

## EXECUTIVE'S OFFICE

County Courthouse  
311 Grand Ave. Suite #108  
Bellingham, WA 98225



**Jack Louws**  
County Executive

MEMO TO: WHATCOM COUNTY COUNCIL MEMBERS  
FROM: JACK LOUWS, COUNTY EXECUTIVE  
RE: CASCADIA LAW GROUP CONTRACT  
DATE: MARCH 12, 2019

I have reviewed the County Council resolution from January 29<sup>th</sup>, requesting funding to have Cascadia Law Group write draft comprehensive plan and code language associated with negative impacts from exports/transshipments from the Cherry Point UGA for Council review.

As you know, I am not pleased with the process that Council has taken in reviewing the Cherry Point land use issues. This began with the enactment of the interim emergency moratorium and then continued with the content of the first ordinance, which I believe is flawed and legally suspect.

I am also concerned with Council's commitment to a transparent review of these issues. The community expects and deserves that. I initially signed the Cascadia Law Group contract, back in 2017, because I thought their work, based on the contracted scope of work, and the anticipated public process, was going to provide the community a better understanding of the legal and policy framework that the County Council was interested in pursuing. Unfortunately, that has not happened as demonstrated by the last minute documents that have been submitted throughout this process.

Hopefully, the Council's request in this latest resolution is to allow Cascadia Law Group to complete the scope of work from the original contract and actually develop Comprehensive Plan Amendments and code language. This work would show the Council's intended policy. This version could then be processed in a manner consistent with our applicable public review and decision-making protocols. That would be consistent with what I have been requesting since it became clear that Cascadia Law Group was not going to accomplish all of the original contract's deliverables.

As they have shown throughout the last year, PDS staff will be available to facilitate the language that Council receives from Cascadia Law Group and facilitate the public review process at Planning Commission and Council. However, it is unfair to staff for Council to continue requesting development of proposed comp plan/code language when Council's proposed policy seems to change from one meeting to the next. As an example, please consider the vast differences between the policy frameworks in the versions from October 2018, January 15<sup>th</sup>, 2019 and this latest January 29<sup>th</sup> resolution.

To that end, I am submitting a contract for Council consideration to allow for up to \$40,000 of services, utilizing salary savings from the unfilled Legislative Policy Analyst position, to develop comprehensive plan/code language consistent with the Council's position. The contract includes coordination with PDS and the Prosecuting Attorney's Office to provide input or guidance to the contractor as it relates to code consistency or local interpretation, as necessary. Once Council has forwarded the draft version to the Planning Commission PDS staff will facilitate public review.

I anticipate that this plan will suffice as an adequate response to the resolution passed by council on January 29, and I trust that Council will work within this authority to conclude the contract work related to the Cherry Point issue.