.

## 3b. Cost savings:

Providing clean and sober housing assistance and substance use disorder treatment for individuals involved in the criminal justice system are proven strategies for cost saving. Treatment for people with addiction provides a savings of \$3-\$7 for every dollar spent according to the Washington State Institute for Public Policy.

## 4a. Outcomes:

Outcomes include symptom stability for offenders currently incarcerated connection to treatment upon release from jail, increased retention in treatment. Outcomes also include a reduction in recidivism.

## Supplemental Budget Request

Status: Pending

### Health

### Human Services

Suppl ID # 3114

Fund 1

Cost Center 675600

Originator: Anne Deacon

Outcomes will be tracked throughout an individual's participation in therapeutic court programs.

**4b. Measures:**

Number of offenders assessed in jail for SUD, number admitted to the MAT residential treatment, number of people served by re-entry services.

**5a. Other Departments/Agencies:**

Superior Court(Drug Court) will receive support from this funding for drug court case manager position.

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

Dave Reynolds

**6. Funding Source:**

State Health Care Authority, Criminal Justice Treatment Account Funds

# Supplemental Budget Request

Status: Pending

Health

Administration

Suppl ID # 3117

Fund 1

Cost Center 660440

Originator: Kathleen Roy

Year 2 2020

Add'l FTE ☐

Priority 1

Name of Request: DOH Con Con COVID Response

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4333.2110	COVID-19 Local CARES	(\$4,500,000)
	6120	Extra Help	\$50,000
	6320	Office & Op Supplies	\$150,000
	6510	Tools & Equip	\$50,000
	6610	Contractual Services	\$1,325,000
	7210	Intergov Prof Svcs	\$1,415,000
	<b>Request Total</b>		<b>(\$1,510,000)</b>

## 1a. Description of request:

We are requesting expenditure authority for additional new dedicated funding from the State for COVID-19 to augment CARES Act monies which end October 31, 2020.

The WA State Department of Health (DOH) has awarded the Health Department an additional CARES Act grant (coronavirus relief funds) effective March 1 2020 through December 30, 2020 to support the Health Department's COVID-19 response. This funding will decrease the burden upon the general fund and allow the Health Department to save other COVID-19 response grants for 2021 expenditures.

These funds will be utilized for salary expenses for Health Department staff working on the COVID response, rent expenses for the Isolation and Quarantine Center, and a social marketing campaign to prevent the spread of COVID. A significant portion of these funds will also provide support for community partners, including businesses, non-profits and schools, in their efforts to mitigate the spread of COVID-19 and support families impacted.

## 1b. Primary customers:

Whatcom County Residents who are directly or indirectly impacted by the Covid-19 pandemic crisis.

## 2. Problem to be solved:

The COVID-19 pandemic has resulted in a health, economic and social crisis. Reopening our local economy and protecting the health of our residents depends upon our ability to mitigate the spread of the highly contagious and potentially life-threatening COVID-19 virus.

## 3a. Options / Advantages:

The ability to implement aggressive contact tracing, surveillance and testing will be fundamental to protecting vulnerable populations as Whatcom County takes steps to reopen and residents begin returning to their daily lives. The support for businesses, non-profits, and schools will allow the economy to re-open safely, kids to go back to school, and families to receive needed support.

## 3b. Cost savings:

Utilizing new coronavirus relief funds will lessen the burden upon County general fund to cover costs related to mitigating the spread of COVID-19.

# Supplemental Budget Request

Status: Pending

Health

Administration

Suppl ID # 3117

Fund 1

Cost Center 660440

Originator: Kathleen Roy

**4a. Outcomes:**

These funds will improve the Health Department's ability to assist the community in reopening as quickly and safely as possible.

**4b. Measures:**

90% of persons who test positive for Covid-19 will be contacted within 24 hours. 80% of persons in contact with someone who tested positive for Covid-19 will be identified and contacted within 48 hours. 80% of persons in isolation and quarantine will be contacted daily. Outbreaks will be minimized and managed effectively in partnership with employers. Increased social media posts, information on website, media briefings, education materials, and other communication tools as needed.

**5a. Other Departments/Agencies:**

N/A

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

N/A

**6. Funding Source:**

WA State Department of Health Consolidated Contract - COVID Local CARES funds

# Supplemental Budget Request

Status: Pending

Health

Human Services

Suppl ID # 3116

Fund 1

Cost Center 675700

Originator: Anne Deacon

Expenditure Type: One-Time

Year 2 2020

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: NSASO Trueblood Grant

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4333.9395	Comm Mental Health Svcs	(\$49,262)
	6610	Contractual Services	\$47,827
	<b>Request Total</b>		<b>(\$1,435)</b>

## 1a. Description of request:

We are requesting expenditure authority of new funding from the state to support treatment services in the jail and in the community. This funding will support the provision of behavioral health services in the jail and the GRACE program.

## 1b. Primary customers:

Individuals with serious mental health disorders, particularly class members of the state's Trueblood lawsuit. Class action members include those people with serious mental illness who need to undergo an evaluation of their competency to stand trial, or who have been deemed incompetent to stand trial as a result of a mental illness and require restoration services from a designated hospital.

## 2. Problem to be solved:

Individuals with behavioral health disorders, especially class action members, have more difficulties than the general population with accessing behavioral health and support services effectively. Decompensation of one's mental illness can lead to hospitalization and increased time in the justice system.

## 3a. Options / Advantages:

This new funding supports the county's efforts to provide intensive services to individuals involved in the criminal justice system and who have serious mental health disorders. Trueblood funding is intended to help serve people with behavioral health disorders in their communities in an effort to avoid expensive hospitalizations, arrests and incarceration.

## 3b. Cost savings:

These monies are not local funds, but rather derive from a state legislative proviso. Therefore, this decreases the burden on local dollars that might be used for these services.

## 4a. Outcomes:

Outcomes include: Less offender recidivism, increased stability in services, and increased retention in services.

## 4b. Measures:

Number of offenders with serious mental illness served in the jail and by the GRACE program and connected to ongoing services

## 5a. Other Departments/Agencies:

N/A

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

N/A

## 6. Funding Source:

Tuesday, September 29, 2020

Rpt: Rpt Suppl Regular

## Supplemental Budget Request

*Status:* Pending

---

**Health**

**Human Services**

---

*SupplID #* 3116

***Fund*** 1

***Cost Center*** 675700

***Originator:*** Anne Deacon

North Sound Behavioral Health Administrative Services Organization- State proviso funds

# Supplemental Budget Request

Status: Pending

## Prosecuting Attorney

Suppl ID # 3112 Fund 1 Cost Center 2623 Originator: Vanessa Martin

Expenditure Type: One-Time Year 2 2020 Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: HCA LEAD Grant

X

*Eric J. Rishay*

9/24/2020

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4333.9358	HCA LEAD Grant	(\$264,234)
	6610	Contractual Services	\$264,234
	Request Total		\$0

### 1a. Description of request:

In the LEAD program, police officers exercise discretionary authority at point of contact to divert individuals to a community-based, harm-reduction intervention for law violations driven by unmet behavioral health needs. In lieu of the normal criminal justice system cycle -- booking, detention, prosecution, conviction, incarceration -- individuals are instead referred into a trauma-informed intensive case-management program where the individual receives a wide range of support services, often including transitional and permanent housing and/or drug treatment. Prosecutors and police officers work closely with case managers to ensure that all contacts with LEAD participants going forward, including new criminal prosecutions for other offenses, are coordinated with the service plan for the participant to maximize the opportunity to achieve behavioral change.

LEAD holds considerable promise as a way for law enforcement and prosecutors to help communities respond to public order issues stemming from unaddressed public health and human services needs -- addiction, untreated mental illness, homelessness, and extreme poverty -- through a public health framework that reduces reliance on the formal criminal justice system.

### 1b. Primary customers:

The LEAD program will serve community members who frequently cycle in and out of the criminal justice system for low-level, non-violent offenses such as drug possession.

### 2. Problem to be solved:

The initiative aims to divert people out of the criminal justice system whose infractions are driven mainly by addiction, mental illness, and poverty and who would be better served by quality social services. The effort would reduce recidivism, lower the number of people in our expensive criminal justice system and improve public safety and our communities' quality of life.

Instead of sending low-level drug offenders to jail, police can refer suspects to LEAD, which provides them with intensive long-term case management and a chance to change their lives. Case managers become their clients' personal advocates, offering legal assistance and helping them access social services like housing, health care and therapy with the goal of getting them to a point where they can live drug-free.

When police come across someone with a nonviolent history who they have reason to arrest, they offer LEAD as an alternative to jail and prosecution. If the person refuses to participate, they are charged with the crime they were caught committing.

LEAD uses a "meet you where you are" approach to provide individuals with the help they actually want,

Thursday, September 24, 2020

Rpt: Rpt Suppl Regular

## Supplemental Budget Request

Status: Pending

### Prosecuting Attorney

Suppl ID # 3112

Fund 1

Cost Center

Originator: Vanessa Martin

which makes this program unique to Whatcom County.

#### 3a. Options / Advantages:

The county recently developed the GRACE (Ground-Level Response And Coordinated Engagement) program, which is a community-based effort to find solutions for individuals who are using crisis services and law enforcement in frequent, yet ineffective ways. The aim is to offer intensive, coordinated services to these "familiar faces" whose needs span beyond any single agency.

The LEAD program will function under the GRACE structure and aims to offer intensive, coordinated services to the "familiar faces" of the criminal justice system.

#### 3b. Cost savings:

Instead of sending low-level drug offenders to jail, police can refer suspects to LEAD, which will have a great impact on our overall incarceration rates, reducing costs, and increasing public safety.

#### 4a. Outcomes:

This is a 31-year grant cycle and at the conclusion of the grant, the outcomes delivered will be incarceration rates reduction, reducing criminal justice costs, and increasing public safety.

#### 4b. Measures:

We will know the outcomes have been met by analyzing the data we are required to collect per the Washington State Health Care Authority's contract regulations. Success will be measured by reducing incarceration rates, reducing criminal justice costs, and increasing public safety.

#### 5a. Other Departments/Agencies:

The LEAD program is a collaboration between police, prosecutors, public defenders, political leaders, mental health and drug treatment providers, housing providers and other service agencies, and business and neighborhood leaders -- working together to find new ways to solve problems for individuals who frequently cycle in and out of the criminal justice system under the familiar approach that relies on arrest, prosecution, and incarceration.

All partner agencies are committed to the LEAD program and have dedicated resources to ensure timely implementation and on-going support.

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

#### 6. Funding Source:

Washington State Health Care Authority

Thursday, September 24, 2020

Rpt: Rpt Suppl Regular

# Supplemental Budget Request

Status: Pending

## Auditor

Suppl ID # 3120

Fund 109

Cost Center 10927

Originator: Stacy Henthorn

Expenditure Type: One-Time

Year 2 2020

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: Student Hub Engagement Center

X

*Diana Braduch*

*9/30/20*

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4334.0031	State Elections Grant	(\$19,470)
	6110	Regular Salaries & Wages	\$7,000
	6320	Office & Op Supplies	\$470
	7210	Intergov Prof Svcs	\$12,000
	Request Total		\$0

### 1a. Description of request:

Per legislation passed in 2020 and codified in RCW 29A.40.180 Whatcom County Auditor's office is mandated to coordinate with Western State University to establish a Student Engagement Hub annually during each General election. The Student Engagement Hub will offer in-person voter registration, voter registration materials, and ballots on Western Washington University's campus.

### 1b. Primary customers:

Students and general public will have access to the Student Engagement Hub..

### 2. Problem to be solved:

Washington State Legislature finds that to ensure robust lifelong civic engagement it is critical that students attending public colleges and universities have on campus access to allow in-person voter registration, and provide voter registration materials, and ballots. Recent legislation mandated counties with public colleges and universities operate a Student Engagement Hub.

### 3a. Options / Advantages:

There is no other option. Whatcom County Auditor will enter into an agreement with Western Washington University to operate a Student Engagement Hub annually during the General election.

### 3b. Cost savings:

N/A

### 4a. Outcomes:

A Student Engagement Hub located on campus in the Viking Union Multipurpose room will be open to the public and students on election day for each General Election starting November 3, 2020 for in-person voter registration, voter registration materials, and ballots.

### 4b. Measures:

Whatcom County election staff will be monitoring this location to ensure the success of this Student Engagement Hub. Success will be measured by voter registration and access to ballots.

### 5a. Other Departments/Agencies:

Finance will be assisting with disbursement of grant funds. A majority of the funds are pass-through to the University for supplies, equipment and staffing of the HUB.

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

Office of Secretary of State has issued the grant monies to operate the Student Engagement Hub.

## Supplemental Budget Request

*Status:* Pending

---

### Auditor

Suppl ID # 3120

**Fund** 109

**Cost Center** 10927

**Originator:** Stacy Henthorn

---

### 6. Funding Source:

A grant award pursuant to Section 23 of Engrossed Senate Bill 6313, Chapter 208, Laws of 2020 (ESB 6313) to provide funding for the implementation and establishment of "Student Engagement Hubs". Funds are available through a grant agreement with the Secretary of State's Office.

# Supplemental Budget Request

Status: Pending

Superior Court

Suppl ID # 3108 Fund 124 Cost Center 124200 Originator: David Reynolds

Year 2 2020 Add'l FTE ☐ Priority 1

Name of Request: Criminal Justice Treatment Account (CJTA) FTE

X



9/30/20

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	6110	Regular Salaries & Wages	\$5,370
	6210	Retirement	\$696
	6230	Social Security	\$411
	6245	Medical Insurance	\$1,345
	6255	Other H&W Benefits	\$154
	6259	Worker's Comp-Interfund	\$61
	6269	Unemployment-Interfund	\$7
	8301	Operating Transfer In	(\$8,044)
	<b>Request Total</b>		<b>\$0</b>

## 1a. Description of request:

Superior Court - Drug Court requests to add one additional Drug Court Case Manager FTE - a Substance Abuse Specialist II in accordance with the Criminal Justice Treatment Account Fund presented to Council on 09/29/20.

## 1b. Primary customers:

Non-violent offenders who are selected to participate in the Drug Court Program

## 2. Problem to be solved:

Non-violent offenders have little access to resources to help them enter into and maintain long term recovery. CJTA funding provides a continuum of therapeutic services for these offenders, especially those in therapeutic court programs

## 3a. Options / Advantages:

The additional state grant dollars allow the county to increase drug court staff hours which will add further support to Drug Court clients. A local CJTA panel has recommended the additional grant dollars be utilized for this purpose.

## 3b. Cost savings:

Drug Court programs demonstrate proven benefit to cost ratio of 2.82 to 1 with a 100% likelihood of success according to the Washington State Institute for Public Policy.

## 4a. Outcomes:

Outcomes include: Less offender recidivism, increased stability, and increased retention in the Drug Court Program

## 4b. Measures:

Number of offenders participating in Drug Court assessed for SUD, number admitted to residential treatment, and number admitted to housing/provided vouchers, number not rebooked into jail.

## 5a. Other Departments/Agencies:

The Whatcom County Health Department holds the contract with the state for these dedicated dollars.

Tuesday, September 29, 2020

Rpt: Rpt Suppl Regular

## Supplemental Budget Request

Status: Pending

---

### Superior Court

---

Suppl ID # 3108

Fund 124

Cost Center 124200

Originator: David Reynolds

---

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

Dave Reynolds

**6. Funding Source:**

Healthcare Authority, Criminal Justice Treatment Account (CJTA) Funding.

# Supplemental Budget Request

Status: Pending

## Non-Departmental

Suppl ID # 3110

Fund 134

Cost Center

Originator: Suzanne Mildner

Year 2 2020

Add'l FTE ☐

Priority 1

Name of Request: CARES ACT relief additional funding

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4332.9210	COVID-19 Assistance	(\$4,506,000)
	6610	Contractual Services	\$4,506,000
	<b>Request Total</b>		<b>\$0</b>

### 1a. Description of request:

Whatcom County has been allocated \$4,506,000 in additional funding from the Federal Coronavirus Aid, Relief, and Economic Security Act (CARES). These funds are being added to the current contract the county holds with the Washington State Department of Commerce. The additional funding will continue to be allocated to the programs which have been identified as serving the most urgent needs in our community resulting from the COVID19 epidemic.

### 1b. Primary customers:

Whatcom County government and Whatcom County taxpayers

### 2. Problem to be solved:

The COVID-19 pandemic continues to have a significant impact on our citizens, businesses and local economy. These additional funds will be directed to where the need is greatest.

### 3a. Options / Advantages:

Whatcom County will continue to collaborate with the cities in implementing a focused plan to get these grant dollars distributed in our community.

### 3b. Cost savings:

These grant dollars will help to mitigate the overall impact to the County General Fund due to the COVID-19 response.

### 4a. Outcomes:

These funds will add to the existing contract and program plan. The contract amendment allows for an extension of spending authority, through the end of 2020.

### 4b. Measures:

### 5a. Other Departments/Agencies:

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

### 6. Funding Source:

Federal CARES ACT funding



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-373

---

<b>File ID:</b>	AB2020-373	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/03/2020	<b>Entered by:</b>	CHalka@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Ordinance Requiring a Public Hearing		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	
<b>Agenda Date:</b>	10/13/2020			<b>Enactment #:</b>	

---

Primary Contact Email: chalka@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Ordinance adopting interim zoning regulations for the siting, establishment, and operation of temporary homeless facilities

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance adopting interim zoning regulations for the siting, establishment, and operation of temporary homeless facilities

---

### HISTORY OF LEGISLATIVE FILE

---

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

---

---

**Attachments:** Memo, Proposed Ordinance, Proposed Ordinance\_Strike



## WHATCOM COUNTY COUNCIL

### MEMORANDUM

DATE: September 4, 2020  
TO: Whatcom County Council  
FROM: Whatcom County Council Staff  
RE: Ordinance adopting interim zoning regulations for temporary homeless facilities

---

On July 24, 2018, the Whatcom County Council adopted Ordinance 2018-041, adopting interim regulations for the establishment and operation of temporary homeless facilities for one year. On November 6, 2019, the Whatcom County Council adopted Ordinance 2019-074, extending Ordinance 2018-041 for one year and incorporating minor changes to the definition of "temporary homeless facility" (Section 3) and to provisions for finding alternative shelter for children under the age of 18 without a parent or guardian present (Section 2.I.). Ordinance 2019-074 will expire on November 6, 2020, and AB2020-373 brings forward a new ordinance to extend regulations another year.

The proposed ordinance includes the following revisions (strike through = deleted, bold underlined = added):

1. Page 1:

**WHEREAS**, on November 6, 2019, the Whatcom County Council adopted Ordinance 2019-074, extending Ordinance 2018-041 for one year and incorporating minor changes to the definition of "temporary homeless facility" (Section 3) and finding alternative shelter for children under the age of 18 without a parent or guardian present (Section 2.I.); and

2. Page 1:

**WHEREAS**, Ordinance 2019-074 ~~2018-041~~ is set to expire on November 6, 2020; ~~July 24, 2019~~

3. Page 1:

**WHEREAS** the County Council finds that extending the interim regulations imposed by Ordinance ~~2018-041~~ 2019-074 is necessary for the protection of public health and safety; and

4. Page 8:

Section 10. Duration of Interim Ordinance. This interim ordinance will replace Ordinance ~~2018-041~~ 2019-074 and shall be in effect for one year beginning on ~~November 6, 2019~~ October 27, 2020, and ending on ~~November 6, 2020~~ October 27, 2021, unless another ordinance is adopted amending the Whatcom County Code and rescinding this interim ordinance before ~~November 6, 2020~~ October 27, 2021.

4  
5 **ORDINANCE NO. \_\_\_\_\_**  
6 **(AN INTERIM ORDINANCE OF WHATCOM COUNTY, WASHINGTON)**

7  
8 **ADOPTING INTERIM ZONING REGULATIONS FOR THE SITING, ESTABLISHMENT, AND**  
9 **OPERATION OF TEMPORARY HOMELESS FACILITIES**

10  
11 **WHEREAS**, homelessness continues to be a local, regional and national challenge due to  
12 many social and economic factors; and

13  
14 **WHEREAS**, tent and tiny house encampments have become a temporary mechanism for  
15 providing shelter for homeless individuals and families; and

16  
17 **WHEREAS**, under RCW 36.01.290 the Washington State Legislature has authorized  
18 religious organizations to host temporary encampments to provide shelter for homeless  
19 individuals on property that these religious organizations own or control; and

20  
21 **WHEREAS**, on July 24, 2018, the Whatcom County Council adopted Ordinance 2018-041,  
22 adopting interim regulations for the establishment and operation of temporary homeless facilities  
23 for one year; and

24  
25 **WHEREAS**, on November 6, 2019, the Whatcom County Council adopted Ordinance 2019-  
26 074, extending Ordinance 2018-041 for one year and incorporating minor changes to the  
27 definition of "temporary homeless facility" (Section 3) and finding alternative shelter for children  
28 under the age of 18 without a parent or guardian present (Section 2.I.); and

29  
30 **WHEREAS**, Ordinance 2019-074 is set to expire on November 6, 2020; and

31  
32 **WHEREAS** the County Council finds that extending the interim regulations imposed by  
33 Ordinance 2019-074 is necessary for the protection of public health and safety; and

34  
35 **WHEREAS**, the Whatcom County Code does not currently have permanent provisions  
36 addressing the establishment and operation of temporary homeless facilities; and

37  
38 **WHEREAS**, interim homeless facility regulations and processing requirements are  
39 necessary to preserve and protect public health and safety and prevent danger to public or  
40 private property; and

41  
42 **WHEREAS**, interim zoning controls enacted under RCW 36.70A.390 and/or RCW  
43 36.70.790 are methods by which the County may preserve the status quo so that new plans and  
44 regulations will not be rendered moot by intervening development; and

45  
46 **WHEREAS**, RCW 36.70A.390 and RCW 36.70.790 both authorize the enactment of an  
47 interim zoning map, interim zoning ordinance, or interim official control without holding a public  
48 hearing as long as a public hearing is held within at least sixty days of enactment; and

49  
50 **WHEREAS**, RCW 36.70A.390 provides that, "*A county or city governing body that adopts*  
51 *a moratorium, interim zoning map, interim zoning ordinance, or interim official control without*  
52 *holding a public hearing on the proposed moratorium, interim zoning map, interim zoning*  
53 *ordinance , or interim official control, shall hold a public hearing on the adopted moratorium,*  
54 *interim zoning map, interim zoning ordinance , or interim official control within at least sixty days*  
55 *of its adoption , whether or not the governing body received a recommendation on the matter*  
56 *from the planning commission or department If the governing body does not adopt findings of*  
57 *fact justifying its action before this hearing, then the governing body shall do so immediately*  
58 *after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim*  
59 *official control adopted under this section may be effective for not longer than six months, but*

1 may be effective for up to one year if a work plan is developed for related studies providing for  
2 such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim  
3 official control may be renewed for one or more six-month periods if a subsequent public hearing  
4 is held and findings of fact are made prior to each renewal"; and  
5

6 **WHEREAS**, in conformity with the responsibilities of Whatcom County to meet public  
7 health, safety and welfare requirements and provide zoning and land use regulations pursuant to  
8 state law, and the County's authority to regulate land use activity within its corporate limits, the  
9 County intends to develop appropriate public health, safety and welfare requirements and zoning  
10 and land use regulations for the establishment and operation of temporary homeless facilities;  
11 and  
12

13 **WHEREAS**, the County Council has determined it needs additional time to conduct  
14 appropriate research to analyze the effects of the establishment and operation of temporary  
15 homeless facilities; and  
16

17 **WHEREAS**, interim zoning will provide the County with additional time to review and  
18 amend its public health, safety and welfare requirements and zoning and land use regulations  
19 related to the establishment and operation of temporary homeless facilities; and  
20

21 **WHEREAS**, interim zoning will also allow qualifying religious organizations and registered  
22 not-for-profit, tax exempt 501(c)(3) organizations the opportunity to establish and operate  
23 temporary homeless facilities; and  
24

25 **WHEREAS**, a determination of non-significance (DNS) was issued under the State  
26 Environmental Policy Act (SEPA) on July 3, 2018; and  
27

28 **WHEREAS**, the County Council concludes that the County does have the authority to  
29 establish an interim zoning ordinance and that the County must adopt interim zoning concerning  
30 the establishment and operation of temporary homeless facilities to act as a stop- gap measure:  
31 (a) to provide the County with an opportunity to study the issues concerning the establishment  
32 and operation of temporary homeless facilities and prepare appropriate revisions to the  
33 County's codes and regulations; (b) to protect the health, safety, and welfare of the citizens of  
34 Whatcom County by avoiding and ameliorating negative impacts and unintended  
35 consequences of establishing and operating temporary homeless facilities and (c) to avoid  
36 applicants possibly establishing vested rights contrary to and inconsistent with any revisions the  
37 County may make to its rules and regulations as a result of the County's study of this matter; and  
38

39 **WHEREAS**, the County Council adopts the foregoing as its findings of facts justifying the  
40 adoption of this Ordinance; and  
41

42 **NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:**  
43

44 **Section 1. Findings of Fact.** The County Council adopts the above "WHEREAS" recitals as  
45 findings of fact in support of its action as required by RCW 36. 70A.390 and RCW 36.70.790.  
46

47 **Section 2. Regulations established.** Regulations concerning the establishment and processing  
48 of applications for temporary homeless facilities in unincorporated Whatcom County are  
49 hereby established. Establishing such facilities contrary to the provisions of this ordinance is  
50 prohibited. Administrative Use approvals shall be required for temporary homeless facilities in  
51 the County. Applications for administrative use approvals, land use approvals, or any other  
52 permit or approval, in any way associated with temporary homeless facilities, shall not be  
53 processed, issued, granted, or approved unless in compliance with this ordinance. If a  
54 temporary homeless facility is established in violation of this ordinance or if, after an  
55 administrative use permit is issued for the same, the director of the planning and  
56 development services department determines that the permit holder has violated this  
57 ordinance or any condition of the permit, the temporary homeless facility, its sponsor and  
58 managing agency shall be subject to code enforcement and all activities associated with the  
59 temporary homeless facility shall cease, and the site shall be vacated and restored to its pre-

1 encampment conditions.  
2  
3  
4  
5

6 **Section 3. Definitions.** The following definitions apply to temporary homeless facilities:  
7

- 8 A. "Temporary homeless facility" means a facility providing temporary housing  
9 accommodations that includes a sponsor and managing agency, the primary purpose of  
10 which is to provide temporary shelter for people experiencing homelessness in general  
11 or for specific populations of the homeless. Temporary homeless facilities include but  
12 are not limited to temporary tent encampments and temporary tiny house  
13 encampments.  
14
- 15 B. "Temporary tent encampment" means a short-term living facility for a group of  
16 homeless people that is composed of tents or other temporary structures, as approved  
17 by the director, on a site provided or arranged for by a sponsor with services provided  
18 by a sponsor and supervised by a managing agency.  
19
- 20 C. "Temporary tiny house encampment" means a temporary homeless facility for a group  
21 of people living in purpose-built tiny houses for people experiencing homelessness, as  
22 approved by the director, on a site provided or arranged for by a sponsor with services  
23 provided by a sponsor and supervised by a managing agency. Temporary tiny houses  
24 for the homeless are typically less than 200 square feet and easily constructed and  
25 moved to various locations. For the purposes of this ordinance, temporary tiny homes  
26 are not dwelling units and, as such, are not required to meet building codes.  
27
- 28 D. "Managing agency" means an organization identified as the manager of a temporary  
29 homeless facility that has the capacity to organize and manage a temporary homeless  
30 facility. Managing agencies are limited to religious organizations and non-profit  
31 agencies. A "managing agency" may be the same entity as the sponsor.  
32
- 33 E. "Sponsor " means an organization that :  
34 1. invites a temporary homeless facility to reside on land they own or lease; and  
35 2. is a State of Washington registered not-for-profit corporation and federally  
36 recognized tax exempt 501(c)(3) organization; or  
37 3. is recognized by the Internal Revenue Service as exempt from federal income  
38 taxes as a religious organization, which expresses its religious mission, in part,  
39 by organizing living accommodations for the homeless.  
40
- 41 F. "Director" means the Planning and Development Services Department Director.  
42

43 **Section 4. Requirements.** The following requirements shall apply to all temporary homeless  
44 facilities approved under this ordinance, unless modified by the director through approval of  
45 an administrative use permit.  
46

- 47 A. The encampment shall be located a minimum of 20 feet from the property line of  
48 abutting properties containing commercial, industrial, and multifamily residential uses.  
49 The encampment shall be located a minimum of 40 feet from the property line of  
50 abutting properties containing single-family residential or public recreational uses,  
51 unless the director finds that a reduced buffer width will provide adequate separation  
52 between the encampment and adjoining uses, due to changes in elevation, intervening  
53 buildings or other physical characteristics of the site of the encampment.  
54
- 55 B. No temporary homeless facility shall be located within a critical area or its buffer as  
56 defined by Whatcom County Code (WCC) 16.16 or 23.  
57
- 58 C. A temporary homeless facility shall comply with the applicable development standards  
59 of Whatcom County Code Title 20 Zoning, except that temporary homeless facilities

shall not be considered structures for the purposes of calculating parcel's total lot coverage, as defined by WCC 20.97.217.

- D. A six-foot-tall fence is required around the perimeter of the encampment to limit access to the site for safety and security reasons; provided, that the fencing does not create a sight obstruction at the street or street intersections or curbs as determined by the county engineer, unless the director determines that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.
- E. Exterior lighting must be directed downward and glare contained within the temporary encampment.
- F. The maximum number of residents at a temporary encampment site shall be determined by the director taking into consideration site conditions, but in no case shall the number be greater than fifty (50) people.
- G. On-site parking of the sponsor shall not be displaced unless sufficient required off-street parking remains available for the host's use to compensate for the loss of on-site parking or unless a shared parking agreement is executed with adjacent properties.
- H. A transportation plan, including provisions for transit, and pedestrian and bicycle ingress and egress to the encampment, shall be submitted for review and approval.
- I. No children under the age of 18 are allowed to stay overnight in the temporary encampment, unless accompanied by a parent or guardian. If a child under the age of 18 without a parent or guardian present attempts to stay at the encampment, the sponsor and the managing agency shall actively endeavor to find alternative shelter for the child through community partners such as Northwest Youth Services, Opportunity Council, Lighthouse Mission, Interfaith Coalition and other appropriate homeless youth services organizations. Children under the age of 18 without a parent or guardian present shall be allowed to remain in a temporary encampment while alternative shelter is being sought.
- J. The sponsor or managing agency shall provide and enforce a written code of conduct, which not only provides for the health, safety and welfare of the temporary encampment residents, but also mitigates impacts to neighbors and the community. A copy of the code of conduct shall be submitted to the County at the time of application for the administrative use permit. Said code shall be incorporated into the conditions of approval. The managing agency shall post the County approved written code of conduct on site.
- K. An operations plan must be provided that addresses site management, site maintenance, and provision of human and social services. Individuals or organizations shall have either a demonstrated experience providing similar services to homeless residents; and/or certification or academic credentials in an applicable human service field; and/or applicable experience in a related program with a homeless population. Should an individual or organization not have any of the preceding qualifications, additional prescriptive measures may be required to minimize risk to both residents of the temporary homeless facility and the community in general.
- L. The sponsor and the managing agency shall ensure compliance with Washington State laws and regulations and the Whatcom County Health Department's regulations concerning, but not limited to, drinking water connections, solid waste disposal, and human waste. The sponsor and the managing agency shall permit inspections by local agencies and/or departments to ensure such compliance and shall implement all directives resulting therefrom within the specified time period.

- 1 M. The sponsor and managing agency shall assure all applicable public health regulations,  
2 including but not limited to the following, will be met for:  
3  
4 1. Potable water, which shall be available at all times at the site;  
5 2. Sanitary portable toilets, which shall be set back from all property lines as  
6 determined by the director;  
7 3. Hand-washing stations by the toilets and food preparation areas;  
8 4. Food preparation or service tents; and  
9 5. Refuse receptacles.
- 10 N. Public health regulations (WAC 246.215 and WCC 24.03) on food donations and food  
11 handling and storage, including proper temperature control, shall be followed and  
12 homeless encampment residents involved in food donations and storages shall be  
13 made aware of these Whatcom County Health Department requirements.
- 14 O. The sponsor and the managing agency shall designate points of contact and provide  
15 contact information (24 hour accessible phone contact) to the chief criminal deputy of  
16 the Whatcom County Sheriff or his/her designee. At least one designated point of  
17 contact shall be on duty at all times. The names of the on-duty points of contact shall  
18 be posted on-site daily and their contact information shall be provided to the Whatcom  
19 County Sheriff's Office as described above.
- 20 P. Facilities for dealing with trash shall be provided on-site throughout the encampment.  
21 A regular trash patrol in the immediate vicinity of the temporary encampment site shall  
22 be provided.
- 23 Q. The sponsor and the managing agency shall take all reasonable and legal steps to  
24 obtain verifiable identification information, to include full name and date of birth,  
25 from current and prospective encampment residents and use the identification to  
26 obtain sex offender and warrant checks from appropriate agencies. The sponsor and  
27 the managing agency shall keep a current log of names and dates of all people who  
28 stay overnight in the encampment. This log shall be available upon request to law  
29 enforcement agencies and prospective encampment residents shall be so advised by  
30 the sponsor and managing agency. Persons who have active warrants, or who are  
31 required to register as sex offenders, are prohibited from the encampment's location.
- 32 R. The sponsor and the managing agency shall immediately contact the Whatcom County  
33 Sheriff's Office if someone is rejected or ejected from the encampment when the  
34 reason for rejection or ejection is an active warrant or a match on a sex offender  
35 check, or if, in the opinion of the on-duty point of contact or on-duty security staff, the  
36 rejected/ejected person is a potential threat to the community.
- 37 S. Tents over 300 square feet in size and canopies in excess of 400 square feet shall  
38 utilize flame retardant materials.
- 39 T. The sponsor, the managing agency and temporary encampment residents shall  
40 cooperate with other providers of shelters and services for homeless persons within the  
41 County and shall make inquiry with these providers regarding the availability of  
42 existing resources.
- 43 U. The sponsor and/or managing agency shall provide before-encampment photos of the  
44 host site with the application. Upon vacation of the temporary encampment, all  
45 temporary structures and debris shall be removed from the host site within one  
46 calendar week.
- 47 V. Upon cessation of the temporary encampment, the site shall be restored, as near as  
48 possible, to its original condition. Where deemed necessary by the director, the  
49 sponsor and/or managing agency shall re-plant areas in which vegetation had been  
50 removed or destroyed.

**Section 5. Frequency and duration of temporary homeless facilities.**

- A. No more than a maximum of 100 people may be housed in temporary homeless facilities (encampments) located in the unincorporated County at any time. Multiple encampment locations may be permitted provided that the aggregate total of people in all temporary tent and/or tiny house encampments shall not exceed 100.
- B. The director shall not grant a permit for the same site more than once in any calendar year; provided that director is not authorized to issue a permit for the same site sooner than 180 days from the date the site is vacated as provided for in Section 4 of this ordinance.
- C. Temporary tent encampments may be approved for a period not to exceed 180 days. The director may grant one 180-day extension, provided all conditions have been complied with and circumstances associated with the use have not changed. This extension shall be subject to a Type II review process and may be appealed to the hearing examiner as provided in WCC 22.05.020(1). The permit shall specify a date by which the use shall be terminated and the site vacated and restored to its pre-encampment condition.
- D. Temporary tiny house encampments may be approved for a period of between six months and up to one year, provided the sponsor and managing agency comply with all permit conditions. The director may grant one or more extension(s) not to exceed one additional year, provided enabling legislation allows so. Extensions are subject to a Type II review process and may be appealed to the hearing examiner as provided in WCC 22.05.020(1). The permit shall specify a date by which the use shall be terminated and the site vacated and restored to its pre-encampment condition.

**Section 6. Permit required.** Establishment of a temporary homeless facility shall require approval of an administrative use permit, as described in this ordinance, and compliance with all other applicable County regulations. The director shall have authority to grant, grant with conditions or deny an application for an administrative use permit under this ordinance.

**Section 7. Application.** Application for an administrative use permit shall be made on forms provided by the County, and shall be accompanied by the following information; provided, that the director may waive any of these items, upon request by the applicant and finding that the item is not necessary to analyze the application. An application to establish a temporary homeless facility shall be signed by both the sponsor and the managing agency ("applicant") and contain the following:

- A. A site plan of the property, drawn to scale, showing existing natural features, existing and proposed grades, existing and proposed utility improvements, existing rights-of-way and improvements, and existing and proposed structures, tents and other improvements (including landscaping and fencing at the perimeter of the proposed encampment and the property and off-street parking);
- B. A vicinity map, showing the location of the site in relation to nearby streets and properties;
- C. A written summary of the proposal, responding to the standards and requirements of this ordinance;
- D. The written code of conduct, operations plan and a transportation plan as required by this ordinance;
- E. Statement of actions that the applicant will take to obtain verifiable identification from all encampment residents and to use the identification to obtain sex offender and warrant checks from appropriate agencies;
- F. Project statistics, including site area, building coverage, number and location of tents and temporary structures, expected and maximum number of residents, and duration of the encampment;
- G. Address and parcel number of the subject property;

- H. Photographs of the site;
- I. A list of other permits that are or may be required for development of the property (issued by the County or by other government agencies), insofar as they are known to the applicant;
- J. Permit fees for temporary homeless facilities shall be in accordance with WCC 22.25;
- K. A list of any requirement under this ordinance for which the applicant is asking to modify.

## **Section 8. Permit Procedures.**

- A. Notice. All temporary homeless facility applications shall be reviewed under a Type II process under WCC 22.05, except that the final decision must be rendered within 60 days of a determination of completeness. Additionally, the notice of application shall contain proposed duration and operation of the temporary homeless facility, number of residents for the encampment, and contain a County website link to the proposed written code of conduct, operations plan and transportation plan for the facility.
  - B. Decision and Notice of Decision. Final action on permit applications made under this section shall be in accordance with WCC 22.05. Before any such permit may be granted, the applicant shall demonstrate and the director shall find consistency WCC 20.84.220 and the following:
    - 1. The proposed use meets the requirements of this ordinance; and
    - 2. Measures, including the requirements herein and as identified by the director, have been taken to minimize the possible adverse impacts which the proposed encampment may have on the area in which it is located. It is acknowledged that not all impacts can be eliminated, however the risk of significant impacts can be reduced to a temporary and acceptable level as the duration of the encampment will be limited.
- A notice of the decision shall be provided in accordance with WCC 22.05.
- C. Conditions. Because each temporary encampment has unique characteristics, including, but not limited to, size, duration, uses, number of occupants and composition, the director shall have the authority to impose conditions on the approval of an administrative use permit to ensure that the proposal meets the criteria for approval listed above. Conditions, if imposed, must be intended to protect public health, life and safety and minimize nuisance-generating features such as noise, waste, air quality, unsightliness, traffic, physical hazards and other similar impacts that the temporary encampment may have on the area in which it is located. In cases where the application for an administrative use permit does not meet the provisions of this ordinance (except when allowed under subsection (D) of this section) or adequate mitigation may not be feasible or possible, the director shall deny the application.
  - D. Modification of Requirements. The director may approve an administrative use permit for a temporary encampment that relaxes one or more of the standards in this ordinance only when, in addition to satisfying the decision criteria stated above, the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe encampment with minimal negative impacts to the host community under the specific circumstances of the application. In considering whether the modification should be granted, the director shall first consider the effects on the health and safety of encampment residents and the neighboring communities. Modifications shall not be granted if their adverse impacts on encampment residents and/or neighboring communities will be greater than those without modification. The burden of proof shall be on the applicant.
  - E. Appeal. The director's decision may be appealed to the hearing examiner as provided in WCC 22.05.020(1) and 22.05.160.

F. Revocation. The director shall also have the authority to revoke an approved administrative use permit, pursuant to WCC 22.05.150 at any time a sponsor or managing agency has failed to comply with the applicable provisions of this ordinance or permit.

**Section 9. Purpose.** The purpose of this interim ordinance is to allow and establish a review process for the location, siting, and operation of temporary homeless facilities within the unincorporated County. While the interim ordinance is in effect, the County will study the land use and other impacts associated with temporary homeless facilities, draft final zoning and regulations to address such uses, hold public hearings on such draft regulations, and adopt such regulations.

**Section 10. Duration of Interim Ordinance.** This interim ordinance will replace Ordinance 2019-074 and shall be in effect for one year beginning on October 27, 2020, and ending on October 27, 2021, unless another ordinance is adopted amending the Whatcom County Code and rescinding this interim ordinance before October 27, 2021.

**Section 11. Work Plan.** During the interim ordinance period, County staff will study the issues concerning the establishment and operation of temporary homeless facilities. Staff will prepare a draft ordinance with appropriate revisions to the County's land use regulations; perform SEPA review of the draft ordinance, and conduct the public review process, including public hearings before the County's Planning Commission and County Council, as required for amendments to the County's development regulations.

**Section 14. Conflict with other Whatcom County Code Provisions.** If the provisions of this Ordinance are found to be inconsistent with other provisions of the Whatcom County Code, this Ordinance shall control.

**Section 15. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON**

**ATTEST:**

\_\_\_\_\_  
**Dana Brown-Davis, Council Clerk**

\_\_\_\_\_  
**Barry Buchanan, Chairperson**

**APPROVED as to form:**

**( ) Approved ( ) Denied**

Karen Frakes (09/03/2020)

\_\_\_\_\_  
**Civil Deputy Prosecutor**

\_\_\_\_\_  
**Satpal Sidhu, Executive**

**Date:** \_\_\_\_\_

4  
5 **ORDINANCE NO. \_\_\_\_\_**  
6 **(AN INTERIM ORDINANCE OF WHATCOM COUNTY, WASHINGTON)**

7  
8 **ADOPTING INTERIM ZONING REGULATIONS FOR THE SITING, ESTABLISHMENT, AND**  
9 **OPERATION OF TEMPORARY HOMELESS FACILITIES**

10  
11 **WHEREAS**, homelessness continues to be a local, regional and national challenge due to  
12 many social and economic factors; and

13  
14 **WHEREAS**, tent and tiny house encampments have become a temporary mechanism for  
15 providing shelter for homeless individuals and families; and

16  
17 **WHEREAS**, under RCW 36.01.290 the Washington State Legislature has authorized  
18 religious organizations to host temporary encampments to provide shelter for homeless  
19 individuals on property that these religious organizations own or control; and

20  
21 **WHEREAS**, on July 24, 2018, the Whatcom County Council adopted Ordinance 2018-041,  
22 adopting interim regulations for the establishment and operation of temporary homeless facilities  
23 for one year; and

24  
25 **WHEREAS**, on November 6, 2019, the Whatcom County Council adopted Ordinance 2019-  
26 074, extending Ordinance 2018-041 for one year and incorporating minor changes to the  
27 definition of "temporary homeless facility" (Section 3) and finding alternative shelter for children  
28 under the age of 18 without a parent or guardian present (Section 2.I.); and

29  
30 **WHEREAS**, Ordinance 2019-074 2018-041 is set to expire on July 24, 2019 November 6,  
31 2020; and

32  
33 **WHEREAS** the County Council finds that extending the interim regulations imposed by  
34 Ordinance 2018-041 2019-074 is necessary for the protection of public health and safety; and

35  
36 **WHEREAS**, the Whatcom County Code does not currently have permanent provisions  
37 addressing the establishment and operation of temporary homeless facilities; and

38  
39 **WHEREAS**, interim homeless facility regulations and processing requirements are  
40 necessary to preserve and protect public health and safety and prevent danger to public or  
41 private property; and

42  
43 **WHEREAS**, interim zoning controls enacted under RCW 36.70A.390 and/or RCW  
44 36.70.790 are methods by which the County may preserve the status quo so that new plans and  
45 regulations will not be rendered moot by intervening development; and

46  
47 **WHEREAS**, RCW 36.70A.390 and RCW 36.70.790 both authorize the enactment of an  
48 interim zoning map, interim zoning ordinance, or interim official control without holding a public  
49 hearing as long as a public hearing is held within at least sixty days of enactment; and

50  
51 **WHEREAS**, RCW 36.70A.390 provides that, *"A county or city governing body that adopts*  
52 *a moratorium, interim zoning map, interim zoning ordinance, or interim official control without*  
53 *holding a public hearing on the proposed moratorium, interim zoning map, interim zoning*  
54 *ordinance , or interim official control, shall hold a public hearing on the adopted moratorium,*  
55 *interim zoning map, interim zoning ordinance , or interim official control within at least sixty days*  
56 *of its adoption , whether or not the governing body received a recommendation on the matter*  
57 *from the planning commission or department If the governing body does not adopt findings of*  
58 *fact justifying its action before this hearing, then the governing body shall do so immediately*  
59 *after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim*

1 official control adopted under this section may be effective for not longer than six months, but  
2 may be effective for up to one year if a work plan is developed for related studies providing for  
3 such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim  
4 official control may be renewed for one or more six-month periods if a subsequent public hearing  
5 is held and findings of fact are made prior to each renewal"; and  
6

7 **WHEREAS**, in conformity with the responsibilities of Whatcom County to meet public  
8 health, safety and welfare requirements and provide zoning and land use regulations pursuant to  
9 state law, and the County's authority to regulate land use activity within its corporate limits, the  
10 County intends to develop appropriate public health, safety and welfare requirements and zoning  
11 and land use regulations for the establishment and operation of temporary homeless facilities;  
12 and  
13

14 **WHEREAS**, the County Council has determined it needs additional time to conduct  
15 appropriate research to analyze the effects of the establishment and operation of temporary  
16 homeless facilities; and  
17

18 **WHEREAS**, interim zoning will provide the County with additional time to review and  
19 amend its public health, safety and welfare requirements and zoning and land use regulations  
20 related to the establishment and operation of temporary homeless facilities; and  
21

22 **WHEREAS**, interim zoning will also allow qualifying religious organizations and registered  
23 not-for-profit, tax exempt 501(c)(3) organizations the opportunity to establish and operate  
24 temporary homeless facilities; and  
25

26 **WHEREAS**, a determination of non-significance (DNS) was issued under the State  
27 Environmental Policy Act (SEPA) on July 3, 2018; and  
28

29 **WHEREAS**, the County Council concludes that the County does have the authority to  
30 establish an interim zoning ordinance and that the County must adopt interim zoning concerning  
31 the establishment and operation of temporary homeless facilities to act as a stop- gap measure:  
32 (a) to provide the County with an opportunity to study the issues concerning the establishment  
33 and operation of temporary homeless facilities and prepare appropriate revisions to the  
34 County's codes and regulations; (b) to protect the health, safety, and welfare of the citizens of  
35 Whatcom County by avoiding and ameliorating negative impacts and unintended  
36 consequences of establishing and operating temporary homeless facilities and (c) to avoid  
37 applicants possibly establishing vested rights contrary to and inconsistent with any revisions the  
38 County may make to its rules and regulations as a result of the County's study of this matter; and  
39

40 **WHEREAS**, the County Council adopts the foregoing as its findings of facts justifying the  
41 adoption of this Ordinance; and  
42

43 **NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:**  
44

45 **Section 1. Findings of Fact.** The County Council adopts the above "WHEREAS" recitals as  
46 findings of fact in support of its action as required by RCW 36.70A.390 and RCW 36.70.790.  
47

48 **Section 2. Regulations established.** Regulations concerning the establishment and processing  
49 of applications for temporary homeless facilities in unincorporated Whatcom County are  
50 hereby established. Establishing such facilities contrary to the provisions of this ordinance is  
51 prohibited. Administrative Use approvals shall be required for temporary homeless facilities in  
52 the County. Applications for administrative use approvals, land use approvals, or any other  
53 permit or approval, in any way associated with temporary homeless facilities, shall not be  
54 processed, issued, granted, or approved unless in compliance with this ordinance. If a  
55 temporary homeless facility is established in violation of this ordinance or if, after an  
56 administrative use permit is issued for the same, the director of the planning and  
57 development services department determines that the permit holder has violated this  
58 ordinance or any condition of the permit, the temporary homeless facility, its sponsor and  
59 managing agency shall be subject to code enforcement and all activities associated with the

temporary homeless facility shall cease, and the site shall be vacated and restored to its pre-encampment conditions.

**Section 3. Definitions.** The following definitions apply to temporary homeless facilities:

- A. "Temporary homeless facility" means a facility providing temporary housing accommodations that includes a sponsor and managing agency, the primary purpose of which is to provide temporary shelter for people experiencing homelessness in general or for specific populations of the homeless. Temporary homeless facilities include but are not limited to temporary tent encampments and temporary tiny house encampments.
- B. "Temporary tent encampment" means a short-term living facility for a group of homeless people that is composed of tents or other temporary structures, as approved by the director, on a site provided or arranged for by a sponsor with services provided by a sponsor and supervised by a managing agency.
- C. "Temporary tiny house encampment" means a temporary homeless facility for a group of people living in purpose-built tiny houses for people experiencing homelessness, as approved by the director, on a site provided or arranged for by a sponsor with services provided by a sponsor and supervised by a managing agency. Temporary tiny houses for the homeless are typically less than 200 square feet and easily constructed and moved to various locations. For the purposes of this ordinance, temporary tiny homes are not dwelling units and, as such, are not required to meet building codes.
- D. "Managing agency" means an organization identified as the manager of a temporary homeless facility that has the capacity to organize and manage a temporary homeless facility. Managing agencies are limited to religious organizations and non-profit agencies. A "managing agency" may be the same entity as the sponsor.
- E. "Sponsor " means an organization that :
  - 1. invites a temporary homeless facility to reside on land they own or lease; and
  - 2. is a State of Washington registered not-for-profit corporation and federally recognized tax exempt 501(c)(3) organization; or
  - 3. is recognized by the Internal Revenue Service as exempt from federal income taxes as a religious organization, which expresses its religious mission, in part, by organizing living accommodations for the homeless.
- F. "Director" means the Planning and Development Services Department Director.

**Section 4. Requirements.** The following requirements shall apply to all temporary homeless facilities approved under this ordinance, unless modified by the director through approval of an administrative use permit.

- A. The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing commercial, industrial, and multifamily- residential uses. The encampment shall be located a minimum of 40 feet from the property line of abutting properties containing single-family residential or -public -recreational uses, unless the director finds that a reduced buffer width will provide adequate separation between the encampment and adjoining uses, due to changes in elevation, intervening buildings or other physical characteristics of the site of the encampment.
- B. No temporary homeless facility shall be located within a critical area or its buffer as defined by Whatcom County Code (WCC) 16.16 or 23.
- C. A temporary homeless facility shall comply with the applicable development standards

1 of Whatcom County Code Title 20 Zoning, except that temporary homeless facilities  
2 shall not be considered structures for the purposes of calculating parcel's total lot  
3 coverage, as defined by WCC 20.97.217.  
4

- 5 D. A six-foot-tall fence is required around the perimeter of the encampment to limit  
6 access to the site for safety and security reasons; provided, that the fencing does not  
7 create a sight obstruction at the street or street intersections or curbs as determined  
8 by the county engineer, unless the director determines that there is sufficient  
9 vegetation, topographic variation, or other site conditions such that fencing would not  
10 be needed.  
11
- 12 E. Exterior lighting must be directed downward and glare contained within the temporary  
13 encampment.  
14
- 15 F. The maximum number of residents at a temporary encampment site shall be  
16 determined by the director taking into consideration site conditions, but in no case  
17 shall the number be greater than fifty (50) people.  
18
- 19 G. On-site parking of the sponsor shall not be displaced unless sufficient required off-  
20 street parking remains available for the host's use to compensate for the loss of on-  
21 site parking or unless a shared parking agreement is executed with adjacent  
22 properties.  
23
- 24 H. A transportation plan, including provisions for transit, and pedestrian and bicycle  
25 ingress and egress to the encampment, shall be submitted for review and approval.  
26
- 27 I. No children under the age of 18 are allowed to stay overnight in the temporary  
28 encampment, unless accompanied by a parent or guardian. If a child under the age of  
29 18 without a parent or guardian present attempts to stay at the encampment, the  
30 sponsor and the managing agency shall actively endeavor to find alternative shelter for  
31 the child through community partners such as Northwest Youth Services, Opportunity  
32 Council, Lighthouse Mission, Interfaith Coalition and other appropriate homeless youth  
33 services organizations. Children under the age of 18 without a parent or guardian  
34 present shall be allowed to remain in a temporary encampment while alternative  
35 shelter is being sought.  
36
- 37 J. The sponsor or managing agency shall provide and enforce a written code of conduct,  
38 which not only provides for the health, safety and welfare of the temporary  
39 encampment residents, but also mitigates impacts to neighbors and the community. A  
40 copy of the code of conduct shall be submitted to the County at the time of application  
41 for the administrative use permit. Said code shall be incorporated into the conditions of  
42 approval. The managing agency shall post the County approved written code of  
43 conduct on site.  
44
- 45 K. An operations plan must be provided that addresses site management, site  
46 maintenance, and provision of human and social services. Individuals or organizations  
47 shall have either a demonstrated experience providing similar services to homeless  
48 residents; and/or certification or academic credentials in an applicable human service  
49 field; and/or applicable experience in a related program with a homeless population.  
50 Should an individual or organization not have any of the preceding qualifications,  
51 additional prescriptive measures may be required to minimize risk to both residents of  
52 the temporary homeless facility and the community in general.  
53
- 54 L. The sponsor and the managing agency shall ensure compliance with Washington State  
55 laws and regulations and the Whatcom County Health Department's regulations  
56 concerning, but not limited to, drinking water connections, solid waste disposal, and  
57 human waste. The sponsor and the managing agency shall permit inspections by local  
58 agencies and/or departments to ensure such compliance and shall implement all  
59 directives resulting therefrom within the specified time period.

- 1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59
- M. The sponsor and managing agency shall assure all applicable public health regulations, including but not limited to the following, will be met for:
    - 1. Potable water, which shall be available at all times at the site;
    - 2. Sanitary portable toilets, which shall be set back from all property lines as determined by the director;
    - 3. Hand-washing stations by the toilets and food preparation areas;
    - 4. Food preparation or service tents; and
    - 5. Refuse receptacles.
  - N. Public health regulations (WAC 246.215 and WCC 24.03) on food donations and food handling and storage, including proper temperature control, shall be followed and homeless encampment residents involved in food donations and storages shall be made aware of these Whatcom County Health Department requirements.
  - O. The sponsor and the managing agency shall designate points of contact and provide contact information (24 hour accessible phone contact) to the chief criminal deputy of the Whatcom County Sheriff or his/her designee. At least one designated point of contact shall be on duty at all times. The names of the on-duty points of contact shall be posted on-site daily and their contact information shall be provided to the Whatcom County Sheriff's Office as described above.
  - P. Facilities for dealing with trash shall be provided on-site throughout the encampment. A regular trash patrol in the immediate vicinity of the temporary encampment site shall be provided.
  - Q. The sponsor and the managing agency shall take all reasonable and legal steps to obtain verifiable identification information, to include full name and date of birth, from current and prospective encampment residents and use the identification to obtain sex offender and warrant checks from appropriate agencies. The sponsor and the managing agency shall keep a current log of names and dates of all people who stay overnight in the encampment. This log shall be available upon request to law enforcement agencies and prospective encampment residents shall be so advised by the sponsor and managing agency. Persons who have active warrants, or who are required to register as sex offenders, are prohibited from the encampment's location.
  - R. The sponsor and the managing agency shall immediately contact the Whatcom County Sheriff's Office if someone is rejected or ejected from the encampment when the reason for rejection or ejection is an active warrant or a match on a sex offender check, or if, in the opinion of the on-duty point of contact or on-duty security staff, the rejected/ejected person is a potential threat to the community.
  - S. Tents over 300 square feet in size and canopies in excess of 400 square feet shall utilize flame retardant materials.
  - T. The sponsor, the managing agency and temporary encampment residents shall cooperate with other providers of shelters and services for homeless persons within the County and shall make inquiry with these providers regarding the availability of existing resources.
  - U. The sponsor and/or managing agency shall provide before-encampment photos of the host site with the application. Upon vacation of the temporary encampment, all temporary structures and debris shall be removed from the host site within one calendar week.
  - V. Upon cessation of the temporary encampment, the site shall be restored, as near as possible, to its original condition. Where deemed necessary by the director, the sponsor and/or managing agency shall re-plant areas in which vegetation had been

1 removed or destroyed.  
2

3 **Section 5. Frequency and duration of temporary homeless facilities.**  
4

- 5 A. No more than a maximum of 100 people may be housed in temporary homeless  
6 facilities (encampments) located in the unincorporated County at any time. Multiple  
7 encampment locations may be permitted provided that the aggregate total of people in  
8 all temporary tent and/or tiny house encampments shall not exceed 100.  
9
- 10 B. The director shall not grant a permit for the same site more than once in any calendar  
11 year; provided that director is not authorized to issue a permit for the same site sooner  
12 than 180 days from the date the site is vacated as provided for in Section 4 of this  
13 ordinance.  
14
- 15 C. Temporary tent encampments may be approved for a period not to exceed 180 days.  
16 The director may grant one 180-day extension, provided all conditions have been  
17 complied with and circumstances associated with the use have not changed. This  
18 extension shall be subject to a Type II review process and may be appealed to the  
19 hearing examiner as provided in WCC 22.05.020(1). The permit shall specify a date by  
20 which the use shall be terminated and the site vacated and restored to its pre-  
21 encampment condition.  
22
- 23 D. Temporary tiny house encampments may be approved for a period of between six  
24 months and up to one year, provided the sponsor and managing agency comply with  
25 all permit conditions. The director may grant one or more extension(s) not to exceed  
26 one additional year, provided enabling legislation allows so. Extensions are subject to a  
27 Type II review process and may be appealed to the hearing examiner as provided in  
28 WCC 22.05.020(1). The permit shall specify a date by which the use shall be  
29 terminated and the site vacated and restored to its pre-encampment condition.  
30

31 **Section 6. Permit required.** Establishment of a temporary homeless facility shall require  
32 approval of an administrative use permit, as described in this ordinance, and compliance with  
33 all other applicable County regulations. The director shall have authority to grant, grant  
34 with conditions or deny an application for an administrative use permit under this ordinance.  
35

36 **Section 7. Application.** Application for an administrative use permit shall be made on forms  
37 provided by the County, and shall be accompanied by the following information; provided,  
38 that the director may waive any of these items, upon request by the applicant and finding that  
39 the item is not necessary to analyze the application. An application to establish a temporary  
40 homeless facility shall be signed by both the sponsor and the managing agency ("applicant")  
41 and contain the following:  
42

- 43 A. A site plan of the property, drawn to scale, showing existing natural features, existing  
44 and proposed grades, existing and proposed utility improvements, existing rights-of-  
45 way and improvements, and existing and proposed structures, tents and other  
46 improvements (including landscaping and fencing at the perimeter of the proposed  
47 encampment and the property and off-street parking);  
48 B. A vicinity map, showing the location of the site in relation to nearby streets and  
49 properties;  
50 C. A written summary of the proposal, responding to the standards and requirements of  
51 this ordinance;  
52 D. The written code of conduct, operations plan and a transportation plan as required by  
53 this ordinance;  
54 E. Statement of actions that the applicant will take to obtain verifiable identification from  
55 all encampment residents and to use the identification to obtain sex offender and  
56 warrant checks from appropriate agencies;  
57 F. Project statistics, including site area, building coverage, number and location of tents  
58 and temporary structures, expected and maximum number of residents, and duration  
59 of the encampment;

- G. Address and parcel number of the subject property;
- H. Photographs of the site;
- I. A list of other permits that are or may be required for development of the property (issued by the County or by other government agencies), insofar as they are known to the applicant;
- J. Permit fees for temporary homeless facilities shall be in accordance with WCC 22.25;
- K. A list of any requirement under this ordinance for which the applicant is asking to modify.

## **Section 8. Permit Procedures.**

- A. Notice. All temporary homeless facility applications shall be reviewed under a Type II process under WCC 22.05, except that the final decision must be rendered within 60 days of a determination of completeness. Additionally, the notice of application shall contain proposed duration and operation of the temporary homeless facility, number of residents for the encampment, and contain a County website link to the proposed written code of conduct, operations plan and transportation plan for the facility.
- B. Decision and Notice of Decision. Final action on permit applications made under this section shall be in accordance with WCC 22.05. Before any such permit may be granted, the applicant shall demonstrate and the director shall find consistency WCC 20.84.220 and the following:
  - 1. The proposed use meets the requirements of this ordinance; and
  - 2. Measures, including the requirements herein and as identified by the director, have been taken to minimize the possible adverse impacts which the proposed encampment may have on the area in which it is located. It is acknowledged that not all impacts can be eliminated, however the risk of significant impacts can be reduced to a temporary and acceptable level as the duration of the encampment will be limited.

A notice of the decision shall be provided in accordance with WCC 22.05.

- C. Conditions. Because each temporary encampment has unique characteristics, including, but not limited to, size, duration, uses, number of occupants and composition, the director shall have the authority to impose conditions on the approval of an administrative use permit to ensure that the proposal meets the criteria for approval listed above. Conditions, if imposed, must be intended to protect public health, life and safety and minimize nuisance-generating features such as noise, waste, air quality, unsightliness, traffic, physical hazards and other similar impacts that the temporary encampment may have on the area in which it is located. In cases where the application for an administrative use permit does not meet the provisions of this ordinance (except when allowed under subsection (D) of this section) or adequate mitigation may not be feasible or possible, the director shall deny the application.
- D. Modification of Requirements. The director may approve an administrative use permit for a temporary encampment that relaxes one or more of the standards in this ordinance only when, in addition to satisfying the decision criteria stated above, the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe encampment with minimal negative impacts to the host community under the specific circumstances of the application. In considering whether the modification should be granted, the director shall first consider the effects on the health and safety of encampment residents and the neighboring communities. Modifications shall not be granted if their adverse impacts on encampment residents and/or neighboring communities will be greater than those without modification. The burden of proof shall be on the applicant.
- E. Appeal. The director's decision may be appealed to the hearing examiner as provided

in WCC 22.05.020(1) and 22.05.160.

- F. Revocation. The director shall also have the authority to revoke an approved administrative use permit, pursuant to WCC 22.05.150 at any time a sponsor or managing agency has failed to comply with the applicable provisions of this ordinance or permit.

**Section 9. Purpose.** The purpose of this interim ordinance is to allow and establish a review process for the location, siting, and operation of temporary homeless facilities within the unincorporated County. While the interim ordinance is in effect, the County will study the land use and other impacts associated with temporary homeless facilities, draft final zoning and regulations to address such uses, hold public hearings on such draft regulations, and adopt such regulations.

**Section 10. Duration of Interim Ordinance.** This interim ordinance will replace Ordinance ~~2018-041~~2019-074 and shall be in effect for one year beginning on ~~November 6, 2019~~October 27, 2020, and ending on ~~November 6, 2020~~October 27, 2021, unless another ordinance is adopted amending the Whatcom County Code and rescinding this interim ordinance before ~~November 6, 2020~~October 27, 2021.

**Section 11. Work Plan.** During the interim ordinance period, County staff will study the issues concerning the establishment and operation of temporary homeless facilities. Staff will prepare a draft ordinance with appropriate revisions to the County's land use regulations; perform SEPA review of the draft ordinance, and conduct the public review process, including public hearings before the County's Planning Commission and County Council, as required for amendments to the County's development regulations.

**Section 14. Conflict with other Whatcom County Code Provisions.** If the provisions of this Ordinance are found to be inconsistent with other provisions of the Whatcom County Code, this Ordinance shall control.

**Section 15. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, ~~2019~~2020.

**WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON**

**ATTEST:**

\_\_\_\_\_  
**Dana Brown-Davis, Council Clerk**

\_\_\_\_\_  
~~Rud Browne~~**Barry Buchanan**, Chairperson

**APPROVED as to form:**

**( ) Approved ( ) Denied**

\_\_\_\_\_  
~~Karen Frakes~~ (09/03/2020)

\_\_\_\_\_  
**Civil Deputy Prosecutor**

\_\_\_\_\_  
~~Jack Louws~~**Satpal Sidhu**, Executive

**Date:** \_\_\_\_\_



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-432

---

<b>File ID:</b>	AB2020-432	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/30/2020	<b>Entered by:</b>	JNixon@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Council Appointment Requiring Introduction		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	
<b>Agenda Date:</b>	10/13/2020			<b>Enactment #:</b>	

---

Primary Contact Email: jnixon@co.whatcom.wa.us

### **TITLE FOR AGENDA ITEM:**

Receipt of application for the Drainage Improvement District #6, Supervisor Position 3 - Applicant(s): Thomas Shaffer (Deadline for additional applications for this position is 10:00 a.m. on October 20, 2020)

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

This is a Special District Appointment. Applicants must be registered voters in the State of Washington and own land in the district they represent. Appointments are made by the County Council. Appointees will serve until the next special district election in February 2022.

Duties include field review of drainage needs, attending an annual meeting to determine the next year's work schedule and assessment levy, elect internal officers, and review, discuss, or act on any other official and district business. (RCW 85.06 and RCW 85.38.170 and .180)

District boundary is generally located midway between Lynden and Ferndale and bounded and/or transected by portions of W. Pole, Old Guide, King Tut, Aldrich, and Woodlyn Roads. Unnamed tributary ditch to Cougar Creek/Nooksack River is the primary channel.

---

### **HISTORY OF LEGISLATIVE FILE**

---

<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
--------------	---------------------	----------------	-----------------

---

---

**Attachments:**    Shaffer Application



## APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Thomas R. Shaffer Date: 9/21/2020  
Street Address: 6679 TUT TERRANCE  
City: BELLINGHAM WA Zip Code: 98226  
Mailing Address (if different from street address): \_\_\_\_\_  
Day Telephone: 360-398-2747 Evening Telephone: \_\_\_\_\_ Cell Phone: 360-224-6281  
E-mail address: MONTAUSKY98072@Yahoo.com

1. Name of board or committee-**please see reverse:** Drainage Imp Dist #6
2. **You must specify which position you are applying for. Please refer to vacancy list.** Supervisor Position #3
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. DEPT. of Homeland Sec / CBP

11. Please describe why you're interested in serving on this board or commission: Asked by BOARD MEMBERS

References (please include daytime telephone number): MARK West  
H# 360-306-5302 C# 360-220-5073

Signature of applicant: [Signature]

**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.**



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-428

---

<b>File ID:</b>	AB2020-428	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	09/29/2020	<b>Entered by:</b>	SWinger@co.whatcom.wa.us		
<b>Department:</b>	Finance Division	<b>File Type:</b>	Resolution Requiring a Public Hearing		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	
<b>Agenda Date:</b>	10/13/2020			<b>Enactment #:</b>	

---

Primary Contact Email: swinger@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Resolution authorizing the sale of surplus personal property pursuant to WCC 1.10

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

The County Purchasing Agent is required by Whatcom County Code 1.10.180 to submit a list (see Exhibit 'A') of surplus personal property to the Council for authority to dispose of said personal property

---

### HISTORY OF LEGISLATIVE FILE

---

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

---

---

**Attachments:** Proposed Resolution, Exhibit A

PROPOSED BY: Finance

DATE INTRODUCED: 10/13/2020

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE SALE OF WHATCOM COUNTY SURPLUS PERSONAL PROPERTY

PURSUANT TO WCC 1.10

WHEREAS, a public hearing was held on \_\_\_\_\_, 2020 to discuss the sale of Whatcom County personal property; and

WHEREAS, it was determined to be in the best interest of Whatcom County to sell the property listed in Exhibit "A" and such property shall be sold at public auction or by sealed bid after October 2020, subsequent to compliance with notice requirements of WCC 1.10.200; and

NOW, THEREFORE, BE IT RESOLVED that the property listed in Exhibit "A" be sold at public auction or by sealed bid after October 2020 pursuant to the notice requirements of WCC 1.10.200.

BE IT FURTHER RESOLVED that where there is no bid within the advertised terms the County may withdraw the property from the sale, or if the County deems such action to be in the public interest, reject any or all bids either written or oral, and thereafter negotiate the sale of the property providing the negotiated price is higher than the highest bid at the public sale and that the public has notice by advertisement, under WCC 1.10.200, and an opportunity to compete through mailed bids, for the purchase by offer of a more favorable price.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
Civil Deputy Prosecuting Attorney

**WHATCOM COUNTY  
PUBLIC WORKS DEPARTMENT**

**Jon Hutchings**  
Director



**EQUIPMENT SERVICES DIVISION**

901 W. Smith Road  
Bellingham, WA 98226-9610  
Phone (360) 778-6400  
Fax (360) 778-6402  
Eric L. Schlehuber, Division Manager

**Exhibit "A"**  
**CAPITAL EQUIPMENT SURPLUS REQUEST**  
**October 2020**

PUBLIC WORKS – EQUIPMENT SERVICES							
UNIT	YEAR	MAKE	MODEL	DEPT	VIN #	EST MILES/HRS	COMMENTS
5	1994	Pontiac	Grand Prix SE	ASSESSOR	1G2WJ52M1RF329857	59,534	Obsolete/no parts available
42	2000	Ford	Ranger XL 4X4	HEALTH	1FTZR11V2YPB81456	104,467	Already Replaced
52	2000	Ford	Taurus	ASSESSOR	1FAFP5227YG252211	105,347	Already Replaced
66	2000	Ford	Focus Wagon	ASSESSOR	1FAFP36P9YW374097	96,008	Obsolete/no parts available
89	2008	Ford	Escape 4X4 – Hybrid	PDS	1FMCU59H08KB00098	141,441	Already Replaced
98	2004	Toyota	Prius-Hybrid	HEALTH	JTDKB22UX50117364	101,362	Already Replaced
103	2007	Ford	F150 4X4	M&O	FTRX14W17FB64257	153,121	Already Replaced
159	2008	Ford	F250 4X4 EX CAB	M&O	1FTSX21R38EC76958	102,750	Already Replaced
181	2002	Ford	F150 4X4	ENGINEERING	2FTRX18W62CA78554	117,365	Already Replaced
224	1987	Dodge	D350 1T WELD TRK	EQUIP SERVICES	1B6MD3453HS494677	101,200	Already Replaced
244	2001	International	Bridge Truck	M&O	1HTGLAXT61H331909	44,921	Already Replaced
265	2003	Kenworth	T800B	M&O	1NKDXBEXX3R386682	277,556	Already Replaced
266	2003	Kenworth	T800B	M&O	1NKDXBEX13R386683	284,859	Already Replaced
275	2001	Kenworth	T800B with #576 & #418	M&O	1NKDXBEX31R876944	269,611	Already Replaced
314	1991	CAT	140G	M&O	72V13873	11,094	Already Replaced
329	2012	John Deere	6430 with #529	M&O	1L06430PTB704136	7,771	Already Replaced
337	2000	Komatsu	WA320-3MC	M&O	A31509	3,986	Already Replaced
338	2012	John Deere	6430 with #538	M&O	1L06430PVB705617	8,488	Already Replaced
355	1998	Gradall	G3WD 4X2	M&O	0139365	5,900	Already Replaced
360	1984	John Deere	850 Dozer	M&O	J713373	1,236	Already Replaced
418	2001	Swenson	Sander with #275	M&O	N/A	N/A	Already Replaced
433	1964	P&H	325TC Truck	M&O	26139	10,949	Already Replaced
433A	1964	P&H	Crane with #433	M&O	N/A	4,541	Already Replaced
457	1994	Swenson	Sander	M&O	N/A	N/A	Already Replaced
463	1994	Portable	Sander	M&O	N/A	N/A	Already Replaced
464	1994	Portable	Sander	M&O	N/A	N/A	Already Replaced
477	2003	Pump	Pump TP-150 6"	M&O	TP-150/150/3/02	N/A	Already Replaced
487	2000	Continental	Welder with #224	EQUIP SERVICES	N/A	N/A	Already Replaced
529	2012	US Mower	Rotary MID MT with #329	M&O	102074	N/A	Already Replaced
538	2012	US Mower	Rotary MID MT with #338	M&O	102062	N/A	Already Replaced
571	1994	American	Reverse-A-Cast	PARKS	N/A	N/A	Already Replaced
576	1994	Snow	Plow with #275	M&O	N/A	N/A	Already Replaced

582	2008	American	Sno-PI-3912-P1SA	M&O	JG0069	N/A	Already Replaced
756	1980	Emulsion Tanks	Asphalt Emulsion Tanks (qty 4)	M&O	N/A	N/A	Obsolete/No parts available
759	1998	B/E Better	Parts Washer	EQUIP SERVICES	N/A	N/A	Already Replaced
816	2003	Wheel Barrel	Power Wheel Barrel	PARKS	7563272	N/A	Already Replaced
869	2008	Ford	F250 4X4 EX Cab	PARKS	1FTSX21Y18EA18736	123,012	Already Replaced
6017	2004	Chevy	Impala	SHERIFF	2G1WF52KX49228001	118,514	Already Replaced
6150	2005	Ford	Expedition	SHERIFF	1FMPU16535LA74283	103,311	Already Replaced
6162	2006	Chevy	Impala	SHERIFF	2G1WS581869376094	115,222	Already Replaced
6165	2006	Ford	Expedition	SHERIFF	1FMPU16516LA79354	119,081	Already Replaced
6196	2008	Ford	Crown Vic Police Interceptor	SHERIFF	2FAHP71V28X154889	187,325	Already Replaced
6201	2008	Ford	Crown Vic Police Interceptor	SHERIFF	2FAHP71V38X154898	171,217	Already Replaced
6204	2009	Ford	Crown Vic Police Interceptor	SHERIFF	2FAHP71VX9X129837	119,371	Already Replaced
6208	2009	Ford	Crown Vic Police Interceptor	SHERIFF	2FAHP71V19X129841	136,459	Already Replaced
6213	2009	Ford	Crown Vic Police Interceptor	SHERIFF	2FAHP71V09X129846	103,109	Already Replaced
6214	2009	Ford	Crown Vic Police Interceptor	SHERIFF	2FAHP71V29X129847	118,913	Already Replaced
6226	2014	Ford	PUV-AWD	SHERIFF	1FM5K8AR5EGB37957	72,435	Totalled
6824	1998	Row Boat	Duro AOGPR12	N/A	DUW12040E898	N/A	Already Replaced

**DESCRIPTION**


**GENERAL FUND – SURPLUS EQUIPMENT**

UNIT	YEAR	MAKE	MODEL / DESCRIPTION	DEPT	PROPERTY TAG #	COMMENTS

**DESCRIPTION**

Miscellaneous worn, obsolete, or broken office equipment, computer components, and furniture



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-435

---

<b>File ID:</b>	AB2020-435	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
<b>File Created:</b>	10/01/2020	<b>Entered by:</b>	SMock@co.whatcom.wa.us		
<b>Department:</b>	Public Works Department	<b>File Type:</b>	Resolution Requiring a Public Hearing		
<b>Assigned to:</b>	Council	<b>Final Action:</b>			
<b>Agenda Date:</b>	10/13/2020	<b>Enactment #:</b>			

---

Primary Contact Email: [sdraper@co.whatcom.wa.us](mailto:sdraper@co.whatcom.wa.us) <<mailto:sdraper@co.whatcom.wa.us>>

### TITLE FOR AGENDA ITEM:

Resolution adopting the 2021 Annual Road Construction Program (ACP)

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Resolution adopting the Whatcom County 2021 Annual Construction Program (ACP). The ACP is an integral part of the County budget process and reflects the first year of the adopted 2021-2026 Six Year Transportation Improvement Program

---

### HISTORY OF LEGISLATIVE FILE

---

Date:	Acting Body:	Action:	Sent To:

---

**Attachments:** Memo, Proposed Resolution

Jon Hutchings  
Director



James P. Karcher, P.E.  
County Engineer  
322 N. Commercial Street, Ste 301  
Bellingham, WA 98225-4042  
Phone: (360) 778-6210  
Fax: (360) 778-6211

## Memorandum

To: The Honorable Satpal Sidhu, Whatcom County Executive, and  
Honorable Members of the Whatcom County Council

Through: Jon Hutchings, Director *JHC SIGN FOR DIRECTOR*

From: James P. Karcher, P.E., County Engineer *JPK*

Date: September 30, 2020

Re: 2021 Annual Construction Program (ACP)

---

### Requested Action:

Public Works Committee work session and Introduction on October 13, 2020, followed by a Public Hearing and adoption on October 27, 2020.

### Background and Purpose:

RCW 36.81.130 requires the adoption of the Annual Construction Program (ACP). Adoption of this program is an element of the County budget process.

This ACP is identical to the 1<sup>st</sup> year of the Six Year Transportation Improvement Program (STIP) approved on September 29, 2020.

### Information:

A proposed resolution is enclosed for your consideration. In addition, each project that has funding available in 2021 has a project summary sheet for your review.

If you have questions or require additional information, please contact me at the number provided above.

PROPOSED BY: Public Works

INTRODUCED: 10/13/2020

RESOLUTION NO. \_\_\_\_\_

APPROVING THE WHATCOM COUNTY 2021 ANNUAL CONSTRUCTION PROGRAM

WHEREAS, pursuant to RCW 36.81.130, the Whatcom County Engineer did file with the Whatcom County Council a recommended plan for laying out, construction, maintenance and special maintenance of County roads for the fiscal year of 2021; and,

WHEREAS, the Whatcom County Council held a public hearing on the 27<sup>th</sup> day of October, 2020, and has considered the testimony given as well as the recommended plan; and,

WHEREAS, the Whatcom County Council had determined that said plan is necessary as nearly as practicable to the Whatcom County 2021-2026 Six-Year Transportation Improvement Program, approved by Resolution 2020-034 on September 29, 2020.

NOW, THEREFORE, BE IT RESOLVED that the 2021 Whatcom County Annual Construction Program is hereby approved as shown on the attachment hereto; and

BE IT FURTHER RESOLVED that no changes be made in the program without the unanimous vote of the Whatcom County Council; and

BE IT FINALLY RESOLVED that upon approval, the 2021 Annual Construction Program be filed with the County Road Administration Board per WAC 136-16-040.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

Approved as to form CQ, emailed 9.30.20

\_\_\_\_\_  
Chris Quinn, Senior Civil Deputy Prosecutor Attorney

Whatcom County  
2021  
**Annual Construction Program**  
WAC 136-16

(A) TOTAL CONSTRUCTION DONE (total sum of column 13 + column 14): \$16,300,000.00  
(B) COMPUTED COUNTY FORCES LIMIT: \$1,801,002.00  
(C) TOTAL COUNTY FORCES CONSTRUCTION (total sum of column 14): \$1,600,000.00

Date of Environmental Assessment:  
Date of Final Adoption:  
Ordinance/Resolution Number:

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)			
Annual Program Item No.	6 Year Road Program Item No.	Project Name	Road #	Road Segment Information Road Name	EMP	BMP	Project Length(mi.)	Project Type Code	Environmental Assessment	County Road Funds	Other Funds Amount	Program Source	PE & CE (595.10)	Right of Way (595.20)	Estimated Expenditures Dollars Construction Contract	County Forces	Grand Total (All 595)
1	R1	CRP #907001 Birch Bay Drive & Pedestrian Facility from Lora Lane to Cedar Avenue	20010	Road Name: Birch Bay Drive From: Lora Lane To: Cedar Avenue	4.26	2.68	1.58	P&T FP DR Other	S	\$1,700,000			\$200,000		\$1,500,000		\$1,700,000
2	R2	CRP #914002 East Smith Road & Hannegan Road	55080 55110	Road Name: East Smith Road From: Hannegan Road To: Hannegan Road  Road Name: Hannegan Road From: East Smith Road To: Hannegan Road	2.06 2.06	1.86 1.86	0.40 0.40	3R IS Ilm Safety	S	\$1,500,000	\$2,000,000.00	STP(E)	\$400,000	\$100,000	\$3,000,000		\$3,500,000
3	R3	CRP #917001 Marine Drive, Locust Avenue to Alderwood Avenue	12790	Road Name: Marine Drive From: Locust Avenue To: Alderwood Avenue	4.57	3.92	0.65	RC SW P&T Safety	S	\$1,941,000	\$1,509,000.00	STP(UL)	\$400,000	\$50,000	\$3,000,000		\$3,450,000
4	R4	CRP #919005 Samish Way-Galbraith Lane	44060 44060	Road Name: Samish Way From: Samish Way To: Galbraith Lane  Road Name: Galbraith Lane From: 0 To: 0	1.68 0.00	1.41 0.00	0.27 0.00	IS Other Safety Ilm	S	\$60,000			\$10,000	\$10,000	\$30,000	\$10,000	\$60,000
5	R5	CRP #919018 Birch Bay Lynden Rd Enterprise Rd to Railbone Rd	21580	Road Name: Birch Bay Lynden Rd From: Enterprise Rd To: Railbone Rd	9.95	7.92	2.03	2R Safety	E	\$985,000	\$165,000.00	WA Misc	\$150,000		\$1,000,000		\$1,150,000
6	R6	CRP #906001 Birch Bay Lynden Rd & Blaine Rd	21580	Road Name: Birch Bay Lynden Rd From: Birch Bay Lynden Rd To: Blaine Rd	1.25	1.00	0.25	IS Ilm SW Safety 3R	S	\$400,000			\$400,000				\$400,000
7	R7	CRP #918019 Smith Road & Northwest Drive	75080 74050	Road Name: Smith Road From: 0 To: 0  Road Name: Northwest Drive From: 0 To: 0	1.60 3.70	1.40 3.50	0.40 1.60	RC IS Ilm Safety	S	\$25,000			\$25,000				\$25,000
8	R8	CRP #920016 Chief Martin Road, Cagney Road to Kvina Road	14110	Road Name: Chief Martin Road From: Cagney Road To: Kvina Road	2.50	0.00	2.50	3R Safety	S	\$200,000			\$200,000				\$200,000
9	R9	CRP #914001 Slater Road & Northwest Drive	14760 74050	Road Name: Slater Road From: Slater Road To: Northwest Drive  Road Name: Northwest Drive From: Slater Road To: Northwest Drive	8.29 2.27	8.00 2.27	0.40 1.60	RC FP IS Ilm Safety	S	\$5,000			\$5,000				\$5,000
10	R10	CRP #916002 Horton Road, Northwest Drive to Aldrich Road	74230	Road Name: Horton Road From: Horton Road To: Aldrich Road	0.70	0.00	0.70	NEW SW DR IS	S	\$10,000			\$10,000				\$10,000
11	R11	CRP #912017 Lummi Nation Transportation Projects					N/A			\$2,000,000			\$350,000	\$150,000	\$1,500,000		\$2,000,000
12	R12	CRP #910002 Point Roberts Transportation Improvements					N/A			\$150,000			\$50,000		\$90,000	\$10,000	\$150,000
13	R13	CRP #916007 Hemmi Road Flood Mitigation	56320	Road Name: East Hemmi Road From: East Hemmi Road To: East Hemmi Road	2.60	2.30	0.30	2R DR Other	S	\$1,450,000			\$150,000		\$1,290,000	\$10,000	\$1,450,000

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)				
Annual Program Item No.	6 Year Program Item No.	Project Name	Road #	Road Segment Information Road Name	BMP	EMP	FEC	Project Length(mi.)	Project Type Code	Environmental Assessment	County Road Funds	Other Funds Amount	Program Source	PE & CE (\$95.10)	Right of Way (\$95.20)	Estimated Expenditures Dollars Construction Contract	County Forces	Grand Total (All 955)
14	R14	CRP #915014 Innis Creek Road	88850	Road Name: Innis Creek Road From: Innis Creek Road To: Innis Creek Road	2.45	2.65	09	0.20	2R DR Other Safety	S	\$10,000			\$10,000				\$10,000
15	R15	CRP #921001 Birch Bay Drive, Jackson Road to Shintaffer Road	20010	Road Name: Birch Bay Drive From: Jackson Road To: Shintaffer Road	2.10	4.53	07	2.43	3R Safety	E	\$15,000			\$15,000				\$15,000
16	R16	CRP #921002 Marine Drive II, Alderwood Avenue to Bridge No. 172	12790	Road Name: Marine Drive From: Alderwood Avenue To: Bridge No. 172	3.37	3.92	06	0.55	RC P&T	S	\$15,000			\$15,000				\$15,000
17	R17	CRP #915013 Turkington Road/Jones Creek	89200	Road Name: Turkington Road From: Turkington Road To: Turkington Road	0.40	0.60	09	0.20	RC Other	S	\$55,000			\$30,000	\$25,000			\$55,000
18	R18	CRP #921003 Truck Road, 2020 Flood Damage Repair	89200	Road Name: Truck Road From: Truck Road To: Truck Road	0.40	0.60	16	0.20	3R K	S	\$100,000			\$100,000				\$100,000
19	R19	CRP #919002 Abbott Road/Levee Improvements	55560	Road Name: Abbott Road From: Abbott Road To: Abbott Road	1.70	1.90	09	0.20	RC Other	S	\$150,000					\$150,000		\$150,000
20	R20	CRP #919001 Fendale Road/Levee Improvements	12800	Road Name: Fendale Road From: Fendale Road To: Fendale Road	2.50	3.82	08	1.32	Other	S	\$50,000			\$50,000				\$50,000
21	R21	CRP #921004 Lake Louise, Austin Street to Lake Whalcom Boulevard	46010	Road Name: Lake Louise Road From: Austin Street To: Lake Whalcom Blvd	0.00	4.06	18	4.06	3R Safety	E	\$25,000			\$25,000				\$25,000
22	R22	CRP #921005 Austin Street, Lake Louise Street to Cable Street	46020	Road Name: Austin Street From: Lake Louise Street To: Cable Street	0.00	0.37	16	0.37	3R SW Safety	S	\$25,000			\$25,000				\$25,000
23	R28	CRP #921019 Lakeway Drive Corridor Improvements	45090	Road Name: Lakeway Drive From: Lakeway Drive To: Lakeway Drive	0.00	1.39	16	1.39	Other P&T Safety	E	\$50,000			\$50,000				\$50,000
24	R31	CRP #921006 Small Area Paving, Various locations						N/A	Br 2R	E	\$250,000			\$50,000		\$200,000		\$250,000
25	R34	CRP #921007 South Pass Road, 2020 Flood Damage Repair	66040	Road Name: South Pass Road From: South Pass Road To: South Pass Road	3.50	3.65	16	0.15	2R Safety	E	\$25,000			\$25,000				\$25,000
26	B2	CRP #917004 Jackson Road/Jerrell Creek Bridge No. 81	21950	Road Name: Jackson Road From: Jackson Road To: Jackson Road	0.00	0.10	18	0.10	Br	S	\$250,000			\$200,000	\$50,000			\$250,000
27	B4	CRP #913006 North Lake Samish Road Bridge No. 107	44170	Road Name: North Lake Samish From: North Lake Samish To: North Lake Samish	0.01	0.11	08	0.10	P&T Br	S	\$150,000			\$100,000	\$50,000			\$150,000
28	B5	CRP #920003 Goshen Road/Auderson Creek Bridge No. 248	56140	Road Name: Goshen Rd From: At Bridge No. 248 To: At Bridge No. 248	0.56	0.76	08	0.20	Br	S	\$20,000	\$200,000.00	BR	\$200,000	\$20,000			\$220,000
29	B10	CRP #919006 Mosquito Lake Road/Hutchinson Creek Tributary	84190	Road Name: Mosquito Lake Road From: Mosquito Lake Road To: Mosquito Lake Road	3.10	3.20	08	0.10	FP	S	\$560,000			\$50,000	\$10,000	\$0	\$500,000	\$560,000
30	B11	CRP #919007 North Fork Road/Kennes Creek	89510	Road Name: North Fork Road From: North Fork Road To: North Fork Road	1.00	1.10	09	0.10	FP	S	\$70,000	\$200,000.00	FBRB	\$250,000	\$20,000			\$270,000
31	B12	CRP #920004 Truck Road/Fish Passage	89370	Road Name: Truck Road From: Truck Road To: Truck Road	0.90	0.91	09	0.01	FP	S	\$330,000			\$25,000	\$5,000	\$0	\$300,000	\$330,000
32	B13	CRP #921008 Deal Road/Fish Passage	89300	Road Name: Deal Road From: Deal Road To: Deal Road	0.20	0.21	09	0.01	FP	S	\$80,000			\$75,000	\$5,000			\$80,000
33	F1	CRP #919008 Replacement of Whalcom Chief & Terminal Modification						N/A	Ferry	E	\$300,000			\$300,000				\$300,000
34	F2	CRP #919021 Gooseberry Pt. Terminal Preservation Project						N/A	Ferry	S	\$800,000			\$50,000		\$750,000		\$800,000
35	F3	CRP #914015 Lummi Island Breakwater Replacement						N/A	Ferry	E	\$1,529,000	\$521,000.00	FBP	\$150,000		\$1,900,000		\$2,050,000

(1)	(2)	(3)	(4)			(5)	(6)	(7)	(8)	(9)		(10)	(11)	(12)	(13)	(14)	(15)
Annual Program Item No.	6 Year Road Program Item No.	Project Name	Road #	Road Segment Information	EMP	EFC	Project Length(mi.)	Project Type Code	Environmental Assessment	County Road Funds	Amount	Other Funds Program Source	PF & CE (\$95.10)	Right of Way (\$95.20)	Estimated Expenditures Dollars	County Forces	Grand Total (All \$95)
36	F4	CRP #9191009 Relocation of Gooseberry Terminal					N/A	Ferry	E	\$50,000			\$50,000				\$50,000
37	Y1	CRP #9211009 Various Bridges					N/A	Br	S	\$300,000			\$50,000		\$0	\$250,000	\$300,000
38	Y2	CRP #9210110 Rehabilitation/Replacement Way Acquisition					N/A		E	\$50,000				\$50,000			\$50,000
39	Y3	CRP #9210111 Unanticipated Site Improvements					N/A		E	\$300,000			\$30,000		\$0	\$270,000	\$300,000
40	Y4	CRP #9210112 Unanticipated Stormwater Quality Improvements					N/A		S	\$120,000			\$20,000		\$90,000	\$10,000	\$120,000
41	Y5	CRP #9210113 Unanticipated Non-motorized Transportation Improvements					N/A	SW P&T Safety	I	\$60,000			\$10,000		\$50,000		\$60,000
42	Y6	CRP #9210114 Fish Passage Project					N/A	FP	S	\$50,000			\$50,000				\$50,000
43	Y7	CRP #9210115 Swift Creek Transportation Impact					N/A			\$100,000			\$10,000		\$0	\$90,000	\$100,000
44	Y8	CRP #9210116 Railroad Crossing Improvements					N/A	Other 2R Safety	I	\$200,000			\$50,000		\$0	\$150,000	\$200,000
45	Y9	CRP #9210117 Beam Guardrail Replacement/Upgrades					N/A	Safety	I	\$50,000			\$50,000				\$50,000
46	Y10	CRP #9210118 ADA Barrier Removal					N/A	SW	E	\$200,000			\$50,000		\$150,000		\$200,000
										\$16,765,000	\$4,595,000		\$4,515,000	\$545,000	\$14,700,000	\$1,600,000	\$21,360,000

## Birch Bay Drive and Pedestrian Facility CRP #907001

**Construction Funding Year(s):** 2021

### Project Narrative:

This project is located parallel to Birch Bay Drive from Cedar Avenue to the mouth of Terrell Creek, in Sections 30 and 31, T40N, R1E, and Sections 24 and 25, T40N, R1W. This is a 1.58 mile separated berm with pathway to encourage pedestrian use along Birch Bay Drive to support safety and to protect the roadway from storm damage. In addition, the project will provide mitigation for both beach erosion and roadway protection. This project is listed **#R1** on the 2021-2026 Six-Year Transportation Improvement Program.

### Project Status:

Phase I of the Feasibility Study was completed in 2006. Phase 2A (Preliminary Construction Cost Estimate) was completed in 2007, and updated in spring of 2013. Preliminary Engineering began in late 2013, R/W acquisition began in 2016 (100% complete), and permitting is 100% complete. Construction began in December 2019 and is expected to last through 2022. Due to the long duration monitoring periods required by project permits, it is anticipated that the contract may be open through 2025.

**Total Estimated Project Cost:** \$14,150,000

**Expenditures to Date:** \$7,690,000

### Funding Sources:

Federal	\$3,172,000 (STP and TAP)
State	\$0
Local	\$10,978,000

### Environmental Permitting

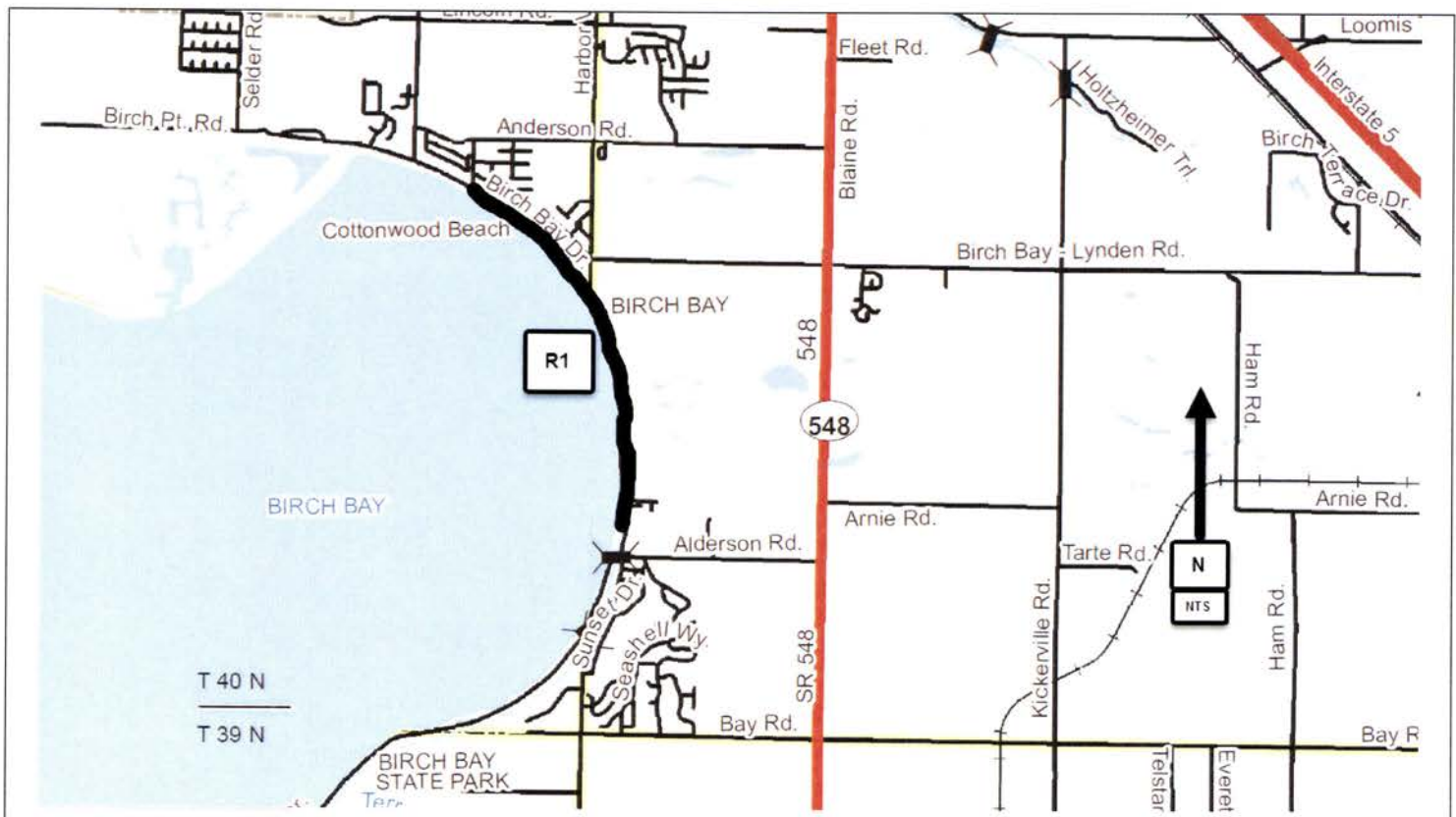
Whatcom County-Shorelines; WDFW-HPA, Army Corps of Engineers, DOE; Sec 404 Clean Water Act; NEPA

### Right-of-Way Acquisition (Actual)

\$1,686,000

### County Forces (Estimate)

N/A



## East Smith Road & Hannegan Road Intersection Improvements CRP # 914002

**Construction Funding Year(s):** 2021

**Project Narrative:**

The intersection of East Smith and Hannegan Roads is located in Sections 28, 29, 32 and 33, T39N, R3E. This intersection currently experiences delays due to the lack of left-turn channelization on Smith Road. The project work entails the construction of a two-lane Roundabout at the intersection. This project is listed **#R2** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

The 'Alternatives Analysis' completed by a traffic consultant in 2018 determined a two-lane Roundabout as the best design solution. Design proceeding, and is expected to be completed in 2021, with Construction planned for 2021 or 2022 depending on ROW acquisition, utility relocation, and environmental permitting.

**Total Estimated Project Cost:** \$3,565,000

**Expenditures to Date:** \$461,000

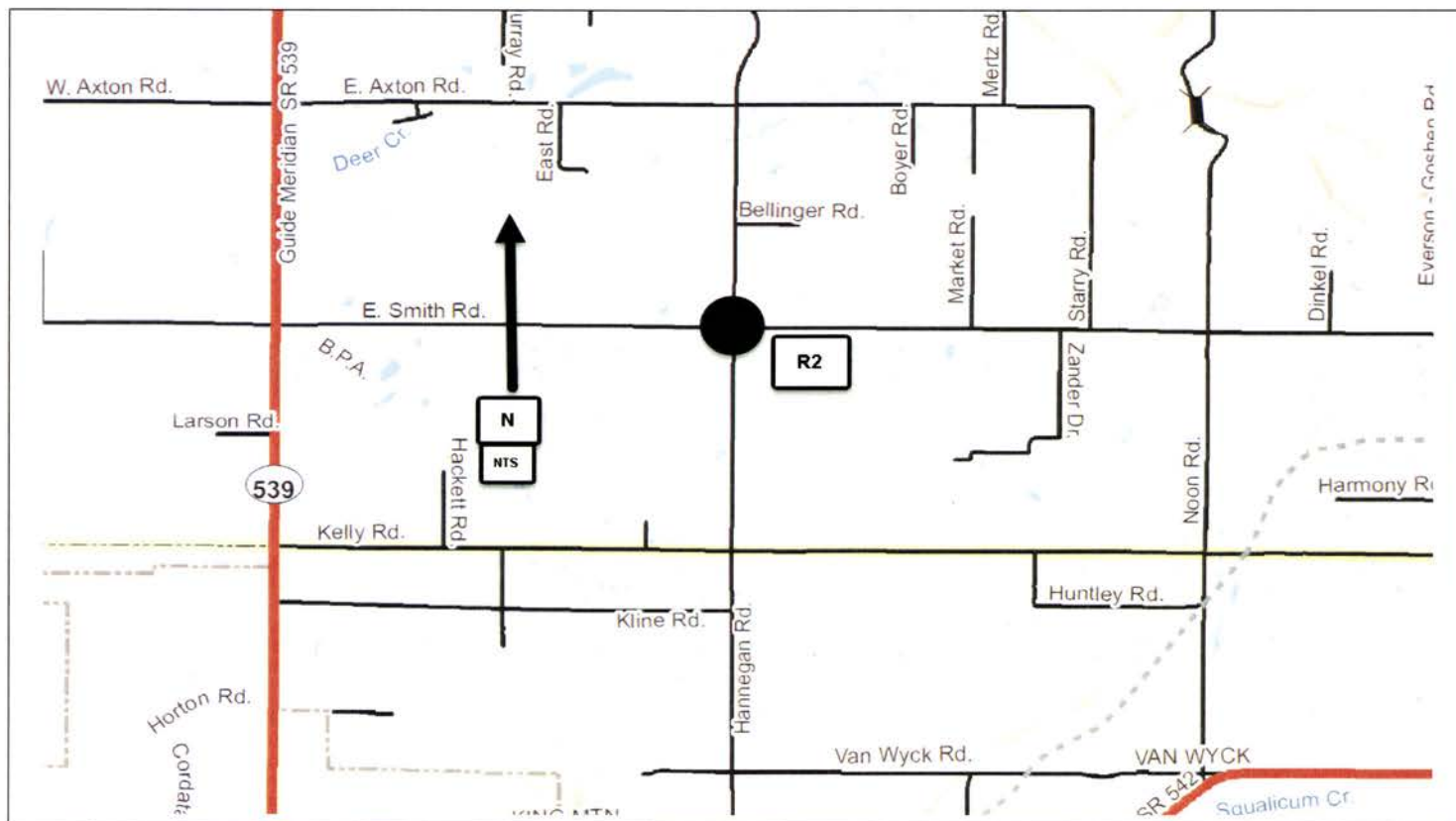
**Funding Sources:**

Federal	\$2,000,000 ST/HSIP available in 2021
State	\$0
Local	\$1,565,000

<b>Environmental Permitting</b>	NEPA, ESA, Corp of Engr, Cllrg/CAO, DOE
---------------------------------	---

<b>Right-of-Way Acquisition (Estimate)</b>	\$350,000
--	-----------

<b>County Forces (Estimate)</b>	N/A
---------------------------------	-----



## Marine Drive Locust Avenue to Alderwood Avenue Reconstruction and Bike/Ped Facilities CRP # 917001

**Construction Funding Year(s):** 2021

**Project Narrative:**

This Marine Drive project is located between Locust Ave. and Alderwood Avenue in Section 15 of T38N, R2E. The work involves reconstruction of approximately ½ mile of roadway with emphasis on bike/pedestrian and stormwater quality enhancements. This project is listed **#R3** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Survey completed and design initiated in 2019. Design to be completed in late 2020, with ROW acquisition and environmental permitting to be completed in early 2021. Construction is expected to begin in summer of 2021.

**Total Estimated Project Cost:** \$3,510,000

**Expenditures to Date:** \$322,000

**Funding Sources:**

Federal	\$1,509,000 (STBG) Available in 2021
State	\$0
Local	\$2,001,000

<b>Environmental Permitting</b>	ECS, BA, SEPA, CLR/CAO, Corps of Engrs
<b>Right-of-Way Acquisition (Estimate)</b>	\$50,000
<b>County Forces (Estimate)</b>	N/A



## Samish Way & Galbraith Lane Pedestrian Crosswalk CRP # 919005

**Construction Funding Year(s):** 2021

**Project Narrative:**

Construct a pedestrian-actuated crosswalk for access across Samish Way at Galbraith Lane in response to the City of Bellingham's expansion of the upper Lake Padden parking lot on Samish Way. The existing and projected high use of this parking lot for mountain bike and pedestrian use will result in numerous pedestrians and bikes crossing Samish Way. This project is listed **#R4** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Currently working with the City of Bellingham to provide an in-house design for the pedestrian-actuated crosswalk. COB plans to install the crosswalk with their traffic signal crews, and construction is planned in 2021.

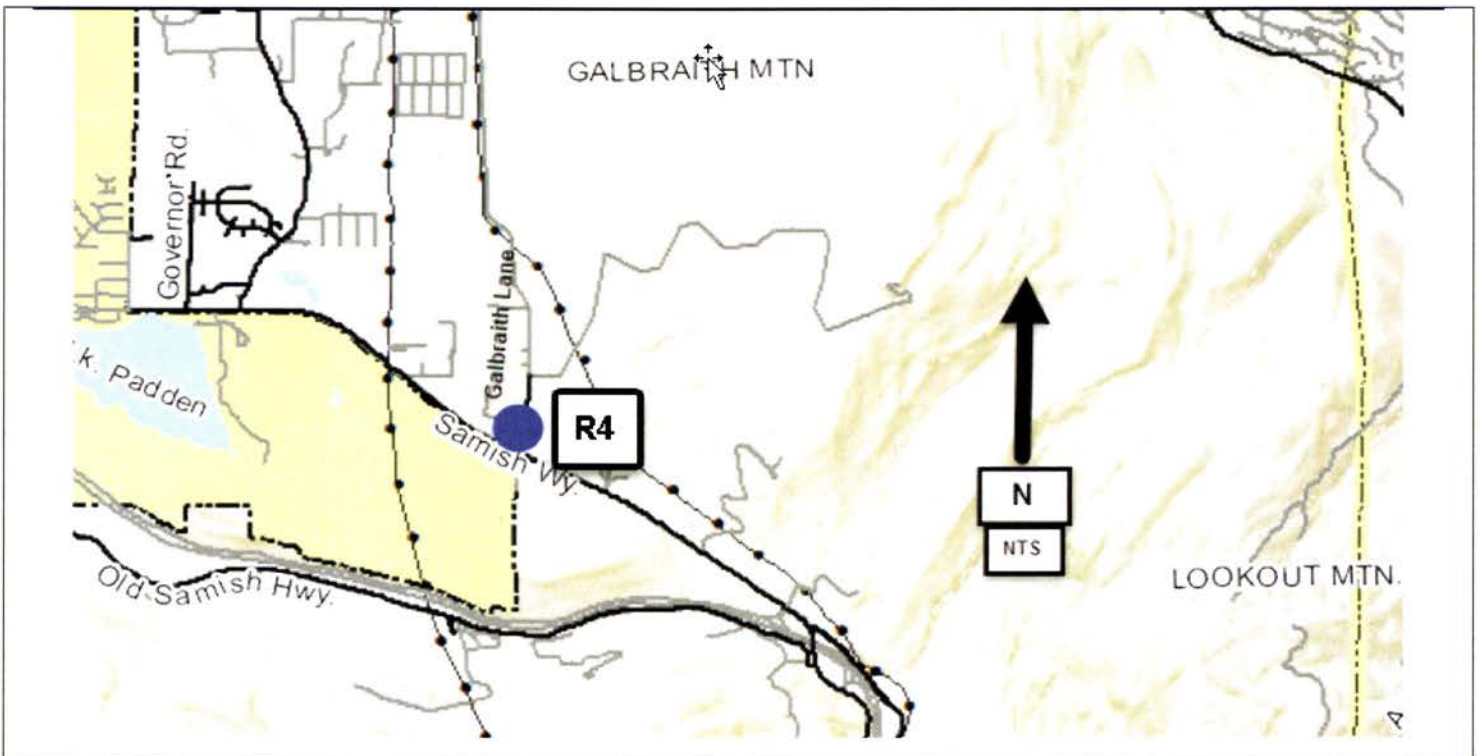
**Total Estimated Project Cost:** \$ 60,000

**Expenditures to Date:** \$20,400

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$60,000

<b>Environmental Permitting</b>	SEPA, Land Disturbance, Critical Areas
<b>Right-of-Way Acquisition (Estimate)</b>	\$10,000
<b>County Forces (Estimate)</b>	TBD



## Birch Bay Lynden Rd, Enterprise Rd. to Rathbone Rd. Pavement Rehabilitation CRP # 919018

**Construction Funding Year(s):** 2021

**Project Narrative:**

This Birch Bay Lynden Road project is located between Enterprise Road and Rathbone Road in Sections 27 & 28 of T40N, R2E. The work will involve the pavement rehabilitation of approximately 2 miles of roadway. This project is listed #R5 on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** This project received Rural Arterial Preservation Program (RAPP) grant funds of \$165,000 in mid-2019. Design work has begun, with construction planned for 2021.

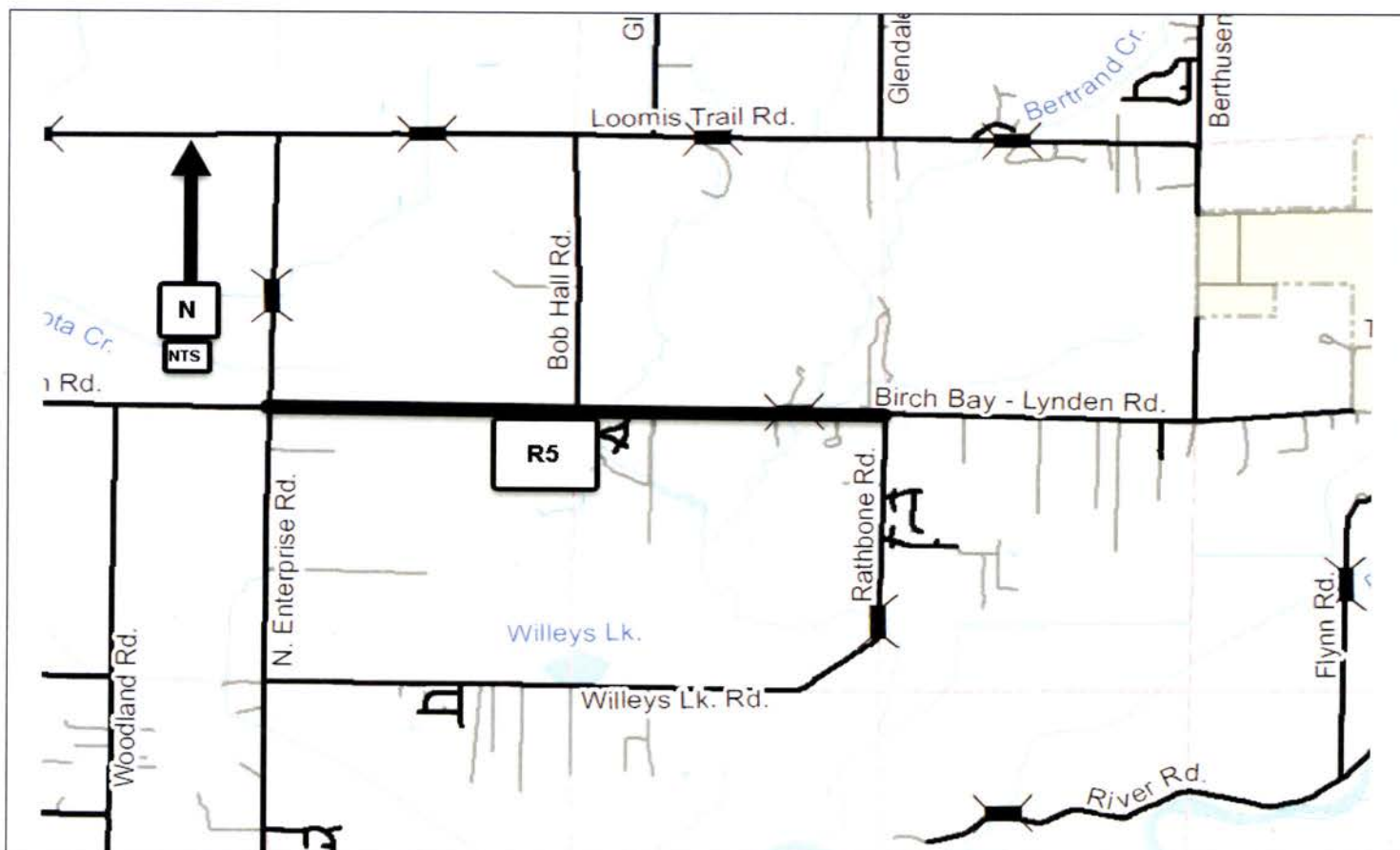
**Total Estimated Project Cost:** \$1,150,000

**Expenditures to Date:** \$5,300

**Funding Sources:**

Federal	\$0
State	\$165,000 RATA funds
Local	\$985,000

<b>Environmental Permitting</b>	SEPA
<b>Right-of-Way Acquisition (Estimate)</b>	N/A
<b>County Forces (Estimate)</b>	N/A



## Birch Bay Lynden Rd. & Blaine Rd. Intersection Improvements CRP # 906001

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located 4.6 miles south of Blaine, at the corners common to Sections 19, 20, 29, and 30, T40N, R1E. Intersection improvements being considered are a roundabout or a signal. This is a joint project with the Washington State Department of Transportation; however, it is unlikely that they will participate as a funding source. This project is listed **#R6** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Survey work and R/W Plan started. Consultant contract underway to evaluate & decide on preferred design alternative, and will be determined in Fall of 2020. Applied for and received federal STBG funding of \$800K which is available in 2023-2024. Additional grant funds will be looked for through other sources.

**Total Estimated Project Cost:** \$1,200,000

**Expenditures to Date:** \$89,000

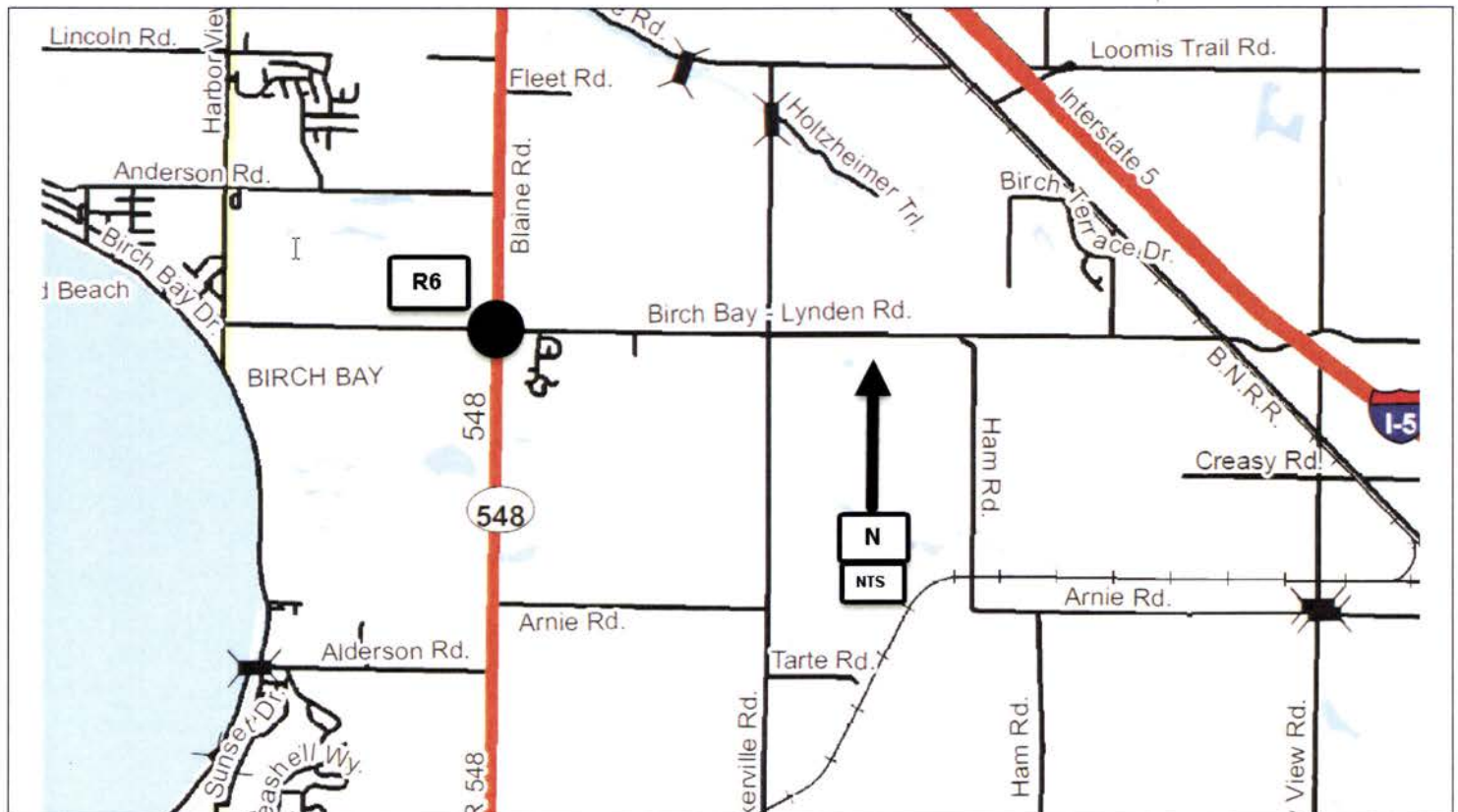
**Funding Sources:**

Federal	\$ STBG available in 2023-2024
State	\$0
Local	\$1,200,000 (add'l Grant funds sought)

**Environmental Permitting** ESA, NEPA, Clrg/CAO, Corp of Engr, DOE,

**Right-of-Way Acquisition (Estimate)** \$500,000

**County Forces (Estimate)**



## Smith Road & Northwest Drive Intersection Improvements CRP # 918019

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located in Section 27 & 34 of T39N, R2E. The work involves intersection improvements that will likely be a roundabout or traffic signal at the current 4-way stop. This project will also require drainage upgrades and R/W acquisition, and is dependent on the NW Annex building being demolished at a future date. This project is listed **#R7** on the 2021-2026 Six-Year Transportation Improvement Program.

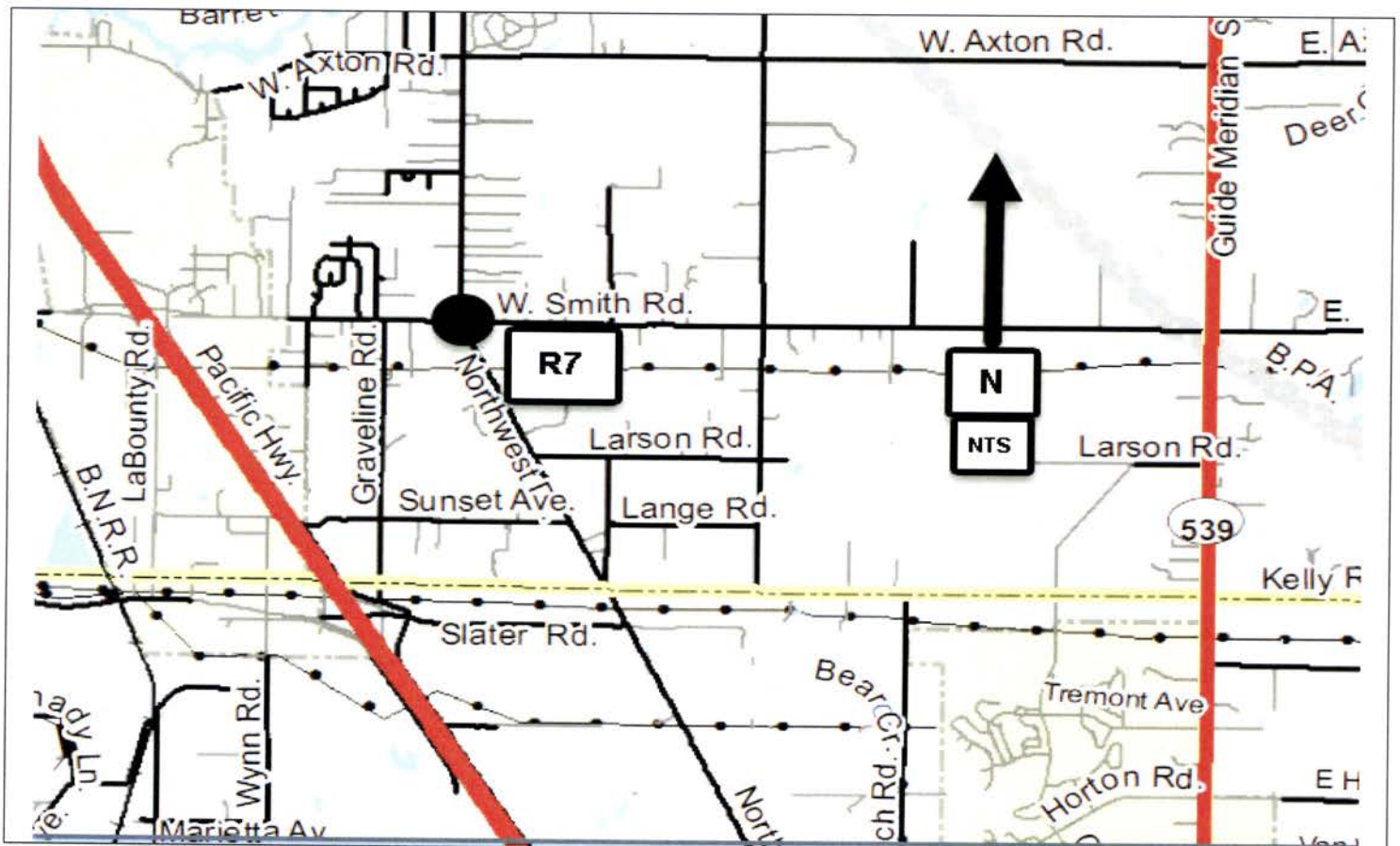
**Project Status:** Consultant contract underway to evaluate & decide on preferred design alternative, and will be determined in Fall of 2020. Public Works is working with Whatcom Council of Governments (WCOG) to submit this project for Regional Transportation Funding with a request for \$5 million.

**Total Estimated Project Cost:** TBD  
**Expenditures to Date:** \$ 43,000

**Funding Sources:**

Federal	\$ 0
State	\$ 0
Local	\$35,000 (Grant funds sought thru WCOG)

<b>Environmental Permitting</b>	SEPA, Critical Areas, DOE
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## Chief Martin Road/Cagey Road to Kwina Pavement Rehabilitation CRP # 920016

Construction Funding Year(s): 2021

### Project Narrative:

This Chief Martin Road project is located between Cagey Road to Kwina Road in Sections 24 & 25 of T39N and R1E. The work will involve the pavement rehabilitation of approximately 2.50 miles of roadway. This project is listed **#R8** on the 2021-2026 Six-Year Transportation Improvement Program.

### Project Status:

Design, permitting and temporary easements to begin in late 2020. Currently looking for funding sources for the construction phase.

Total Estimated Project Cost: \$200,000

Expenditures to Date: \$0

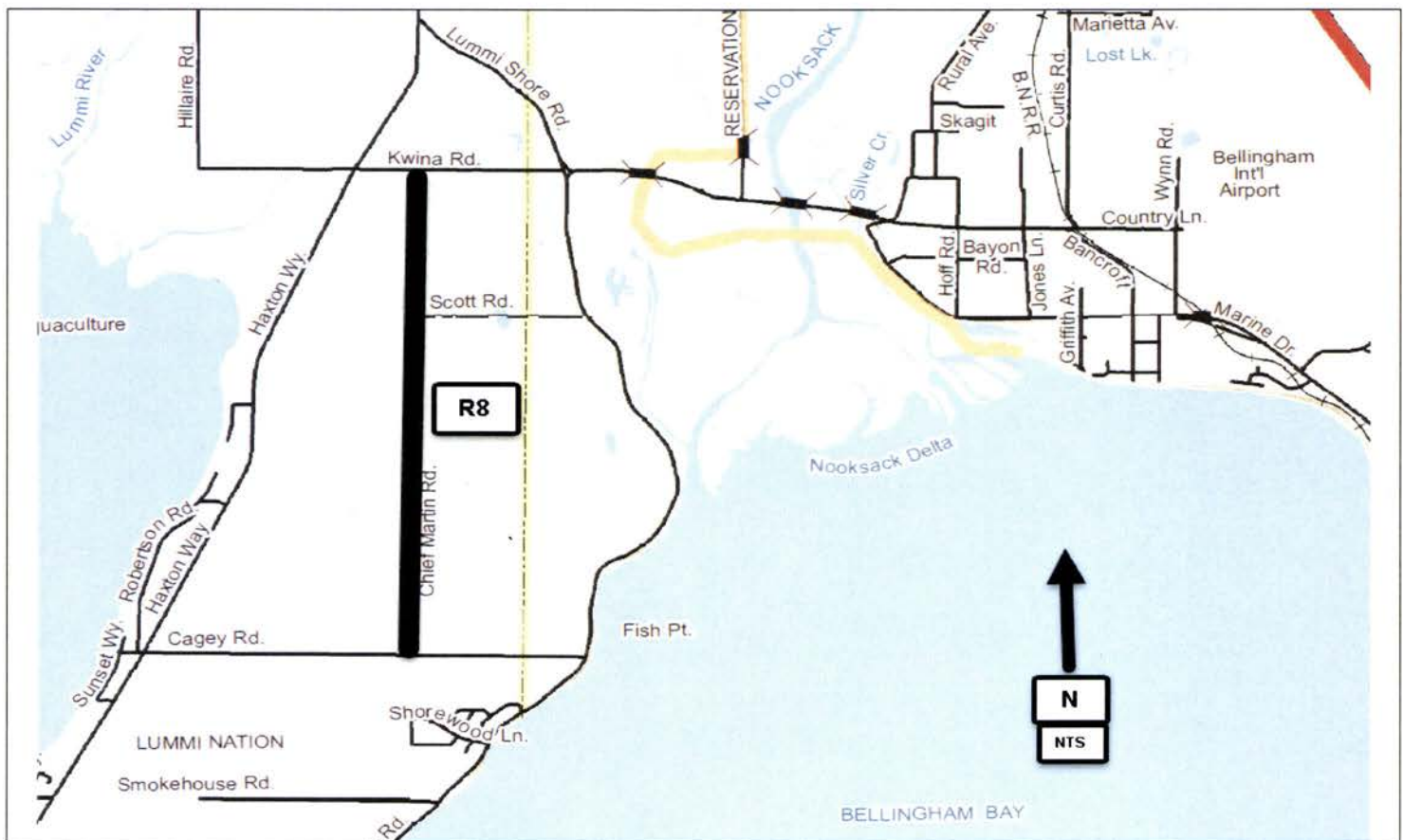
### Funding Sources:

Federal	
State	
Local	\$200,000

Environmental Permitting	SEPA, ESA, HPA, Clrg/CAO
--------------------------	--------------------------

Right-of-Way Acquisition (Estimate)	5,000
-------------------------------------	-------

County Forces (Estimate)	N/A
--------------------------	-----



## Slater Road & Northwest Drive Intersection Improvements CRP # 914001

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located in Section 27 & 34 of T39N, R2E. The work involves intersection improvements that will likely be a roundabout or traffic signal at the current 3-way stop. This project will also require fish passage upgrades and R/W acquisition. This project is listed **#R9** on the 2021-2026 Six-Year Transportation Improvement Program.

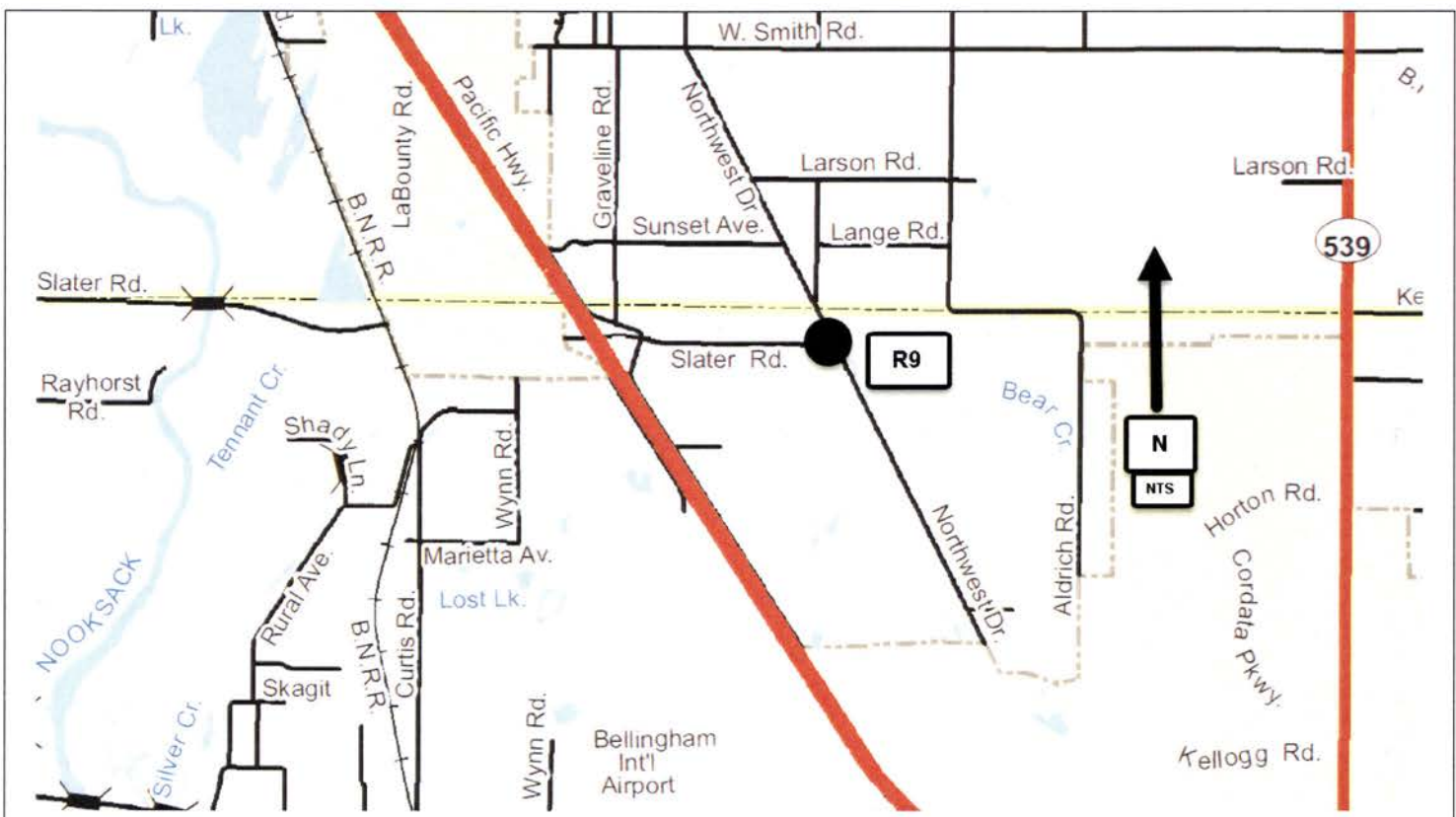
**Project Status:** WSDOT is the lead agency on this project and will be providing the design. Construction start date TBD depending on State revenues.

**Total Estimated Project Cost:** TBD  
**Expenditures to Date:** \$ 22,000

**Funding Sources:**

Federal	\$ 0
State	\$ 0
Local	\$15,000

<b>Environmental Permitting</b>	SEPA, Critical Areas, DOE
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## Horton Road Northwest Drive to Aldrich Road CRP # 916002

**Construction Funding Year(s):** TBD

### Project Narrative:

This new roadway project is located between Northwest Drive and Aldrich Road in Section 2 of T38N, R2E. The work involves a ½ mile of new roadway alignment and intersection with NW Drive, along with all the associated permitting, storm water and R/W issues. This project is listed **#R10** on the 2021-2026 Six-Year Transportation Improvement Program.

### Project Status:

Design, right-of-way, and permitting to begin in 2017 with Surface Transportation Program (STP) Grant awarded to Whatcom County and transferred to the City of Bellingham. An interlocal agreement is in place for the City of Bellingham to perform design of the project in coordination with their section of Horton Road construction. Construction schedule dependent upon funding agreements with City of Bellingham and other sources.

**Total Estimated Project Cost:** TBD

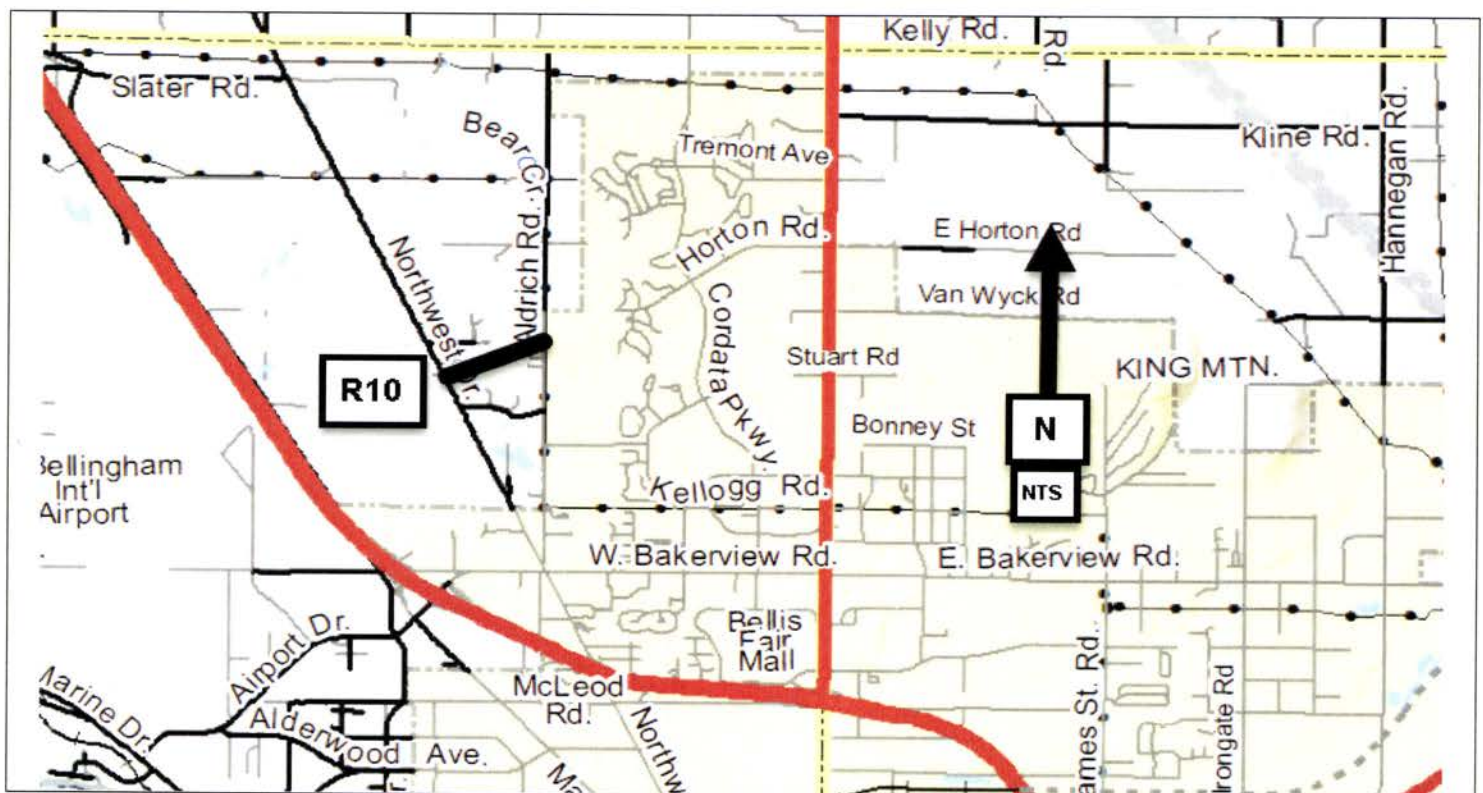
**Expenditures to Date:** \$7,800

**\*\$1,000,000 STBG Grant transferred to COB for design of county portion.**

### Funding Sources:

Federal	(\$1,000,000)*
State	0
Local	\$147,000

<b>Environmental Permitting</b>	ECS, BA, NEPA, CLR/CAO, Corps of Engrs
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	N/A



## Lummi Nation Transportation Projects CRP #912017

**Construction Funding Year(s):** 2021

**Project Narrative:**

The Lummi Nation Transportation Projects is located in Section 2, T37N, R1E and Section 34, T38N, R1E. This work, in fulfillment of the ferry lease obligation, involves the construction of transportation improvement projects in accordance with Exhibit C of the October 27, 2011 Uplands Lease Agreement for Lummi Island Ferry Use at Gooseberry Point. This project is listed #R11 on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

Projects funds will be available for expenditure when funds of equal or greater value are matched by the Lummi Nation.

**Total Estimated Project Cost:** \$4,000,000

**Expenditures to Date:** \$2,000,000

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$2,000,000

**Environmental Permitting** N/A

**Right-of-Way Acquisition (Estimate)** N/A

**County Forces (Estimate)** N/A

Due to the nature of this item, no map exists. Location of the new transportation projects will be determined in 2021.

## Point Roberts Transportation Improvements CRP # 910002

**Construction Funding Year(s):** 2021

**Project Narrative:**

Point Roberts is located in T40N and T41N, R3W. The proposed improvements would be specific to area needs and the development of projects to be funded by the Pt. Roberts Transportation Benefit District. This project is listed **#R12** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

Public Works has assigned staff working with the Point Roberts Transportation Benefit District Advisory Committee to coordinate project evaluation, selection, and development.

**Total Estimated Project Cost:** \$150,000

**Expenditures to Date:** \$400

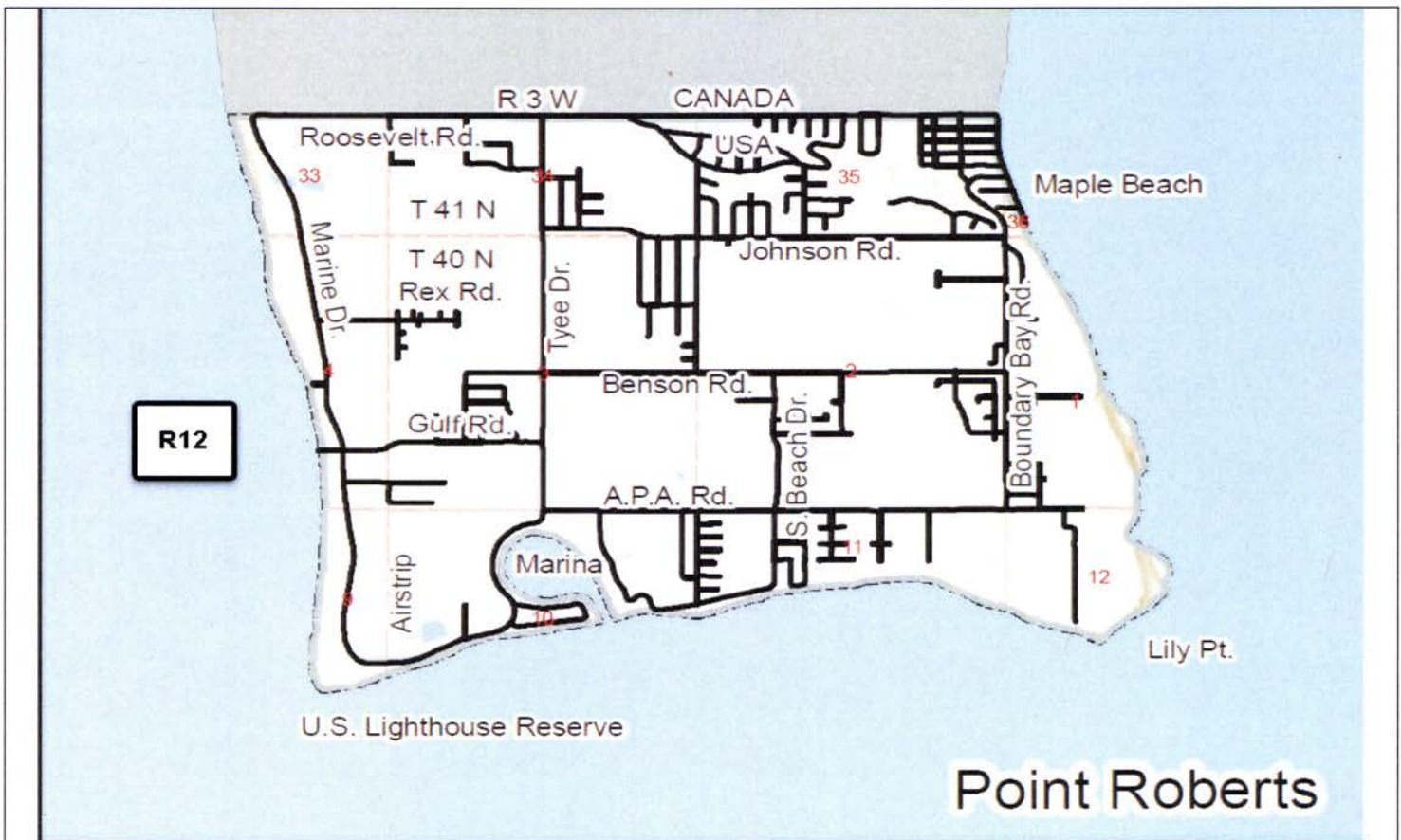
**Funding Sources:**

Federal	\$0
State	\$0
Local	\$150,000

**Environmental Permitting** TBD

**Right-of-Way Acquisition (Estimate)** TBD

**County Forces (Estimate)** TBD



## Hemmi Road Flood Mitigation CRP # 916007

**Construction Funding Year(s):** 2021

**Project Narrative:**

This Hemmi Road Flood Mitigation project is located on Hemmi Road approximately a half mile east of Hannegan Road, located in Section 16 and 21 of T39N, R3E. Hemmi Road is submerged several months of the year at this location. Project work will include raising this portion of the road, installing a larger culvert and associated road work. This project is listed **#R13** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Engineering, permitting and real estate work expected to be completed in 2020 with construction scheduled in 2021.

**Total Estimated Project Cost:** \$1,745,000

**Expenditures to Date:** \$295,000

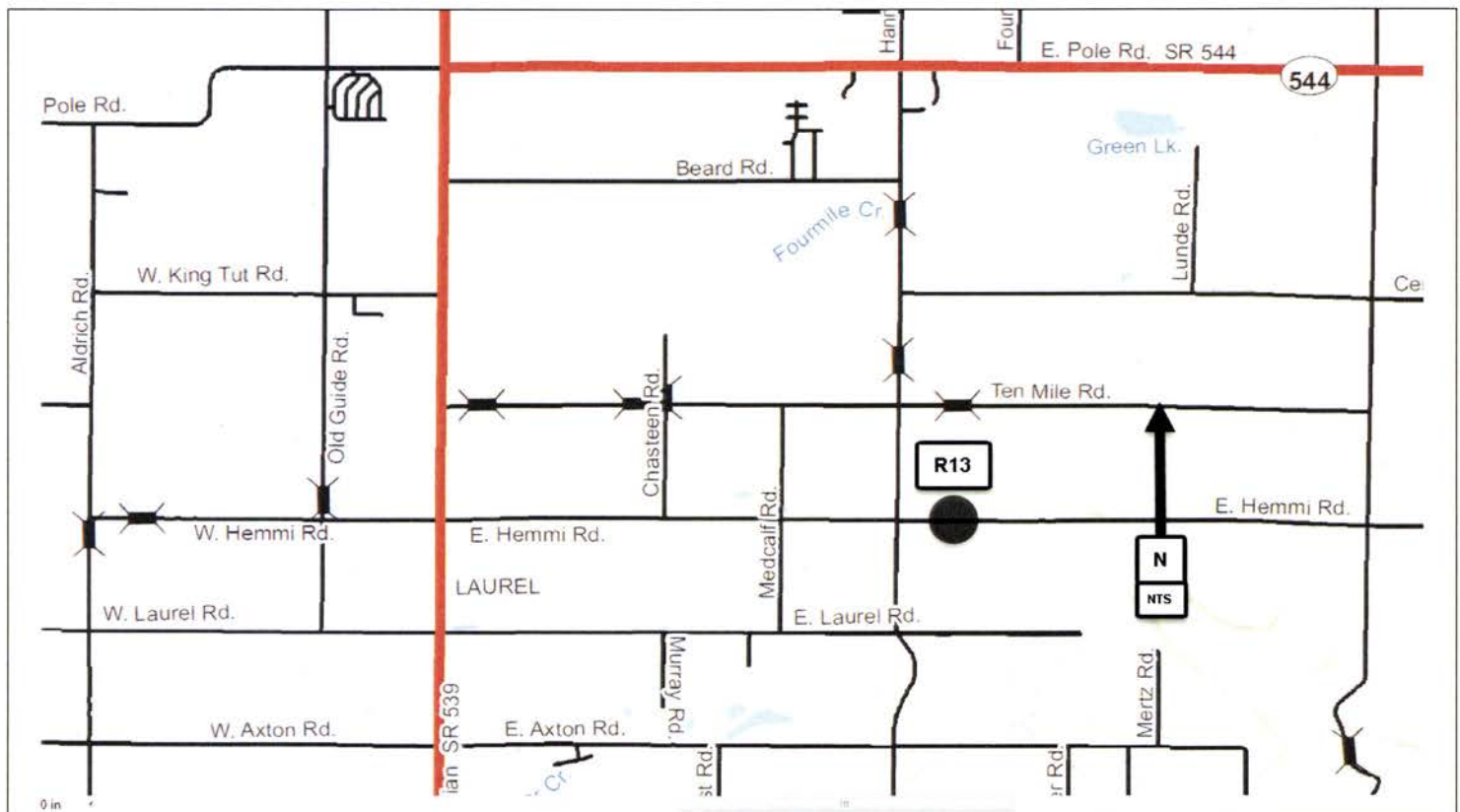
**Funding Sources:**

Federal	
State	
Local	\$1,745,000

<b>Environmental Permitting</b>	SEPA, HPA, Shorelines, ACOE 404
---------------------------------	---------------------------------

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	TBD
---------------------------------	-----



## Innis Creek Road CRP # 915014

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located northeast of Wickersham in Section 29, T37N, R5E. The work involves raising a quarter mile section of Innis Creek Road to mitigate flooding issues. This project is listed **#R14** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

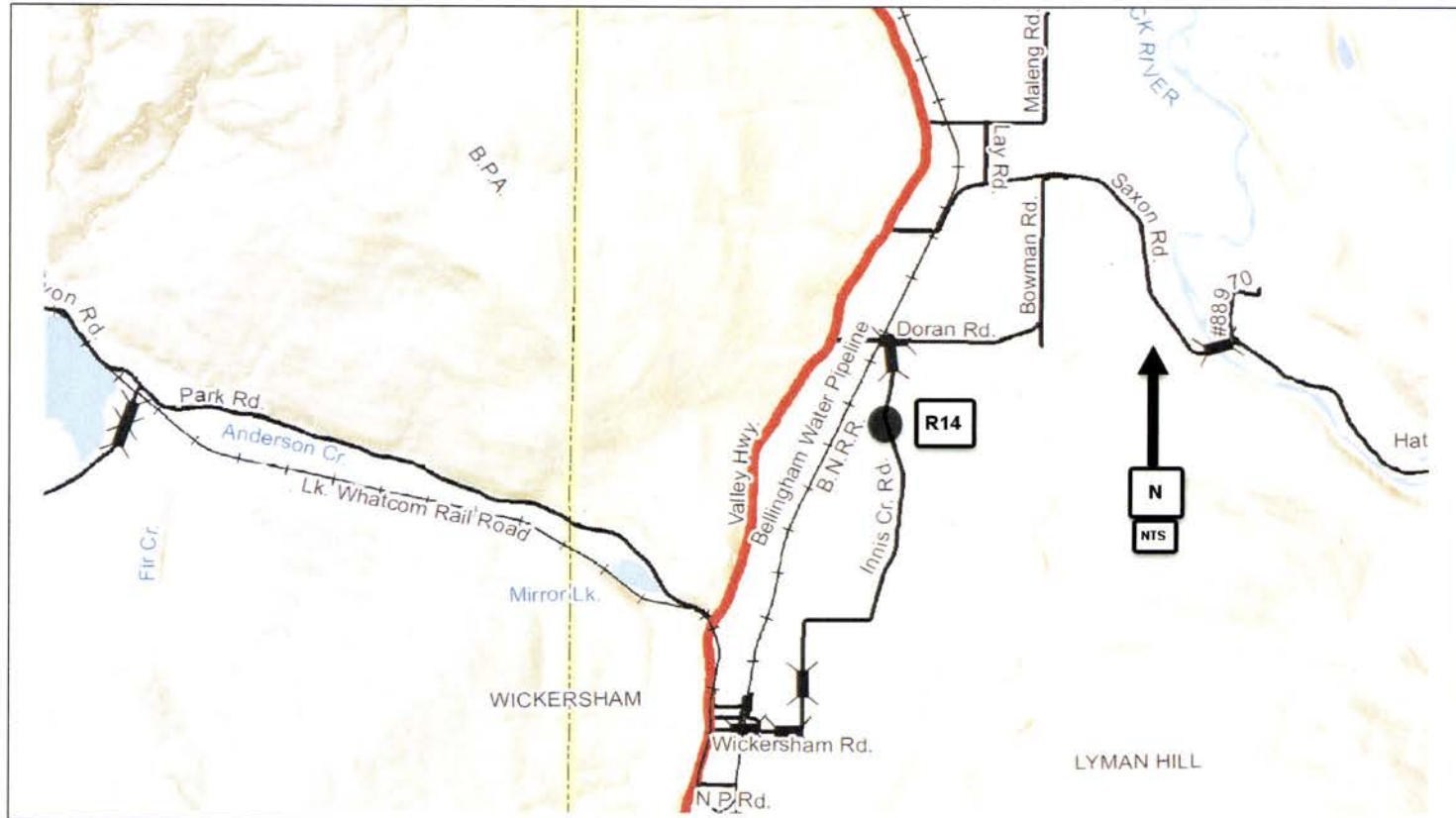
Preliminary design completed in 2019 with alternatives developed; however, environmental mitigation, due to presence of endangered species, has initiated re-evaluation of options.

**Total Estimated Project Cost:** TBD  
**Expenditures to Date:** \$ 71,000

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$10,000

<b>Environmental Permitting</b>	TBD
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## Birch Bay Drive – Jackson Rd. to Shintaffer Rd. CRP #921001

**Construction Funding Year(s):** 2022

**Project Narrative:**

This project is located in Sections 24, 30, and 31 of T40N, R1E. The work involves pavement rehabilitation of approximately 2.5 miles of roadway through a grind/repave operation. This project is listed **#R15** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

Project design and construction will closely follow the Birch Bay Drive & Pedestrian Facility project to rehabilitate Birch Bay Drive after the soft shore berm construction activities. Additional funding sources will be pursued as they become available.

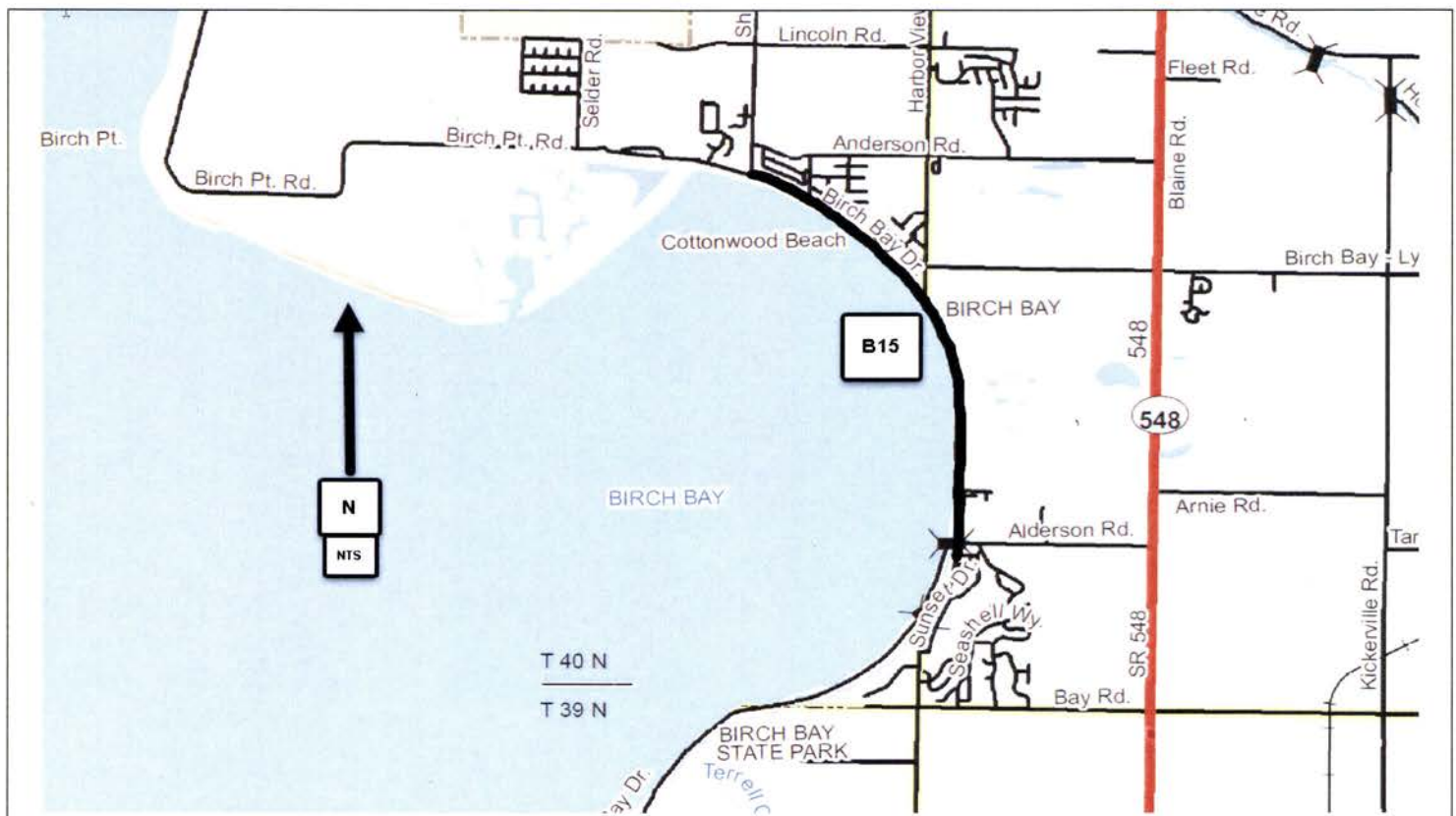
**Total Estimated Project Cost:** \$1,710,000

**Expenditures to Date:** \$ 0

**Funding Sources:**

Federal	\$ 0
State	\$ 0
Local	\$1,710,000

<b>Environmental Permitting</b>	SEPA, CLR/CAO, Shorelines
<b>Right-of-Way Acquisition (Estimate)</b>	\$0
<b>County Forces (Estimate)</b>	TBD



## Marine Drive II Alderwood Avenue to Bridge No. 172 Reconstruction and Bike/Ped Facilities CRP # 921002

**Construction Funding Year(s):** TBD

**Project Narrative:**

This Marine Drive project is located between Alderwood Avenue and Bridge No. 172 in Section 15 of T38N, R2E. The work involves reconstruction of approximately ½ mile of roadway with emphasis on bike/pedestrian enhancements. This project is listed **#R16** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

Design, permitting, R/W and construction time frames would be contingent on availability of additional grant monies to fund the project. A grant application was submitted in August 2020 to the WSDOT 2020 Pedestrian and Bike Program for PE funds. If awarded, preliminary engineering could start summer / fall of 2021.

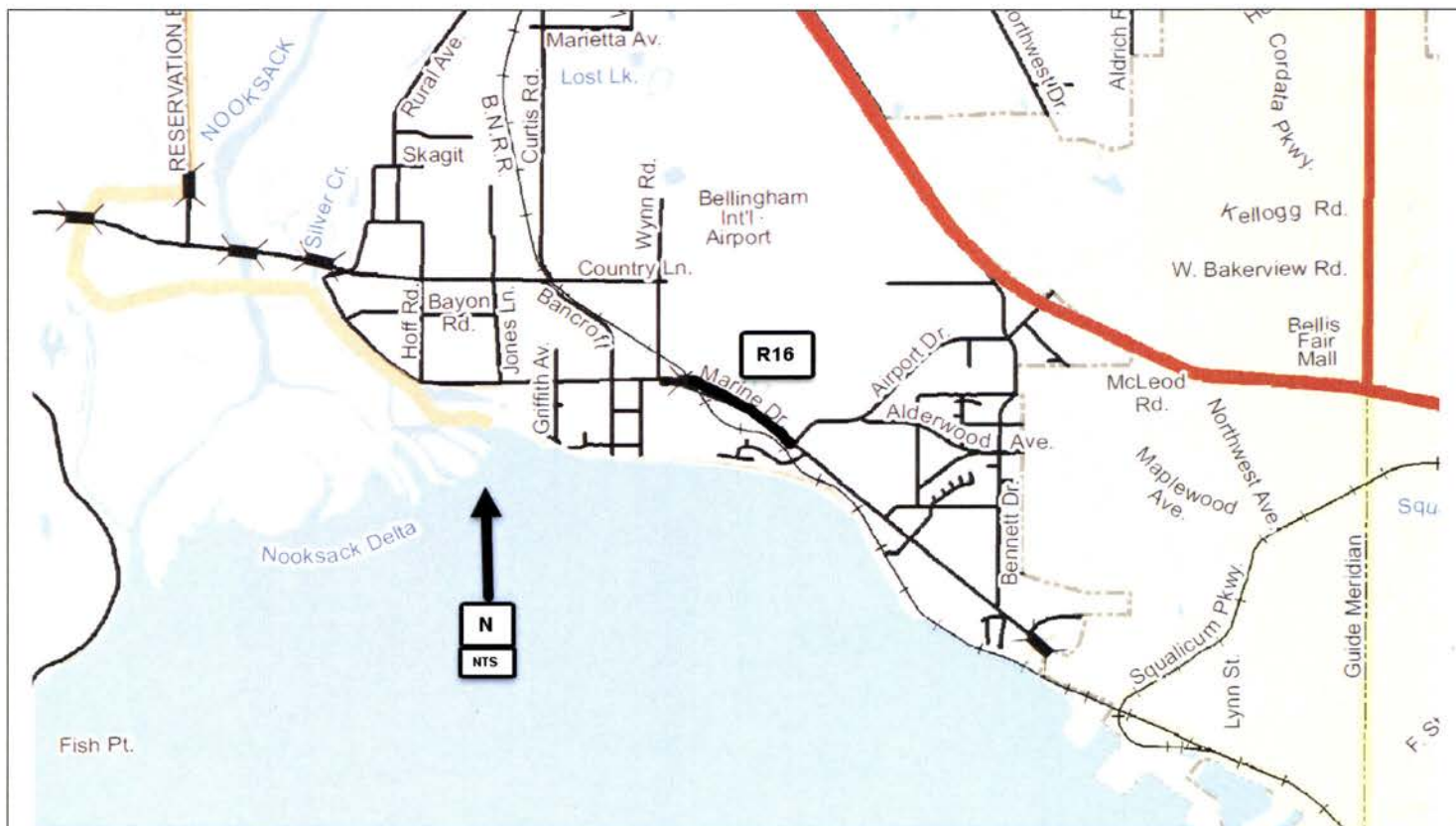
**Total Estimated Project Cost:** TBD

**Expenditures to Date:** \$0

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$25,000

<b>Environmental Permitting</b>	ECS, BA, SEPA, CLR/CAO, Corps of Engrs
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	N/A



## Turkington Road/Jones Creek CRP # 915013

**Construction Funding Year(s):** 2022

**Project Narrative:**

This project is located in Sections 6 & 7, T37N, R5E. This work involves completing design of road and bridge modifications in this area in coordination with a debris flow berm project being developed by the River and Flood Division. The project is listed **#R17** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

Design work and ROW acquisition work is underway by the River & Flood Division, and both phases are expected to be completed in 2021. Construction is dependent on grant funding, and a grant application for construction funding has been submitted to the State DOE Floodplains By Design program. Construction is scheduled to begin in 2022 if successful in obtaining construction funding.

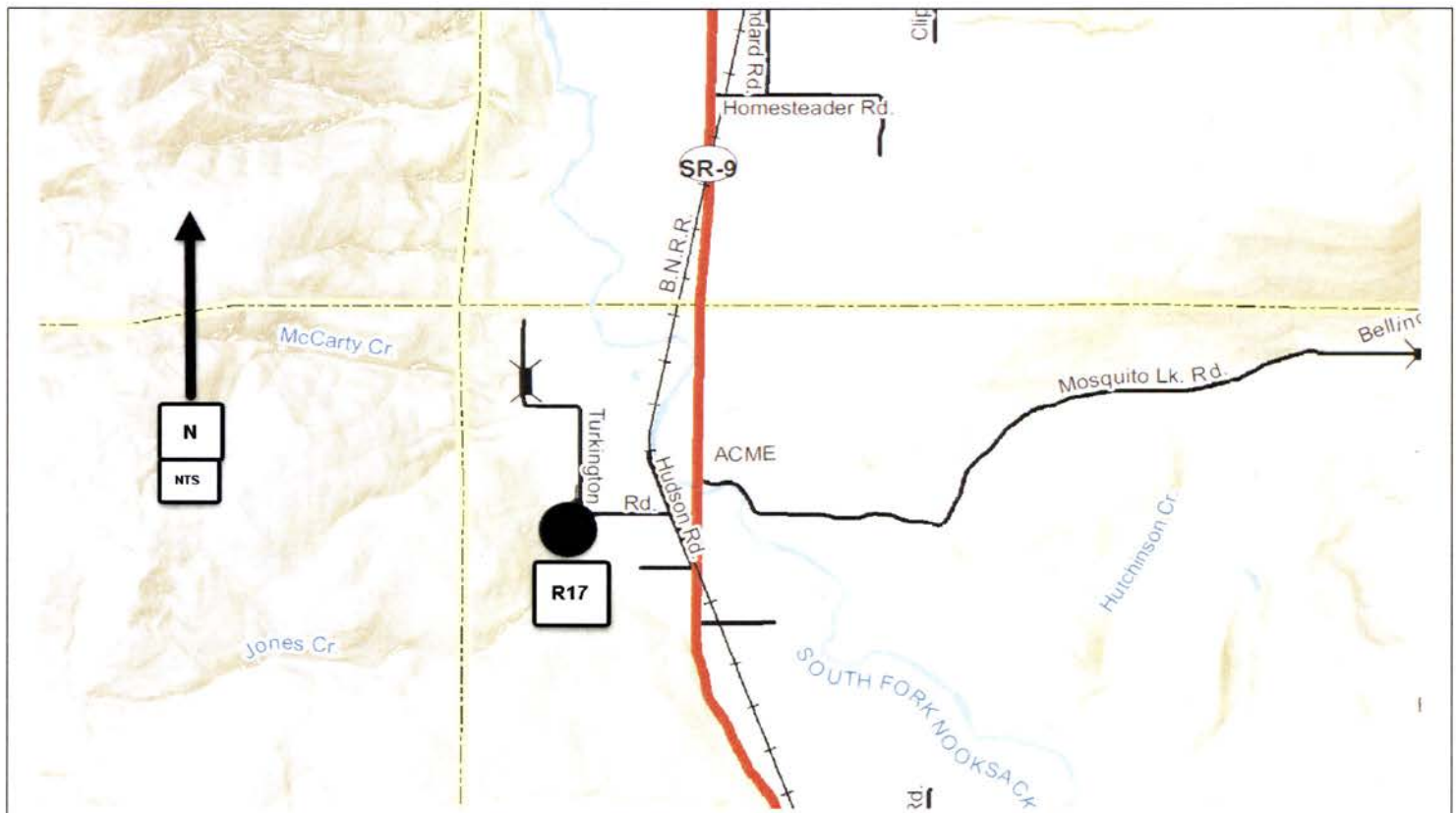
**Total Estimated Project Cost:** \$ 585,000

**Expenditures to Date:** \$0

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$585,000 (2021-2022)

<b>Environmental Permitting</b>	BA, HPA, SEPA, Corps of Engrs, CLR/CAO, Shorelines, DNR
<b>Right-of-Way Acquisition (Estimate)</b>	\$50,000
<b>County Forces (Estimate)</b>	N/A



## Truck Road Flood Damage Repair CRP # 921003

**Construction Funding Year(s):** 2021

**Project Narrative:**

This project is located in Sections 6 & 7, T37N, R5E. The project is listed **#R18** on the 2021-2026 Six-Year Transportation Improvement Program. During high-water events of the 2017/2018 winter, the North Fork Nooksack River eroded the unprotected bank of Truck Road to within 13 feet of the roadway surface. This prompted an emergency project to construct a passive riprap revetment underneath a section of the roadway to provide immediate protection. Flooding during 2020 eroded the remaining bank exposing the recently constructed riprap revetment and destabilizing a portion of the north bound lane. Jersey barriers were placed by county crews to block off this lane to traffic. The FCZD is evaluating road realignment and bank stabilization alternatives to provide a long-term solution in this area.

**Project Status:** An analysis of road realignment and bank stabilization alternatives is planned for 2021. Preliminary design of the preferred alternatives will be initiated once the preferred alternative is selected. Construction of the road setback is anticipated to occur in 2023. The FCZD is seeking FEMA funds to partially fund the project. Project cost listed is for design only.

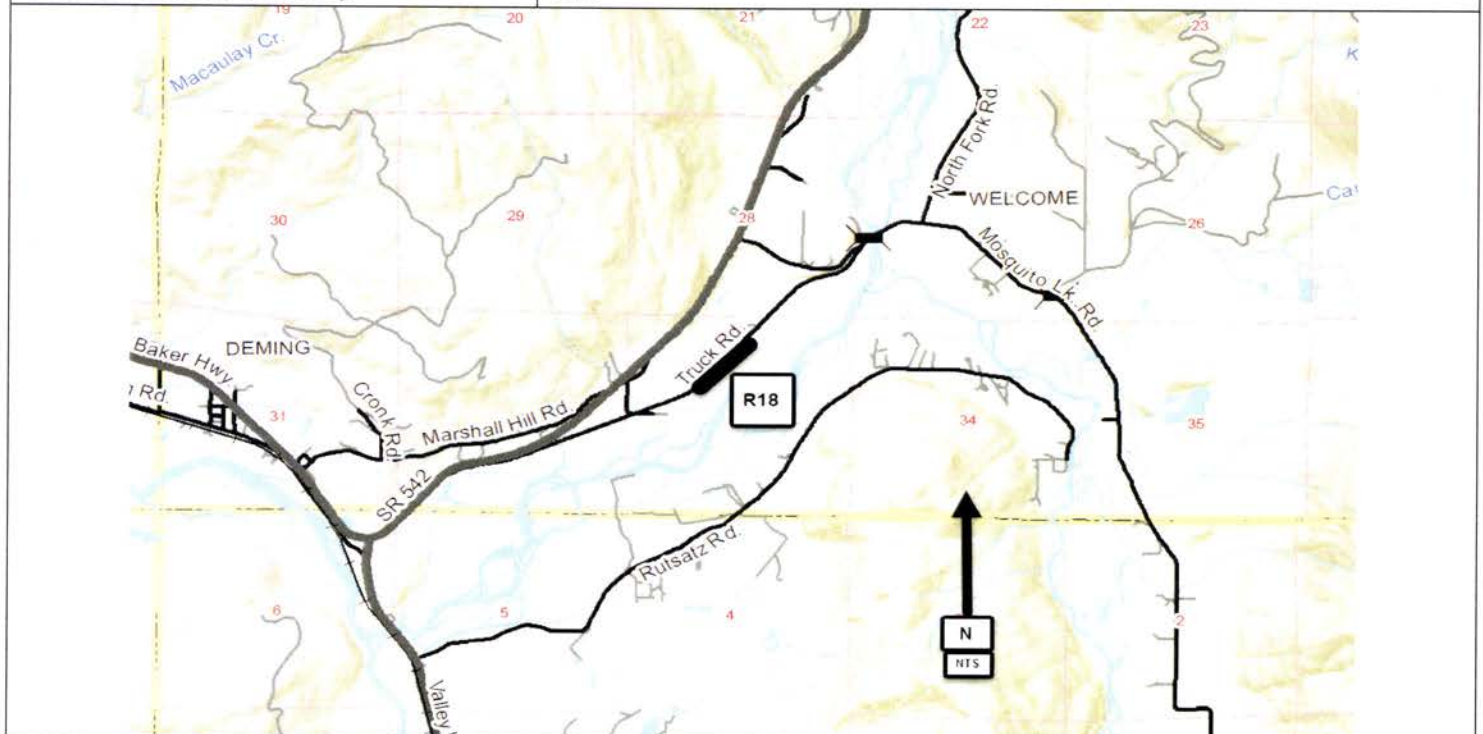
**Total Estimated Project Cost:** \$ 400,000

**Expenditures to Date:** \$0

**Funding Sources:**

Federal FEMA	\$300,000
State	\$0
Local	\$100,000

<b>Environmental Permitting</b>	BA, HPA, SEPA, Corps of Engrs, CLR/CAO, Shorelines, DNR
<b>Right-of-Way Acquisition (Estimate)</b>	\$50,000
<b>County Forces (Estimate)</b>	N/A



## Abbott Road/Levee Improvements CRP # 919002

**Construction Funding Year(s):** 2021-2023

**Project Narrative:**

This project is located in Section 27, T40N, R3E. This project proposes to stabilize an approximately 600-LF section of the left bank of the Nooksack River adjacent to Abbott Road and to extend the upstream end of the Abbott Levee and realigned it to run under Abbott Road. This project is listed **#R19** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** The project managed by the River and Flood section and is currently in the preliminary engineering design phase. The FCZD has contracted with an engineering consultant to design measures to help arrest the ongoing erosion with construction planned for summer of 2021. The reach assessment will also provide the technical basis for developing alternatives for upstream improvements as Phase 2.

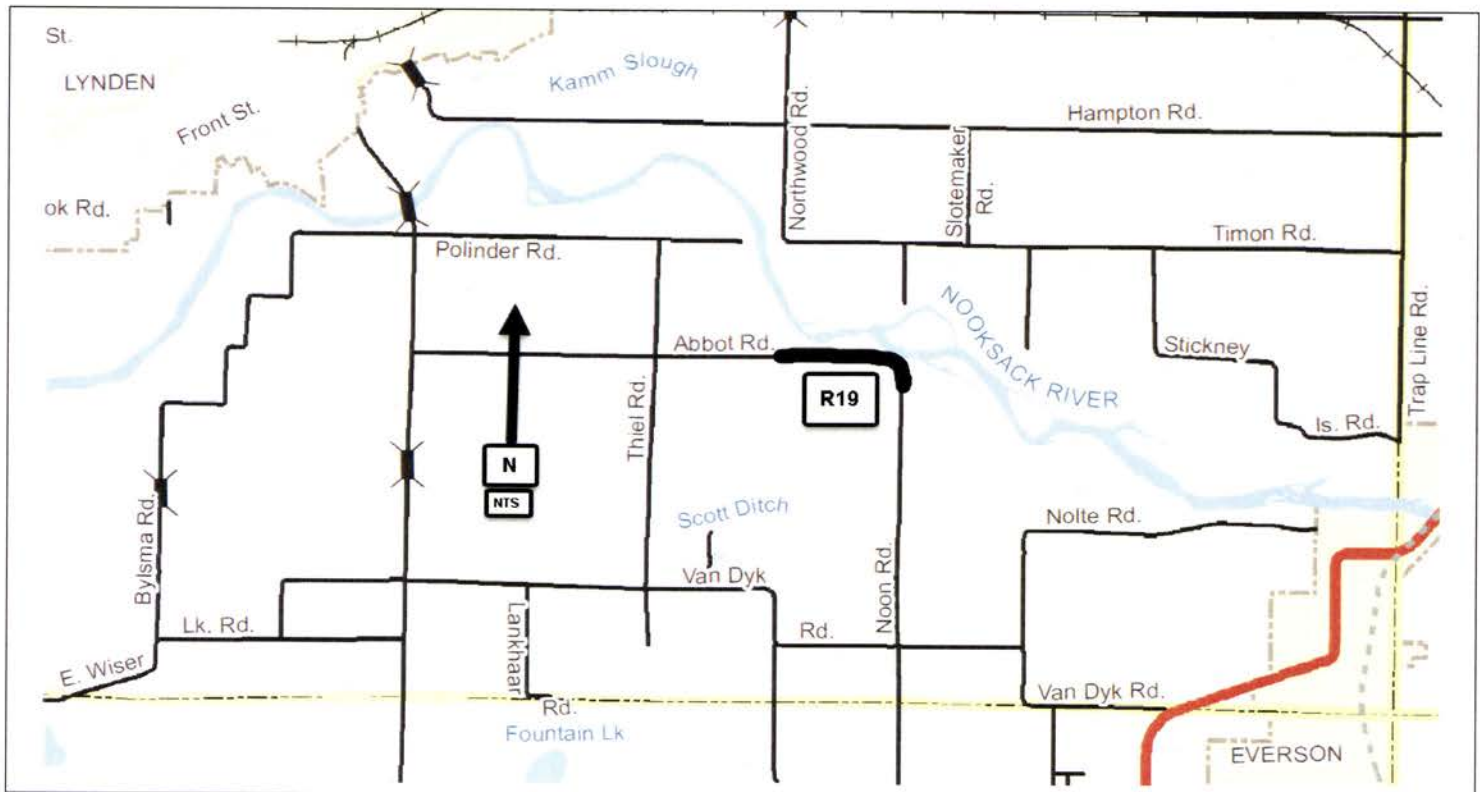
**Total Estimated Project Cost:** \$400,000

**Expenditures to Date:** \$0

**Funding Sources:**

Federal	\$
State	\$
Local	\$400,000 (2021-2022)

<b>Environmental Permitting</b>	HPA, ACOE, Shorelines, SEPA
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## Ferndale Road/Levee Improvements CRP # 919001

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located in Sections 30 and 31, T39N, R2E. This project includes reconstruction of 1.2 miles of levee including the Ferndale Levee and Ferndale Treatment Plant Levee segments. The new levee will be set back slightly to Ferndale Road with the roadway serving as the crest of the levee. This project is listed **#R20** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Due to the high cost, outside funding will be sought. The WCFCZD will pursue funding through the Floodplains by Design grant program administered by the DOE.

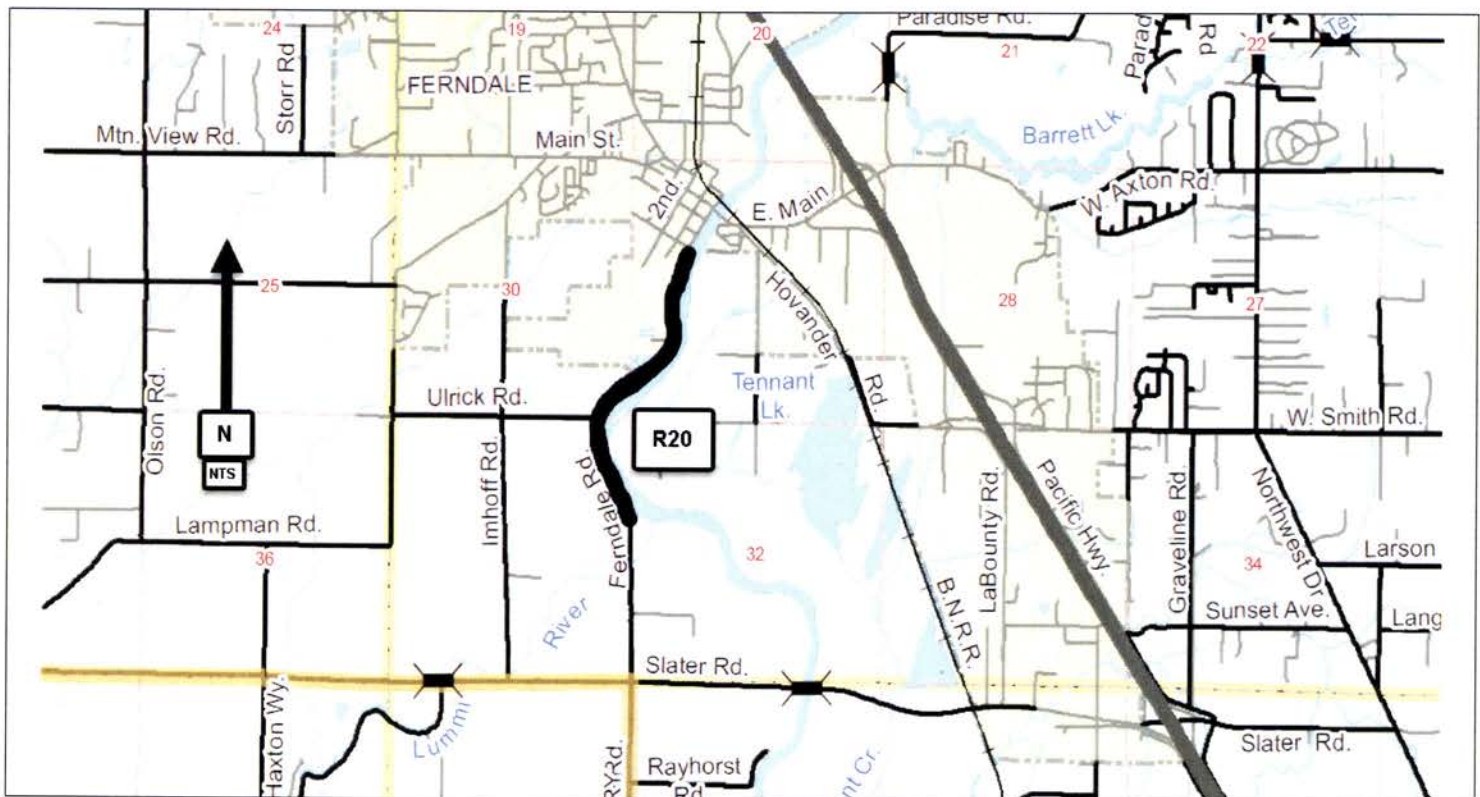
**Total Estimated Project Cost:** \$150,000

**Expenditures to Date:** \$0

**Funding Sources:**

Federal	\$
State	\$
Local	\$150,000 (2021-2023)

<b>Environmental Permitting</b>	TBD
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## Lake Louise Rd., Austin Street to Lake Whatcom Blvd. Pavement Rehabilitation CRP # 921004

**Construction Funding Year(s):** 2022

**Project Narrative:**

The Lake Louise Rd. , Austin St. to Lake Whatcom Blvd. project is located in Sections 35 and 36 of Township 38N , Range 3E and Sections 1, 6, 7, and 8 of Township 37N, Range 4E. The work will involve the pavement rehabilitation of approximately 4.06 miles of roadway and culvert replacements for fish passage. This project is listed **#R21** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Design work will begin in late 2021, with construction planned for summer of 2022.

**Total Estimated Project Cost:** \$2,050,000

**Expenditures to Date:** \$ 0

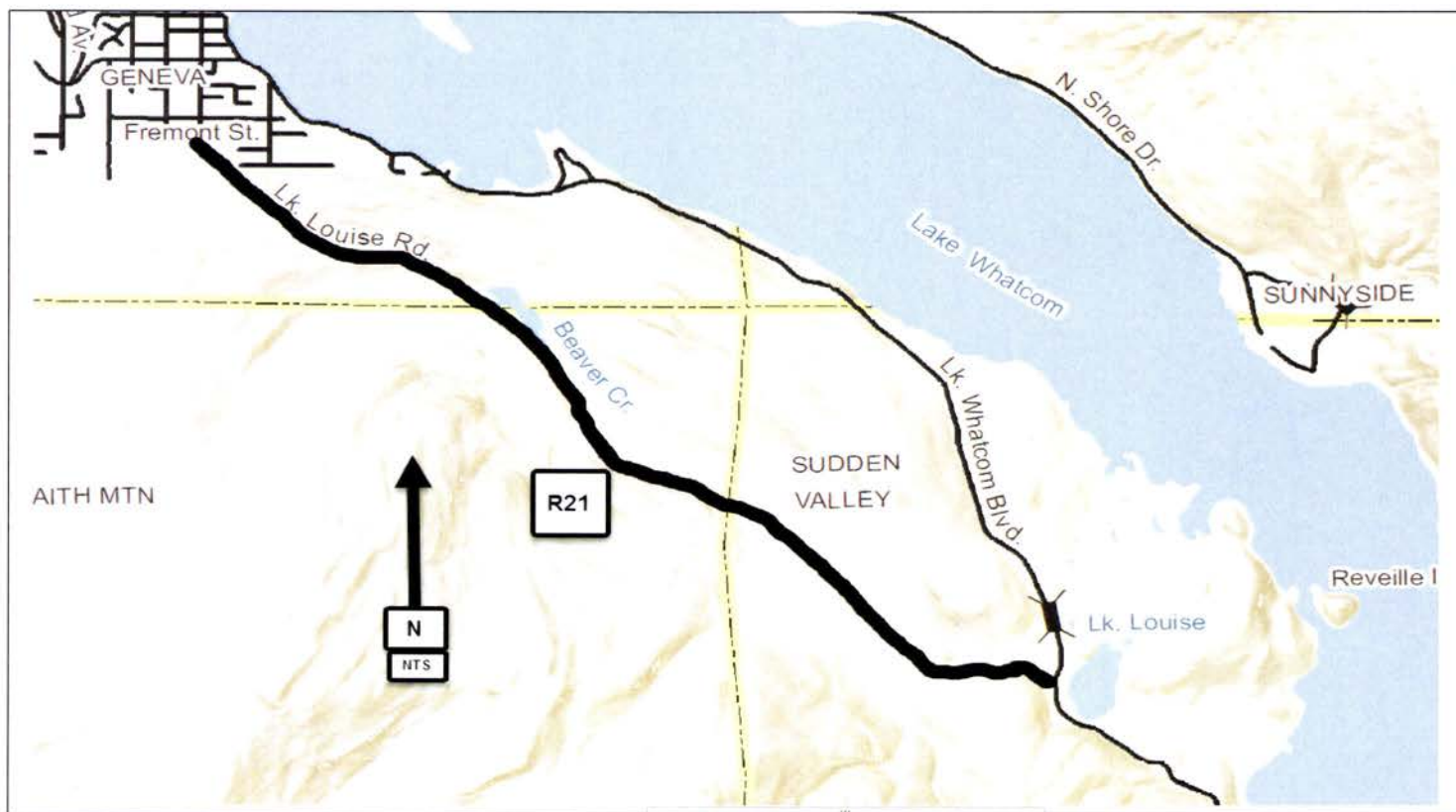
**Funding Sources:**

Federal	\$ 0
State	\$ 0
Local	\$2,050,000

**Environmental Permitting** SEPA,

**Right-of-Way Acquisition (Estimate)** \$0

**County Forces (Estimate)** TBD



## Austin Street, Lake Louise to Cable Pavement Rehabilitation with ADA Improvements CRP # 921005

**Construction Funding Year(s):** 2021

**Project Narrative:**

This Lakeway Drive/Terrace, City of Bellingham to Cable St. project is located in Sections . The work will involve the structural overlay of approximately .79 miles of roadway along with other minor improvements. This project is listed **#R22** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Design work will occur in late 2023, with Construction planned for Summer of 2025.

**Total Estimated Project Cost:** \$510,000

**Expenditures to Date:** \$ 0

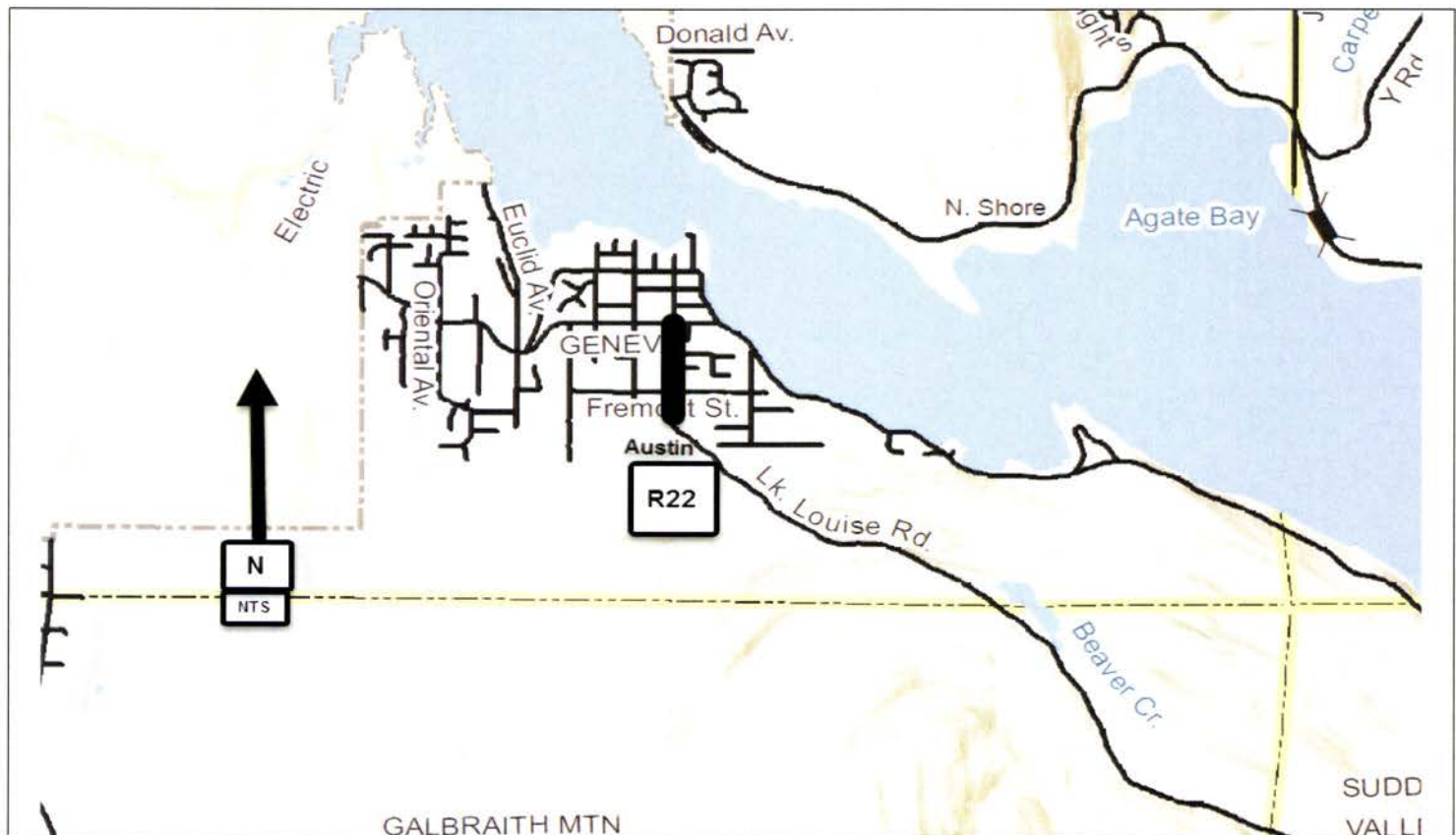
**Funding Sources:**

Federal	\$ 0
State	\$ 0
Local	\$510,000

**Environmental Permitting** SEPA,

**Right-of-Way Acquisition (Estimate)** \$0

**County Forces (Estimate)** TBD



## Lakeway Drive Corridor Improvements Preliminary Engineering Study CRP # 921019

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located in Section 34, T38N, R3E. This project proposes to rechannelize 1.4 miles of Lakeway Drive to coordinate with the proposed rechannelization of Lakeway Drive within the city limits. This project is listed **#R28** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Close coordination with the City of Bellingham on their channelization plans and associated construction activities will drive the preliminary engineering efforts in the County.

**Total Estimated Project Cost:** TBD

**Expenditures to Date:** \$0

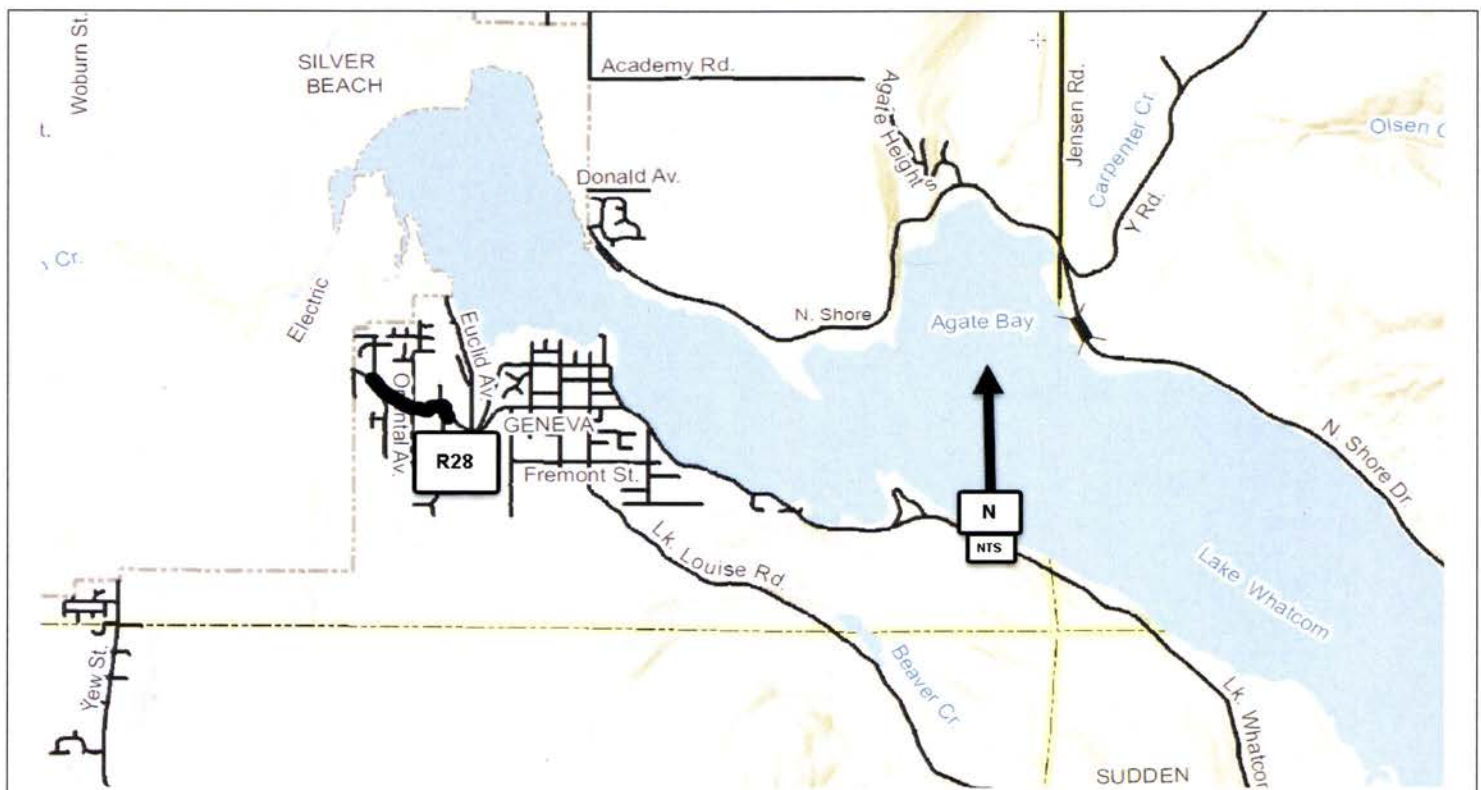
**Funding Sources:**

Federal	\$0
State	\$0
Local	\$50,000

**Environmental Permitting** TBD

**Right-of-Way Acquisition (Estimate)** TBD

**County Forces (Estimate)** N/A



**Small Area Paving  
Bridge Approach, Pavement Rehabilitation, Minor Widening  
CRP # 921006**

**Construction Funding Year(s):** 2022

**Project Narrative:**

This work will address multiple locations throughout Whatcom County that are in need of corrections to settling bridge approaches, minor widening for safety issues, and pavement rehabilitation. This project is listed **#R31** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Working with the Maintenance & Operations Division to scope out potential projects.

**Total Estimated Project Cost:** \$250,000

**Expenditures to Date:** \$ 0

**Funding Sources:**

Federal	\$ 0
State	\$ 0
Local	\$250,000

**Environmental Permitting**

**Right-of-Way Acquisition (Estimate)**

**County Forces (Estimate)**

Due to the nature of this item, no map exists. Final locations of the Small Area Paving sites will be determined in late 2021 / early 2022.

## South Pass Road Flood Damage Repair CRP # 921007

**Construction Funding Year(s):** 2022

**Project Narrative:**

This project is listed **#R34** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

**Total Estimated Project Cost:** \$440,000

**Expenditures to Date:** \$ 0

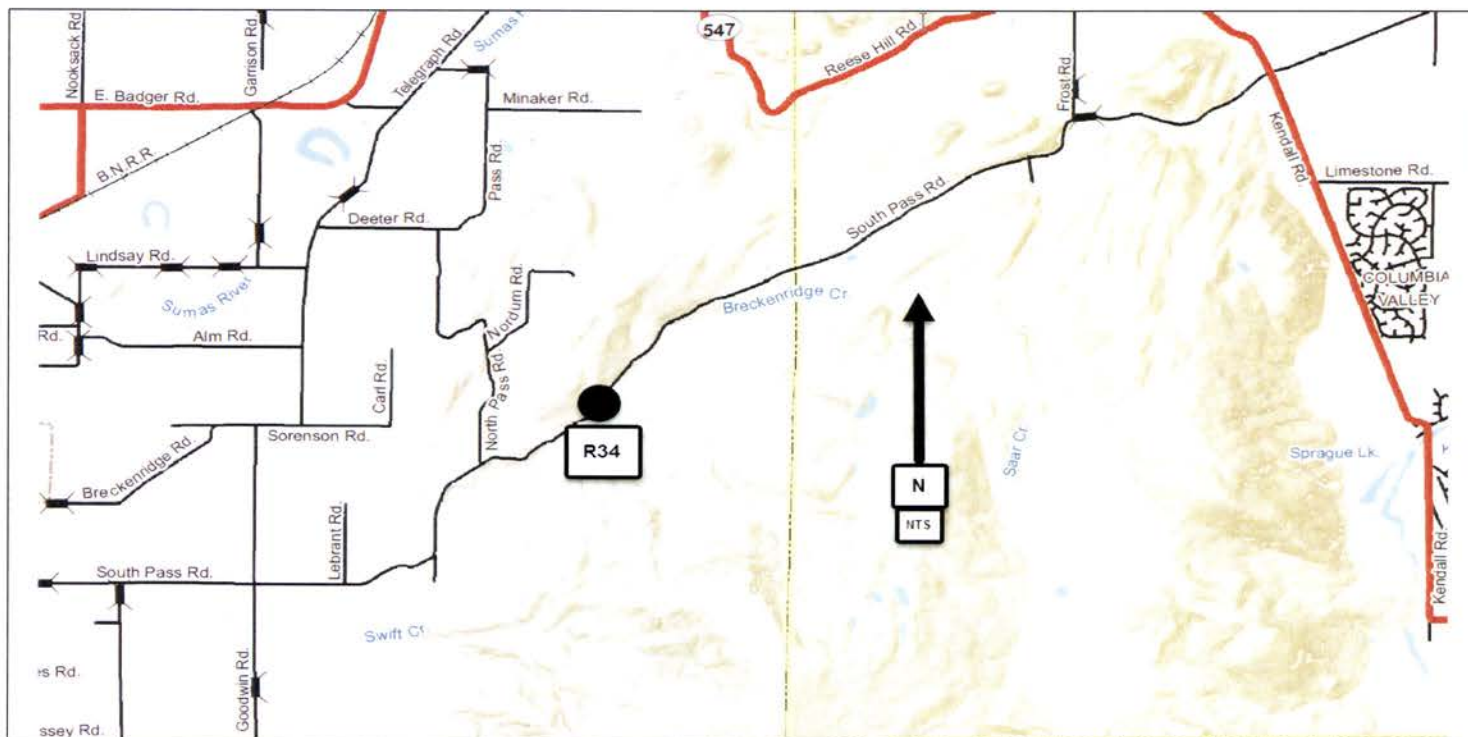
**Funding Sources:**

Federal	\$380,000
State	\$ 0
Local	\$60,000

**Environmental Permitting**

**Right-of-Way Acquisition (Estimate)**

**County Forces (Estimate)**



## Jackson Road / Terrell Creek - Bridge No. 81 Replacement CRP # 917004

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located near Birch Bay in Section 31, T40N, R1W. This is a project to replace the existing 62-foot structurally deficient bridge. This project is listed **#B2** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

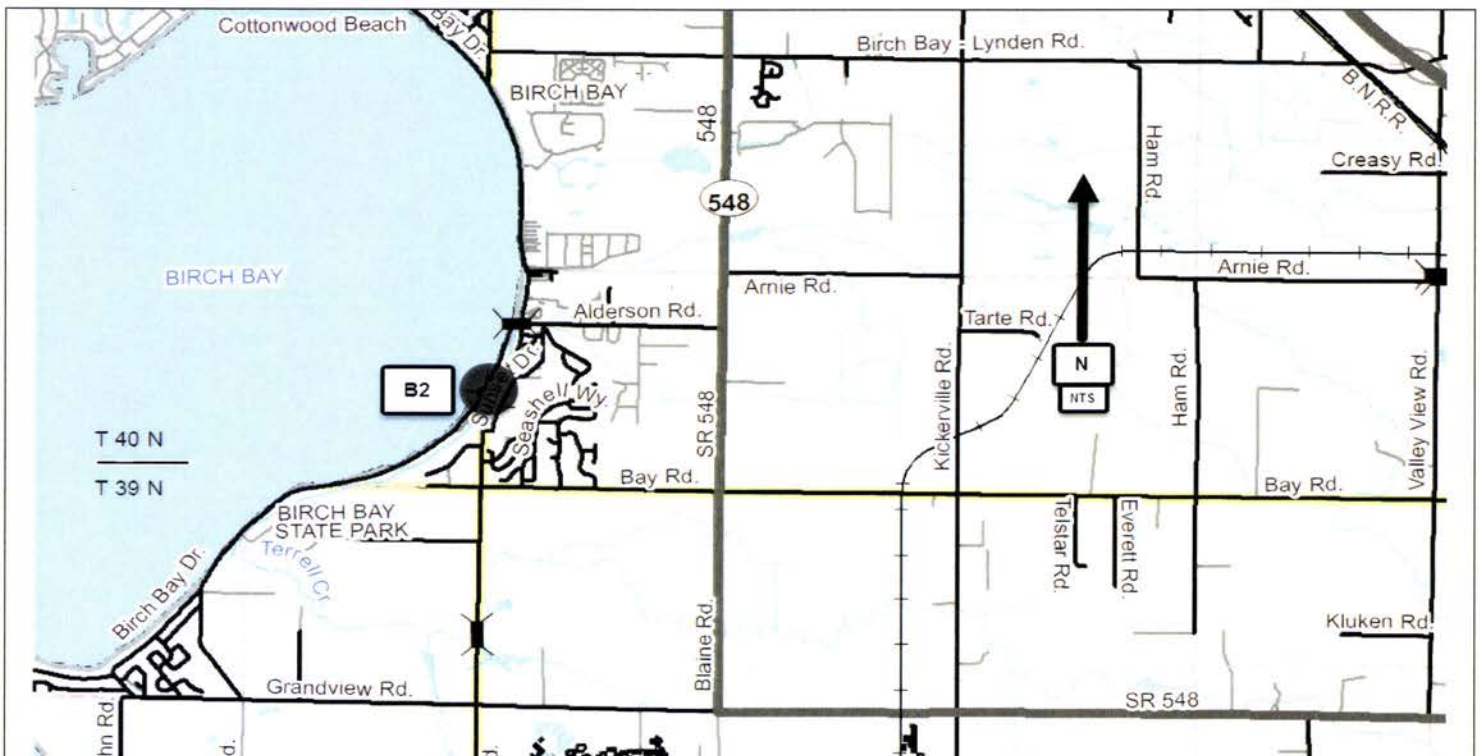
Preliminary design work, including a type, size, and location study began in 2020. Outside funding will be pursued for the construction phase of this project.

**Total Estimated Project Cost:** \$ TBD  
**Expenditures to Date:** \$ 100,000

**Funding Sources:**

Federal	\$
State	\$
Local	\$450,000

<b>Environmental Permitting</b>	TBD
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## N. Lake Samish Road Bridge No. 107 Replacement CRP # 913006 (Project Based Budget 378100)

**Construction Funding Year(s):** 2023

**Project Narrative:**

This project is located on Lake Samish in Section 27, T37N, R3E. This project will replace the existing 250-foot timber bridge which is structurally deficient. This project is listed **#B4** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:**

The type, size, and location study for the replacement bridge was completed in 2017. Design, permitting, and real estate work is underway and it is anticipated that the design will be at the 90% stage by the end of 2019. Approximately \$9.5 million in Federal Bridge Replacement funds were secured in late 2019 for the construction phase of the project. Construction is scheduled for 2023 pending completion of real estate and environmental work.

**Total Estimated Project Cost:** \$10,750,000

**Expenditures to Date:** \$1,050,000

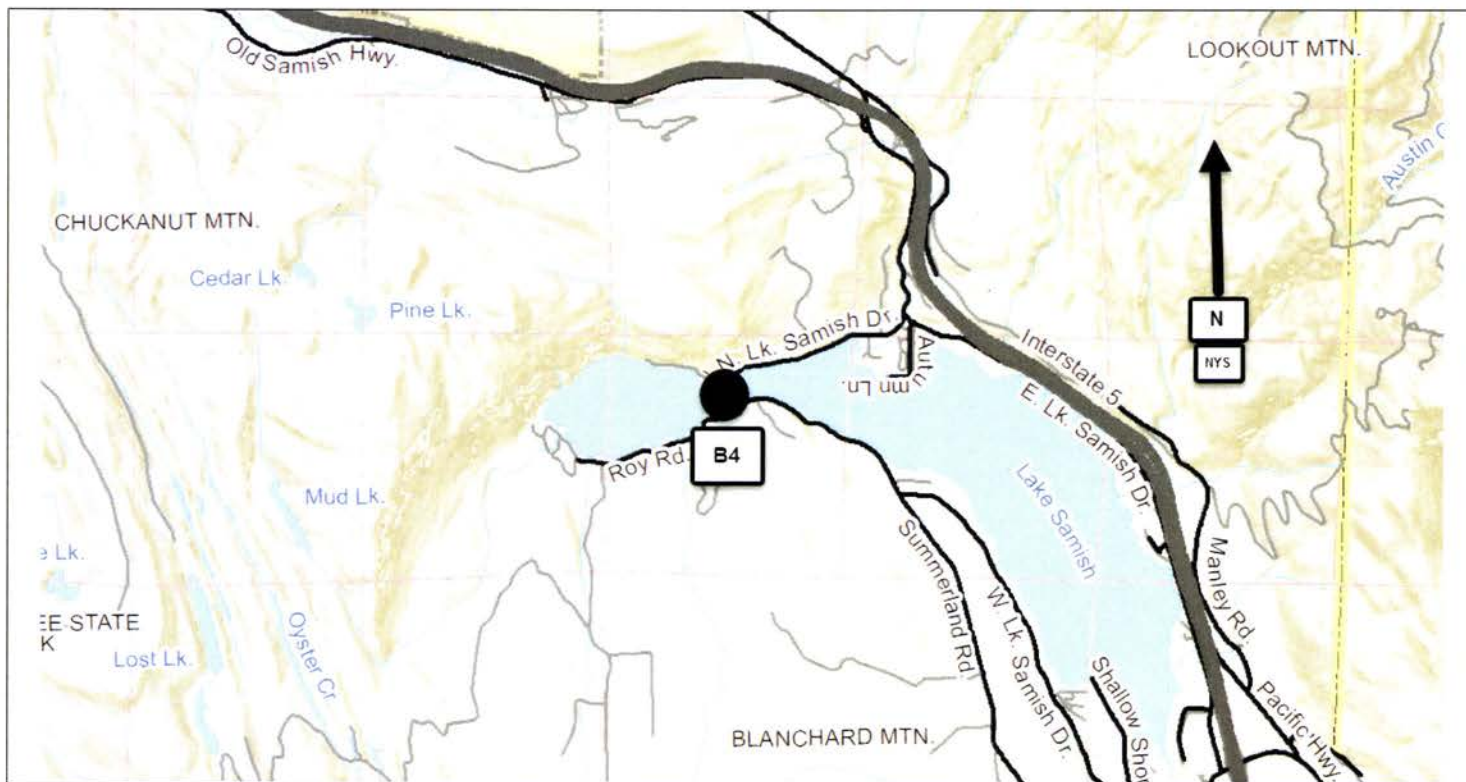
**Funding Sources:**

Federal	\$9,500,000 (BR funds)
State	\$0
Local	\$1,250,000

**Environmental Permitting** TBD

**Right-of-Way Acquisition** TBD

**County Forces** TBD



## Goshen Road/Anderson Creek Bridge No. 248 Replacement CRP # 920003

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project is located south of Everson/Goshen in Section 19, T39N, R4E. This is a project to replace the existing 62-foot structurally deficient bridge. This project is listed **#B5** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:** Preliminary design, permitting and real estate work began in 2020. Approximately \$4 million in Federal Bridge Replacement funds were secured in late 2019 for the preliminary engineering and construction phases of this project.

**Total Estimated Project Cost:** \$ 4,200,000

**Expenditures to Date:** \$ 150,000

**Funding Sources:**

Federal	\$4,000,000
---------	-------------

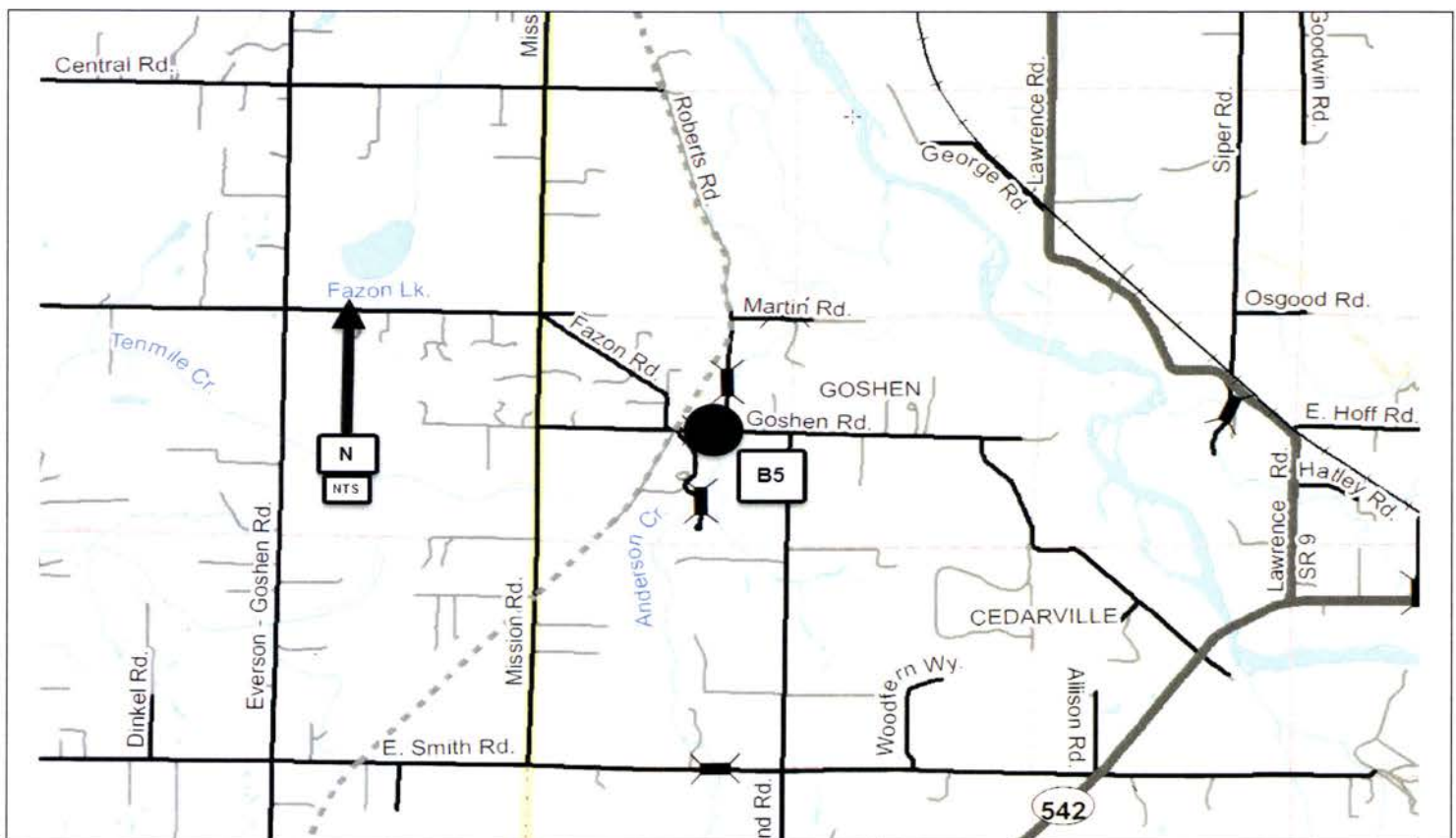
State	\$0
-------	-----

Local	\$200,000
-------	-----------

<b>Environmental Permitting</b>	TBD
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	TBD
---------------------------------	-----



## Mosquito Lake Rd/Hutchinson Creek Tributary Fish Passage CRP # 919006

**Construction Funding Year(s):** 2021

**Project Narrative:** The existing 30-inch diameter concrete culvert at this location was damaged in early 2018 and a temporary fix completed in late 2018. This culvert has been identified as a barrier to fish passage. Permits for the temporary repair project requires that the existing culvert is replaced with a structure that meets current fish passage requirements. This project is listed **#B10** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** Design, permitting and real estate work underway. Construction of this project planned for 2021.

**Total Estimated Project Cost:** \$625,000

**Expenditures to Date:** \$65,000

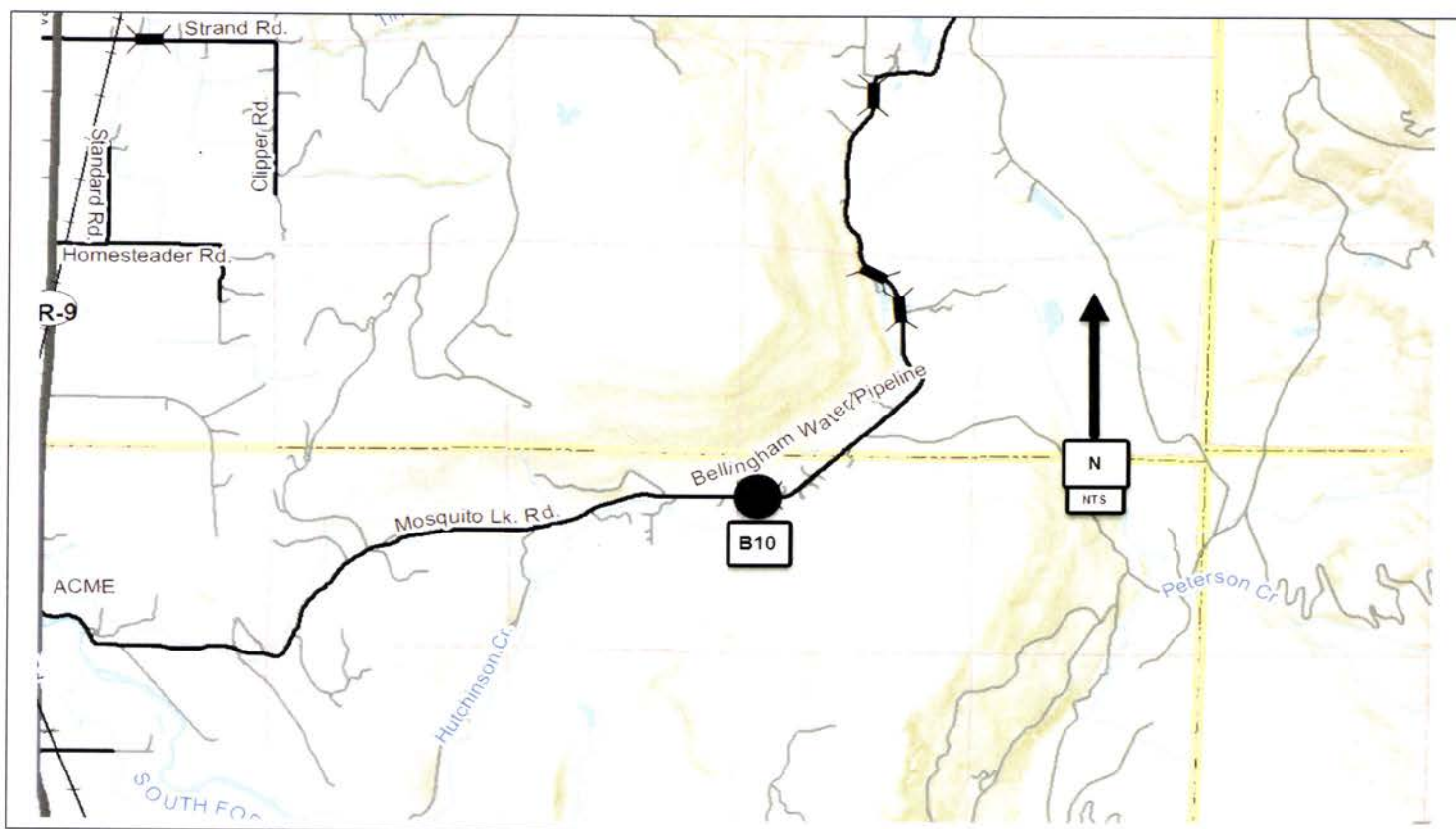
### Funding Sources:

Federal	\$0
State	\$0
Local	\$625,000

**Environmental Permitting** TBD

**Right-of-Way Acquisition (Estimate)** TBD

**County Forces (Estimate)** TBD



## North Fork Road/Kenny Creek Fish Passage CRP # 919007

**Construction Funding Year(s):** TBD

**Project Narrative:** The existing 5-foot diameter corrugated steel culvert which carries Kenny Creek under the North Fork Road has been identified as a barrier to fish passage and, considering habitat to be gained, is considered one of the highest priority barriers within the County road system. Washington State Fish Barrier Removal Board (FBRB) funding has been secured for the design phase of this fish passage project. This project is listed as **#B11** on the 2021-2026 Six-Year Transportation Improvement Program.

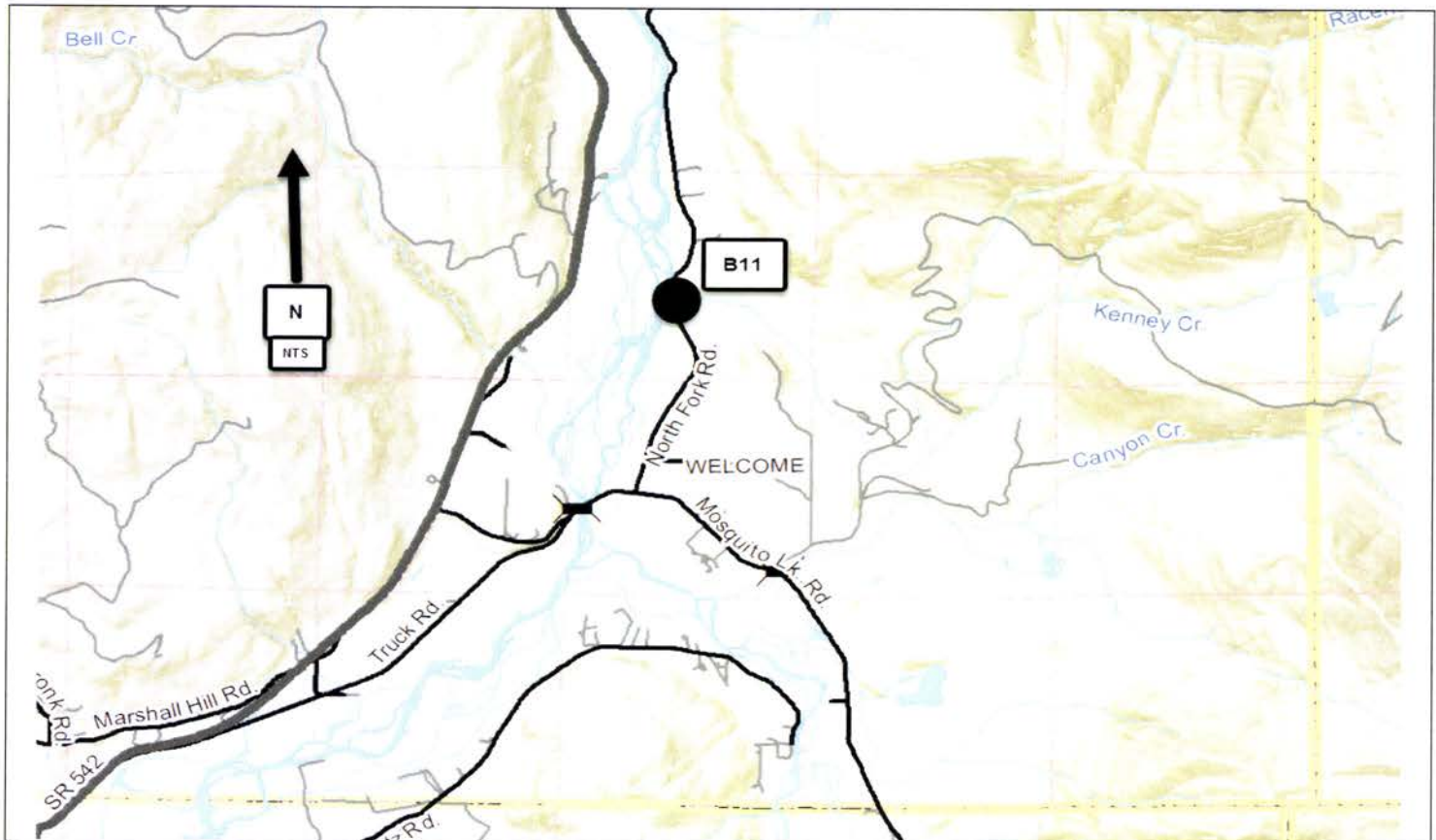
**Project Status:** Project design, permitting and real estate began in 2019. Design work expected to be complete in the spring of 2021. Whatcom County has been awarded \$443,000 of State FBRB funds for the design phase of this project. Additional FBRB funds will be pursued for the construction phase of this project.

**Total Estimated Project Cost:** TBD  
**Expenditures to Date:** \$ 300,000

**Funding Sources:**

Federal	\$0
State	\$ 443,000 (FBRB funds)
Local	\$ 80,000

<b>Environmental Permitting</b>	TBD
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## Truck Road Fish Passage Culvert CRP # 920004

**Construction Funding Year(s):** 2021

**Project Narrative:** This project is located in Sections 33, T39N, R5E. The project. This project is listed **#B12** on the 2021-2026 Six-Year Transportation Improvement Program. Project includes replacing the existing 5' diameter culvert that has been identified as a barrier to fish passage on Truck Road with a culvert that meets current fish passage requirements.

**Project Status:** Preliminary design and environmental permitting work underway. Construction scheduled for summer of 2021.

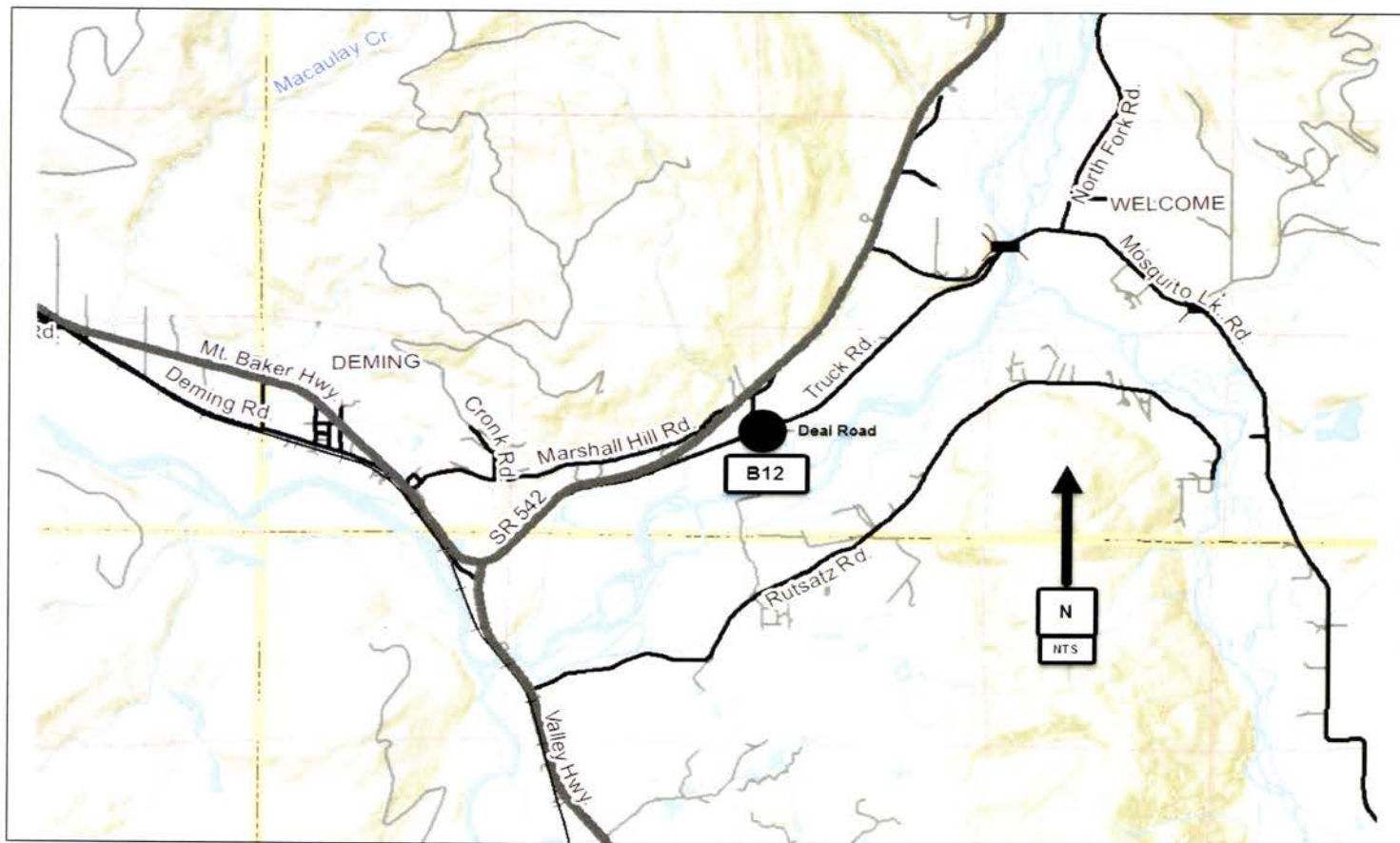
**Total Estimated Project Cost:** \$ 400,000

**Expenditures to Date:** \$ 70,000

### Funding Sources:

Federal	\$ 0
State	\$ 0
Local	\$400,000

<b>Environmental Permitting</b>	SEPA, CLR/CAO, Shorelines, HPA
<b>Right-of-Way Acquisition (Estimate)</b>	TBD
<b>County Forces (Estimate)</b>	TBD



## Deal Road Fish Passage Culverts CRP # 921008

**Construction Funding Year(s):** TBD

**Project Narrative:** This project is located in Sections 33, T39N, R5E. The project. This project is listed **#B13** on the 2021-2026 Six-Year Transportation Improvement Program. Project includes replacing two existing culverts that have been identified as barriers to fish passage in the Deal Road area with culverts that meet current fish passage requirements.

**Project Status:** Preliminary design and permitting to begin in 2021.

**Total Estimated Project Cost:** \$ 0  
**Expenditures to Date:** \$ 0

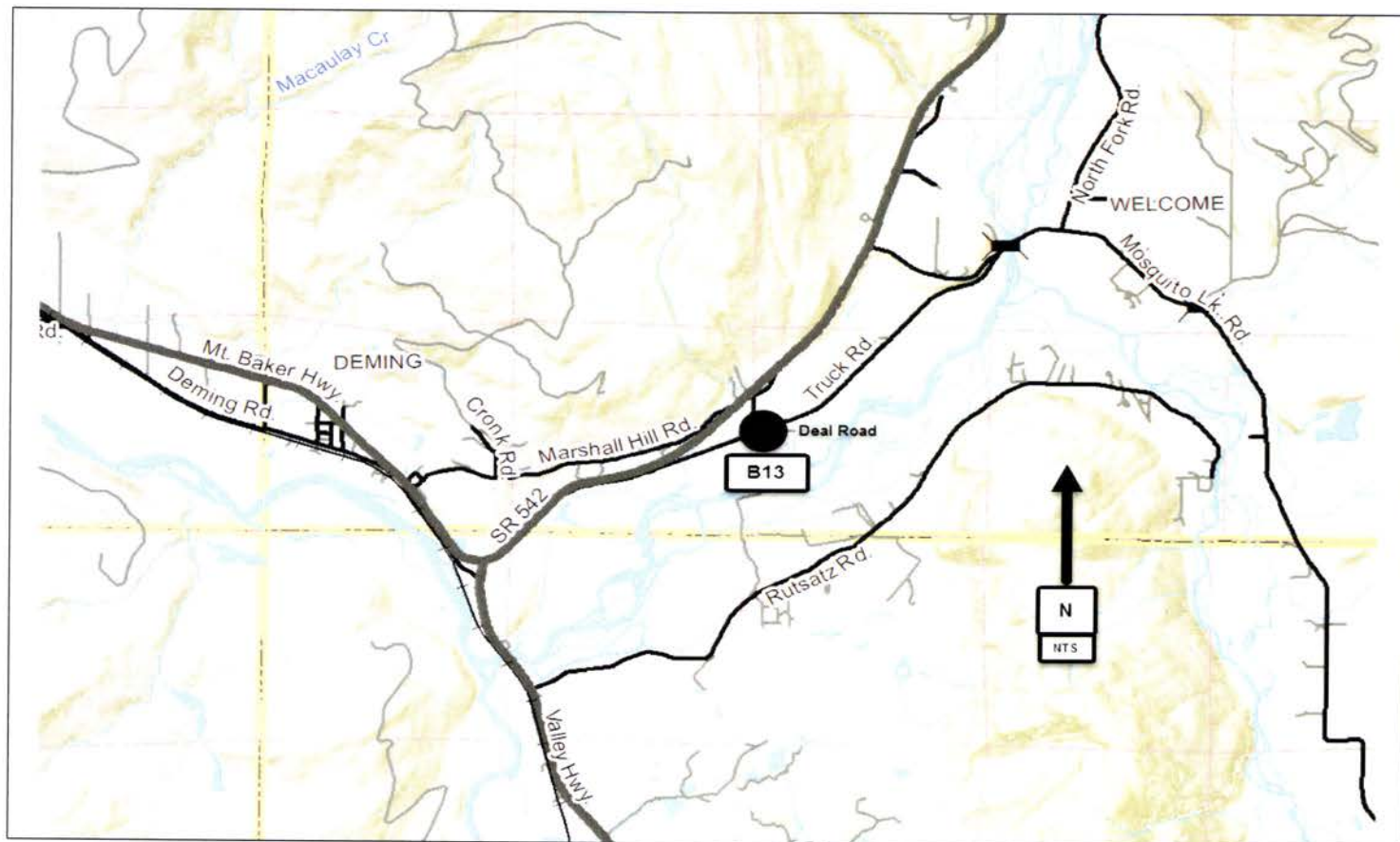
**Funding Sources:**

Federal	\$ 0
State	\$ 0
Local	\$80,000

**Environmental Permitting** TBD

**Right-of-Way Acquisition (Estimate)** TBD

**County Forces (Estimate)** TBD



## Replacement of Whatcom Chief & Terminal Modification CRP # 919008

**Construction Funding Year(s):** TBD

**Project Narrative:**

This project includes replacement of the Whatcom Chief with a 34 car vessel and modifications of the existing ferry terminals to accommodate the new vessel. This work will be accomplished as outlined in the Lummi Island Ferry Service Level of Service Action Plan approved by the Whatcom County Council via Resolution 2018-026. This project is listed **#F1** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Design work for the new vessel is underway. This work will coincide with the next cycle of funding by the County Road Administration Board.

**Total Estimated Project Cost:** TBD

**Expenditures to Date:** \$450,000

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$750,000

<b>Environmental Permitting</b>	None Required
<b>Right-of-Way Acquisition (Estimate)</b>	None Required
<b>County Forces (Estimate)</b>	N/A

### M/V Whatcom Chief



## Gooseberry Point Terminal Preservation Project CRP # 919021

**Construction Funding Year(s):** 2021

**Project Narrative:** This project includes removing and replacing the transfer span paint system and application of overcoat paint system to the tower and apron systems. This project is listed #F2 on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:** Design and permitting work anticipated to be completed in 2020. Construction scheduled for 2021 to coincide with the dry dock period of the Whatcom Chief.

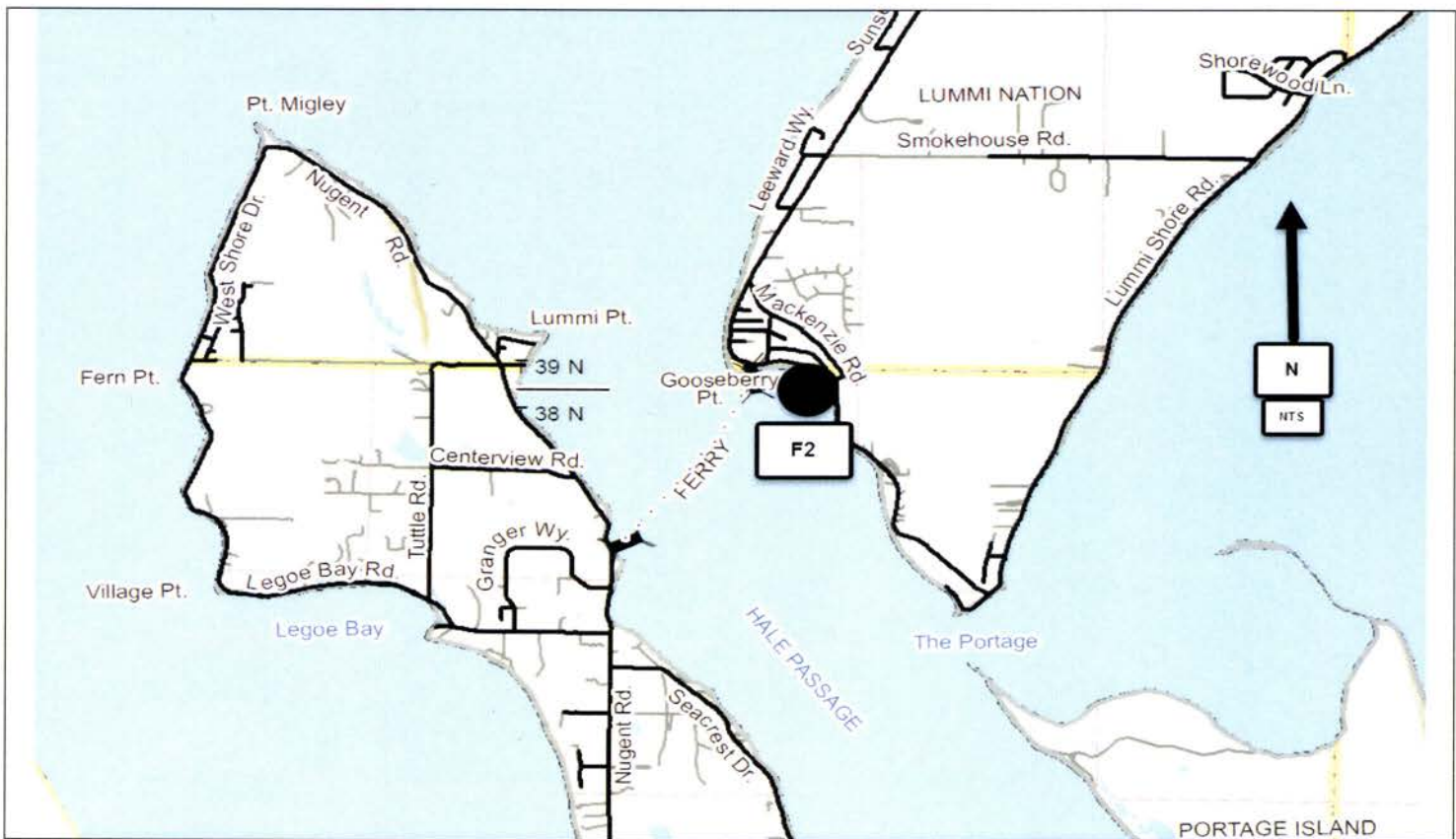
**Total Estimated Project Cost:** \$850,000

**Expenditures to Date:** \$ 50,000

### Funding Sources:

Federal	\$
State	\$
Local	\$850,000

<b>Environmental Permitting</b>	HPA, SEPA, CORPS 404, COUNTY SHORELINES
<b>Right-of-Way Acquisition (Estimate)</b>	None Required
<b>County Forces (Estimate)</b>	N/A



## Lummi Island Breakwater Replacement CRP #914015

**Construction Funding Year(s):** 2021

**Project Narrative:**

This project includes replacing the southerly breakwater at the Lummi Island ferry terminal. This structure was constructed in the mid 1980's and is reaching the end of its service life. This project is listed **#F3** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Design and permitting work expected to be completed in early 2021, with construction of this project scheduled in late 2021. Approximately \$1,005,000 in federal Ferry Boat Program funds will be utilized for the preliminary engineering and construction phases of this project.

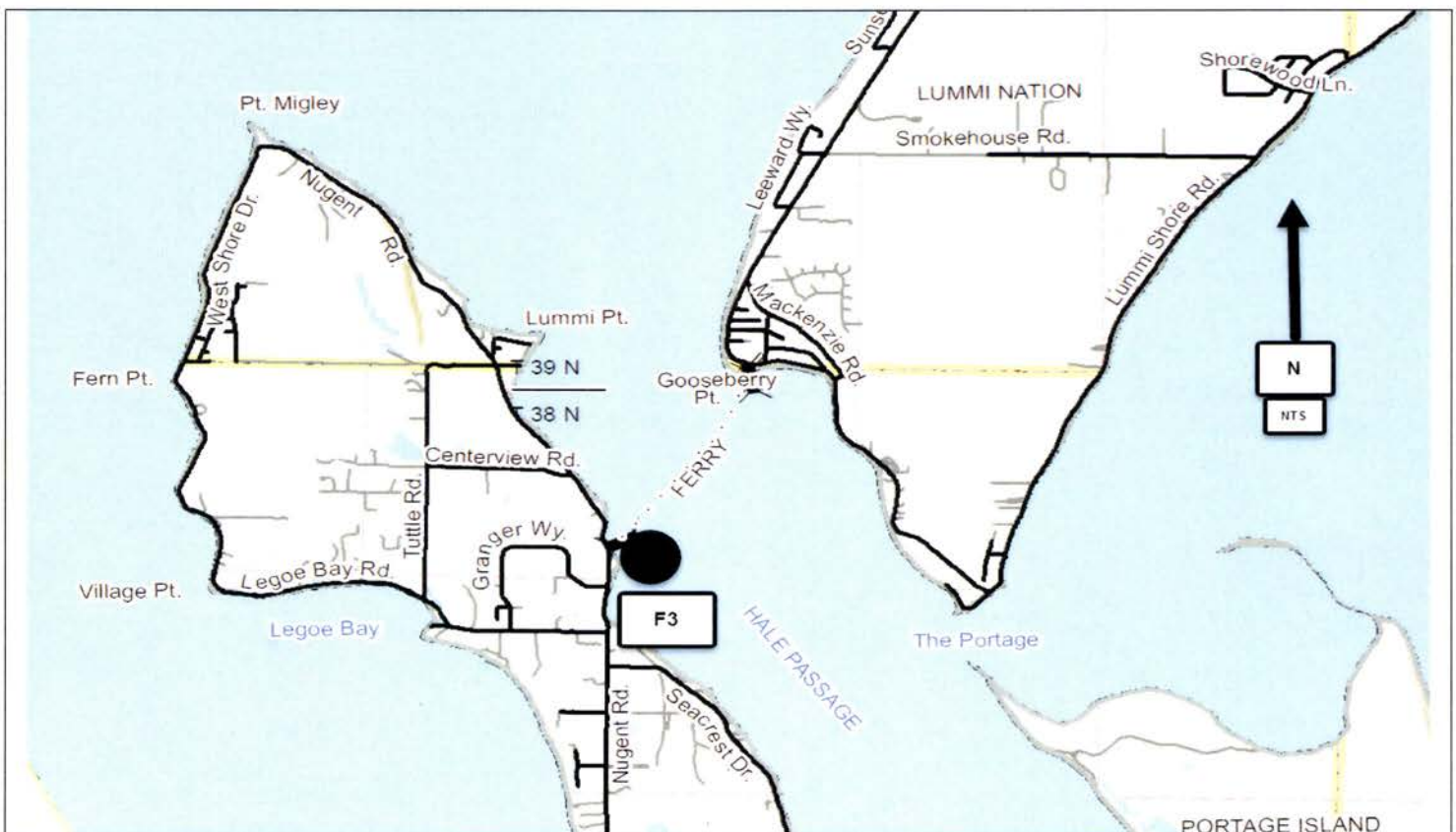
**Total Estimated Project Cost:** \$2,235,000

**Expenditures to Date:** \$185,000

**Funding Sources:**

Federal	\$1,005,000 (FBP)
State	\$
Local	\$1,230,000

<b>Environmental Permitting</b>	HPA, SEPA, CORPS 404, COUNTY SHORELINES
<b>Right-of-Way Acquisition (Estimate)</b>	None Required
<b>County Forces (Estimate)</b>	N/A



## Relocation of Gooseberry Terminal CRP # 919009

Construction Funding Year(s): TBD

### Project Narrative:

This project involves relocation of the Gooseberry Point Ferry Terminal. This work will be accomplished as outlined in the Lummi Island Ferry Service Level of Service Action Plan approved by the Whatcom County Council via Resolution 2018-026. This project is listed #F4 on the 2021-2026 Six Year Transportation Improvement Program.

### Project Status:

Early action items will likely include EIS and real estate work. This work will coincide with the next cycle of funding by the County Road Administration Board.

Total Estimated Project Cost: TBD

Expenditures to Date: \$ 0

### Funding Sources:

Federal	\$0
State	\$0
Local	\$150,000

Environmental Permitting	None Required
--------------------------	---------------

Right-of-Way Acquisition (Estimate)	None Required
-------------------------------------	---------------

County Forces (Estimate)	None Required
--------------------------	---------------



## Various Bridges Rehabilitation / Replacement CRP # 921009

**Construction Funding Year(s):** 2021 - 2026

**Project Narrative:**

This item provides funding to address unanticipated bridge rehabilitation and/or replacement. It is listed #Y1 on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Design and construction to occur as necessary.

**Total Estimated Project Cost:** \$1,800,000

**Expenditures to Date:** N/A

**Funding Sources:**

Federal	\$
State	\$
Local	\$1,800,000 (STIP 2021-2026)

<b>Environmental Permitting</b>	TBD
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	TBD
---------------------------------	-----

Due to the nature of this item, no map exists. Council review and prioritization will be sought at the appropriate times.

**Right of Way Acquisition**  
**CRP # 921010**

**Construction Funding Year(s):** 2021-2026

**Project Narrative:**

This item addresses the unanticipated need for Right-of-Way that may arise during a given year that requires immediate action. This project is listed **#Y2** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

N/A.

**Total Estimated Project Cost:** \$150,000

**Expenditures to Date:**

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$150,000 (2021-2026)

<b>Environmental Permitting</b>	TBD
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	N/A
---------------------------------	-----

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

## Unanticipated Site Improvements CRP # 921011

**Construction Funding Year(s):** 2021 - 2026

**Project Narrative:**

This Annual Construction Program item addresses the unanticipated project(s) that may arise during a given year that require immediate action due to safety concerns, environmental factors, traffic volumes, accident history, funding or grant availability and other issues not related to an existing program project. This project is listed #Y3 on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

It is anticipated that the design and construction of projects will occur yearly as the needs and locations are determined.

**Total Estimated Project Cost:** \$1,800,000

**Expenditures to Date:**

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$1,800,000 (2021-2026)

<b>Environmental Permitting</b>	TBD
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	N/A
---------------------------------	-----

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

## Unanticipated Stormwater Quality Improvements CRP # 921012

**Construction Funding Year(s):** 2021 - 2026

**Project Narrative:**

This project varies in location. Identification and prioritization to be addressed and reviewed through County Council. This project is listed #Y4 on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

It is anticipated that the design and construction of projects will occur yearly as the needs and locations are determined.

**Total Estimated Project Cost:** \$720,000

**Expenditures to Date:**

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$720,000 (2021-2026)

<b>Environmental Permitting</b>	TBD
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	TBD
---------------------------------	-----

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

## Unanticipated Non-motorized Transportation Improvements CRP # 921013

**Construction Funding Year(s):** 2021 - 2026

**Project Narrative:**

This program item addresses the need to identify and prioritize non-motorized projects for future consideration. Projects would include pedestrian and bike facilities (eg: sidewalks, trails, shoulder widening) in various locations around the county. This project is listed **#Y5** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

It is anticipated that the design and construction of projects will occur yearly as the needs and locations are determined.

**Total Estimated Project Cost:** \$160,000

**Expenditures to Date:**

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$160,000 (2021-2026)

<b>Environmental Permitting</b>	TBD
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	TBD
---------------------------------	-----

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

**Fish Passage Project**  
**CRP # 921014**

**Construction Funding Year(s):** 2021

**Project Narrative:**

This project is for the design and construction of fish passage projects. This project is listed **#Y6** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Design work will begin in 2020 with construction of the first project scheduled for 2021.

**Total Estimated Project Cost:** TBD

**Expenditures to Date:** N/A

**Funding Sources:**

Federal \$0

State \$0

Local \$300,000 (2021-2026)

**Environmental Permitting** TBD

**Right-of-Way Acquisition (Estimate)** TBD

**County Forces (Estimate)** N/A

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

## Swift Creek Transportation Impacts CRP # 921015

**Construction Funding Year(s):** TBD

**Project Narrative:**

This item addresses the various projects related to Sumas Mountain/Swift Creek Slide. Locations to be determined. This project is #Y7 on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Design and construction for the various projects will be initiated in 2020 and extend through 2026.

**Total Estimated Project Cost:** \$400,000

**Expenditures to Date:**

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$400,000 (2021-2026)

<b>Environmental Permitting</b>	N/A
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	N/A
--	-----

<b>County Forces (Estimate)</b>	N/A
---------------------------------	-----

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

## Railroad Crossing Improvements CRP # 921016

**Construction Funding Year(s):** 2021 - 2026

**Project Narrative:**

Locations to be determined. Identification and prioritization to be addressed. This project is listed **#Y8** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Locations and prioritization of projects is on-going. Negotiations with BNSF will be a factor on timing and cost.

**Total Estimated Project Cost:** \$300,000

**Expenditures to Date:** - 0 -

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$300,000 (2021-2026)

<b>Environmental Permitting</b>	TBD
---------------------------------	-----

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	TBD
---------------------------------	-----

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

**Beam Guardrail Replacements/Upgrades**  
**CRP # 921017**

**Construction Funding Year(s):** 2021 - 2026

**Project Narrative:**

Locations to be determined. Identification and prioritization to be addressed. This project is listed **#Y9** on the 2021-2026 Six Year Transportation Improvement Program.

**Project Status:**

Locations and prioritization of projects is on-going, with close coordination with M&O Division and Traffic Section.

**Total Estimated Project Cost:** \$1,200,000

**Expenditures to Date:** - 0 -

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$1,200,000 (2021-2026)

<b>Environmental Permitting</b>	SEPA, Cllrg/CAO,
---------------------------------	------------------

<b>Right-of-Way Acquisition (Estimate)</b>	TBD
--	-----

<b>County Forces (Estimate)</b>	TBD
---------------------------------	-----

Due to the nature of this program item, no map exists. Council review and prioritization will be sought at the appropriate time.

**ADA Barrier Removal  
ADA Transition Plan, Multiple Locations  
CRP # 921018**

**Construction Funding Year(s):** TBD

**Project Narrative:**

Whatcom County will be addressing an update to its Americans with Disabilities Act (ADA) Transition Plan in 2019, concentrating on an assessment of facilities in County road rights-of-way. This project will involve the removal of a number of barriers yearly, in a systematic and prioritized method. This project is listed **#Y10** on the 2021-2026 Six-Year Transportation Improvement Program.

**Project Status:** ADA Transition Plan update will be completed in 2020, with a number of priority barrier locations highlighted by the study, addressed by design efforts in 2020.

**Total Estimated Project Cost:** \$1,200,000

**Expenditures to Date:** \$0

**Funding Sources:**

Federal	\$0
State	\$0
Local	\$1,200,000

**Environmental Permitting**

**Right-of-Way Acquisition (Estimate)**

**County Forces (Estimate)**

Due to the nature of this item, no map exists. Location and priority of the ADA Barrier Removals will be determined when the updated Transition Plan is complete.