



LAKE WHATCOM WATER & SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA, 98229

(360) 734-9224
Fax 738-8250

MEMORANDUM

Date: June 3, 2021
From: Lake Whatcom Water & Sewer District
RE: Meeting Procedures During the Covid-19 Emergency

Lake Whatcom Water & Sewer District continues to operate under adjusted procedures in order to provide continuous service to our customers. That said, we are taking precautions in an effort to protect the health and safety of our staff, commissioners, and customers. Our lobby is currently closed to the public, and we are practicing social distancing guidelines as suggested by Governor Inslee and the CDC.

For the foreseeable future, Commissioners will be attending regular meetings by phone/video conference. Per Governor Inslee's [Proclamation No. 20-28.3](#), the District will provide access to interested public via phone/internet utilizing the GoToMeeting platform.

If you would like to attend the June 9, 2021 regular meeting, details can be found below. In this evolving climate, we are committed to doing everything possible to provide opportunity for public comment as well as promote health and safety. As such, the District requests that if possible, public submit comments in written form by noon the day before a scheduled meeting for inclusion in the meeting discussion.

We appreciate your understanding and patience during these uncertain times. If you have any questions, please contact Administrative Assistant Rachael Hope at rachael.hope@lwwsd.org or 360-734-9224.

June 09, 2021 Work Regular Board Meeting

Wed, Jun 9, 2021 6:30 PM - 8:30 PM (PDT)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/454059413>

You can also dial in using your phone.

United States: [+1 \(872\) 240-3412](tel:+18722403412)

Access Code: 454-059-413

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LAKE WHATCOM WATER AND SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA 98229

REGULAR MEETING OF THE BOARD OF COMMISSIONERS

AGENDA

June 9, 2021


6:30 p.m. – Regular Session

1. CALL TO ORDER
2. ROLL CALL
3. CONFIRMATION OF COMPLIANCE WITH REMOTE MEETING ATTENDANCE PROTOCOLS
4. PUBLIC COMMENT OPPORTUNITY
At this time, members of the public may address the Board of Commissioners. Please state your name prior to making comments.
5. ADDITIONS, DELETIONS, OR CHANGES TO THE AGENDA
6. CONSENT AGENDA
7. SPECIFIC ITEMS OF BUSINESS
 - A. Developer Extension Agreement Approval—Sudden Valley Community Association Culvert Replacement Project
 - B. Customer Appeal—Water/Sewer Utility Bill
 - C. Professional Services Agreement Amendment Approval—On-call General Engineering Services with Wilson Engineering
 - D. Accessory Dwelling Unit Policy Discussion
8. OTHER BUSINESS
9. STAFF REPORTS
 - A. General Manager
10. PUBLIC COMMENT OPPORTUNITY
11. ADJOURNMENT



**AGENDA
BILL
Item 6**

Consent Agenda

DATE SUBMITTED:	June 3, 2021	MEETING DATE:	June 9, 2021
TO: BOARD OF COMMISSIONERS	FROM: Rachael Hope		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. See below		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL /OTHER <input type="checkbox"/>

****TO BE UPDATED 6.09.2021****

BACKGROUND / EXPLANATION OF IMPACT

- Payroll for Pay Period #11 (05/15/2020 through 05/28/2021) totaling \$47,119.04
- Payroll Benefits for Pay Period #11 totaling \$51,953.52
- Accounts Payable Vouchers total totaling \$52,258.10

FISCAL IMPACT

Fiscal impact is as indicated in the payroll/benefits/accounts payable quantities defined above. All costs are within the Board-approved 2021 Budget.

RECOMMENDED BOARD ACTION

Staff recommends the Board approve the Consent Agenda.

PROPOSED MOTION

A recommended motion is:

"I move to approve the Consent Agenda as presented."

CHECK REGISTER

PAYROLL

Lake Whatcom W-S District

Time: 09:31:51 Date: 06/02/2021


06/03/2021 To: 06/03/2021

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
1616	06/03/2021	Payroll	5	EFT		329.88	05/15/2021 - 05/28/2021 PR 11
1617	06/03/2021	Payroll	5	EFT		706.19	05/15/2021 - 05/28/2021 PR 11
1618	06/03/2021	Payroll	5	EFT		3,635.90	05/15/2021 - 05/28/2021 PR 11
1619	06/03/2021	Payroll	5	EFT		2,479.37	05/15/2021 - 05/28/2021 PR 11
1620	06/03/2021	Payroll	5	EFT		4,250.53	05/15/2021 - 05/28/2021 PR 11
1621	06/03/2021	Payroll	5	EFT		3,569.86	05/15/2021 - 05/28/2021 PR 11
1623	06/03/2021	Payroll	5	EFT		1,800.78	05/15/2021 - 05/28/2021 PR 11
1625	06/03/2021	Payroll	5	EFT		1,477.11	05/15/2021 - 05/28/2021 PR 11
1626	06/03/2021	Payroll	5	EFT		2,943.41	05/15/2021 - 05/28/2021 PR 11
1627	06/03/2021	Payroll	5	EFT		1,966.31	05/15/2021 - 05/28/2021 PR 11
1628	06/03/2021	Payroll	5	EFT		3,248.86	05/15/2021 - 05/28/2021 PR 11
1629	06/03/2021	Payroll	5	EFT		1,970.57	05/15/2021 - 05/28/2021 PR 11
1630	06/03/2021	Payroll	5	EFT		3,135.29	05/15/2021 - 05/28/2021 PR 11
1631	06/03/2021	Payroll	5	EFT		1,276.36	05/15/2021 - 05/28/2021 PR 11
1632	06/03/2021	Payroll	5	EFT		353.09	05/15/2021 - 05/28/2021 PR 11
1633	06/03/2021	Payroll	5	EFT		2,454.20	05/15/2021 - 05/28/2021 PR 11
1634	06/03/2021	Payroll	5	EFT		1,785.07	05/15/2021 - 05/28/2021 PR 11
1635	06/03/2021	Payroll	5	EFT		2,100.96	05/15/2021 - 05/28/2021 PR 11
1636	06/03/2021	Payroll	5	EFT		2,808.29	05/15/2021 - 05/28/2021 PR 11
1637	06/03/2021	Payroll	5	EFT		2,928.03	05/15/2021 - 05/28/2021 PR 11
1622	06/03/2021	Payroll	5	11659		470.80	5/5/2021 5/12/2021 5/15/2021 5/26/2021
1624	06/03/2021	Payroll	5	11660		1,428.18	05/15/2021 - 05/28/2021 PR 11
401 Water Fund						13,738.33	
402 Sewer Fund						33,380.71	

47,119.04 Payroll: 47,119.04

I do hereby certify, under penalty of perjury, that the above is an unpaid, just, and due obligation as described herein, and that I am authorized to certify this claim.

Sign  Date 6/2/2021
General Manager, Justin Clary

Board Authorization - The duly elected board for this district has reviewed the claims listed and approved the payment by motion at the meeting listed below:

Board President, Laura Abele

Attest : _____
Recording Secretary, Rachael Hope

Approved by motion at _____ Regular _____ Special Board Meeting on _____
Date Approved

BENEFITS

Time: 09:39:18 Date: 06/02/2021

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
1638	06/03/2021	Payroll	5	EFT	UNITED STATES TREASURY	17,331.53	941 Deposit for Pay Cycle(s) 06/03/2021 - 06/03/2021
1639	06/03/2021	Payroll	5	EFT	WA ST SUPPORT ENFORCEMENT REGISTRY	208.34	Pay Cycle(s) 06/03/2021 To 06/03/2021 - SUP ENF
1640	06/03/2021	Payroll	5	11661	AFLAC	354.85	Pay Cycle(s) 06/03/2021 To 06/03/2021 - AFLAC Pre-Tax; Pay Cycle(s) 06/03/2021 To 06/03/2021 - AFLAC Post-Tax
1641	06/03/2021	Payroll	5	11662	AFSCME LOCAL	336.93	Pay Cycle(s) 06/03/2021 To 06/03/2021 - Union Dues; Pay Cycle(s) 06/03/2021 To 06/03/2021 - Union Fund
1642	06/03/2021	Payroll	5	11663	DEPARTMENT OF RETIREMENT SYSTEMS	4,396.00	Pay Cycle(s) 06/03/2021 To 06/03/2021 - DCP
1643	06/03/2021	Payroll	5	11664	HRA VEBA TRUST (PAYEE)	560.00	Pay Cycle(s) 06/03/2021 To 06/03/2021 - VEBA
1644	06/03/2021	Payroll	5	11665	VANTAGEPOINT TRANSFER AGENTS - 306798	100.00	Pay Cycle(s) 06/03/2021 To 06/03/2021 - ICMA
1645	06/03/2021	Payroll	5	11666	WA ST HEALTH CARE AUTHORITY	14,654.60	Pay Cycle(s) 06/03/2021 To 06/03/2021 - PEBB Medical; Pay Cycle(s) 06/03/2021 To 06/03/2021 - PEBB ADD LTD; Pay Cycle(s) 06/03/2021 To 06/03/2021 - PEBB SMK Surcharge; Pay Cycle(s) 06/03/2021 To 06/03
1646	06/03/2021	Payroll	5	11667	WA ST PUBLIC EMP RET PLAN 2	10,601.66	Pay Cycle(s) 06/03/2021 To 06/03/2021 - PERS 2
1647	06/03/2021	Payroll	5	11668	WA ST PUBLIC EMP RET PLAN 3	3,409.61	Pay Cycle(s) 06/03/2021 To 06/03/2021 - PERS 3
						<hr/>	
401 Water Fund						38,342.55	
402 Sewer Fund						13,610.97	
						<hr/>	
						51,953.52	Payroll:
							51,953.52

CHECK REGISTER

BENEFITS

Lake Whatcom W-S District


Time: 09:39:18 Date: 06/02/2021

06/01/2021 To: 06/30/2021

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
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I do hereby certify, under penalty of perjury, that the above is an unpaid, just, and due obligation as described herein, and that I am authorized to certify this claim.

Sign  Date 6/2/2021
General Manager, Justin Clary

Board Authorization - The duly elected board for this district has reviewed the claims listed and approved the payment by motion at the meeting listed below:

Board President, Laura Abele

Attest : _____
Recording Secretary, Rachael Hope

Approved by motion at _____ Regular _____ Special Board Meeting on _____
Date Approved

CHECK REGISTER**ACCOUNTS**

Time: 15:04 Date: 06/03/2021

06/09/2021 To: 06/09/2021

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
1663	06/09/2021	Claims	5	EFT	US BANK - CC	4,029.73	Monthly VISA
1664	06/09/2021	Claims	5	EFT	WA ST DEPT OF REVENUE	19,057.84	May Excise Tax
1665	06/09/2021	Claims	5	11669	ARAMARK UNIFORM SERVICES	350.10	
1666	06/09/2021	Claims	5	11670	BELLINGHAM AUTO PARTS	20.64	
1667	06/09/2021	Claims	5	11671	CENTURYLINK	412.57	
1668	06/09/2021	Claims	5	11672	CLEAR WATER SYSTEMS, INC	13.04	
1669	06/09/2021	Claims	5	11673	COWDEN GRAVEL	569.63	
1670	06/09/2021	Claims	5	11674	EDGE ANALYTICAL INC	780.00	
1671	06/09/2021	Claims	5	11675	EVERGREEN RURAL WATER	235.00	
1672	06/09/2021	Claims	5	11676	FIELD INSTRUMENTS & CONTROLS, INC.	2,122.86	
1673	06/09/2021	Claims	5	11677	FRIX TECHNOLOGIES LLC	140.00	
1674	06/09/2021	Claims	5	11678	GE DIGITAL LLC	9,350.81	
1675	06/09/2021	Claims	5	11679	GRAY & OSBORNE, INC	2,123.30	
1676	06/09/2021	Claims	5	11680	HARDWARE SALES INC	70.43	
1677	06/09/2021	Claims	5	11681	HEALTH PROMOTION NORTHWEST EAP	100.00	
1678	06/09/2021	Claims	5	11682	KELLEY CONNECT	858.69	
1679	06/09/2021	Claims	5	11683	MCI	39.90	
1680	06/09/2021	Claims	5	11684	NP INFORMATION SYSTEMS	3,311.17	
1681	06/09/2021	Claims	5	11685	OASYS INC.	82.63	
1682	06/09/2021	Claims	5	11686	ON-HOLD CONCEPTS INC	24.95	
1683	06/09/2021	Claims	5	11687	PACIFIC TURFF CLEANING	960.00	
1684	06/09/2021	Claims	5	11688	PINNACLE INVESTIGATIONS	90.50	
1685	06/09/2021	Claims	5	11689	PITNEY BOWES	114.24	
1686	06/09/2021	Claims	5	11690	PROSCAPES, INC	489.15	
1687	06/09/2021	Claims	5	11691	RH2	2,622.01	
1688	06/09/2021	Claims	5	11692	SANITARY SERVICE CO	314.53	
1689	06/09/2021	Claims	5	11693	SECURITY SOLUTIONS	73.00	
1690	06/09/2021	Claims	5	11694	VERIZON WIRELESS	196.32	
1691	06/09/2021	Claims	5	11695	WA ST DEPT OF HEALTH	605.25	
1692	06/09/2021	Claims	5	11696	WEBCHECK, INC.	603.29	
1693	06/09/2021	Claims	5	11697	WEX BANK	587.52	
1694	06/09/2021	Claims	5	11698	WILSON ENGINEERING LLC	1,909.00	
401 Water Fund						28,907.18	
402 Sewer Fund						23,350.92	
						<u>52,258.10</u>	Claims: 52,258.10

CHECK REGISTER

ACCOUNTS PAYABLE

Lake Whatcom W-S District


06/09/2021 To: 06/09/2021

Page: 4:14 Date: 06/03/2021

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
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I do hereby certify, under penalty of perjury, that the above is an unpaid, just, and due obligation as described herein, and that I am authorized to certify this claim.

Sign  Date 6/3/2021
General Manager, Justin Clary

Board Authorization - The duly elected board for this district has reviewed the claims listed and approved the payment by motion at the meeting listed below:

Board President, Laura Abele


Attest : _____
Recording Secretary, Rachael Hope

Approved by motion at _____ Regular _____ Special Board Meeting on _____
Date Approved



**AGENDA
BILL
Item 7.A**

**Sudden Valley
Community Association
2021 Culvert Replacement
Developer Extension Agreement**

DATE SUBMITTED:	June 2, 2021	MEETING DATE:	June 9, 2021
TO: BOARD OF COMMISSIONERS	FROM: Bill Hunter, District Engineer / Assistant General Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. Developer Extension Agreement Application 2. Culvert #315 Replacement Site Plan 3. Vicinity Map		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL /OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

The Sudden Valley Community Association (SVCA) is planning to replace an existing 30-inch diameter corrugated metal pipe culvert with a concrete box culvert in summer 2021, located near addresses 228 & 230 Polo Park Drive (see attached Vicinity Map). This is the first culvert site (Culvert #315 Site Plan) in a program that replaces several more culverts over the next few years.

The stream is fish bearing. In order to construct the new box culvert to match stream flowlines the existing 8-inch diameter water main needs to be relocated deeper to pass under the new culvert. The existing 8-inch diameter sewer main profile and alignment will remain in the same location, but the pipe needs to be reconstructed in a new ductile iron sleeve to protect it from point loads and settlement.

No new water/sewer connections or upsizing of infrastructure for future demand is anticipated for this site or surrounding areas—it is simply a relocation of a public water main, and reconstruction of a public sewer main within a protective sleeve.

The process for installing and modifying publically owned District infrastructure is through a Developer Extension Agreement (DEA), which provides the framework for project coordination, plan review/approval, cost reimbursement, bonding, insurance, construction inspection, final acceptance, etc.

SVCA has submitted a DEA application along with the required \$300 application fee and detailed site plan showing proposed construction details.

FISCAL IMPACT

None

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Customer Service

Community Sustainability

RECOMMENDED BOARD ACTION

The SVCA has provided a completed application, the application fee, and a detailed site plan showing proposed improvements. The proposed DEA does not create any new water or sewer service connections, nor does it require upsizing of infrastructure to accommodate future development.

Staff recommends the Board authorize the execution of a Developer Extension Agreement to modify existing water and sewer mains to accommodate the proposed box culvert.

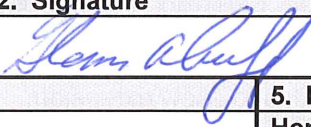
PROPOSED MOTION

Recommended motion is:

“I move to authorize the General Manager to execute a Developer Extension Agreement with the Sudden Valley Community Association that will modify existing District-owned water and sewer mains to accommodate the SVCA’s proposed box culvert located near 228 & 230 Polo Park Drive.”

LAKE WHATCOM WATER & SEWER DISTRICT

APPLICATION TO ESTABLISH DEVELOPER EXTENSION AGREEMENT (DEA)

1. Printed Name Glenn Akramoff	2. Signature 	3. Date Signed 5/26/21
4. Address Sudden Valley Community Association 4 Clubhouse Circle Bellingham, WA 98229		5. Phone Home Work 360-734-6430 Fax
6. Attach Following Maps (11 x 17 or smaller): <input type="checkbox"/> Assessor map with parcels highlighted (black and white copies only, please) <input checked="" type="checkbox"/> Proposed plat or lot layout with proposed water and/or sewer improvements. Show existing and proposed utility easements and public right-of-ways		
7. Project Name 2021 Culvert Replacement		
8. Site and Project Information		
List of Parcel Numbers: 370406 100152	Proposed Number of Water Services: Proposed Number of Sewer Services:	0 0
Current Zoning: RR3	Total Acres: < 1 acre	
Anticipated Start of Construction: summer 2021	Anticipated Construction Duration: 2 months	
Provide a brief narrative description of the proposed development and requested water and/or sewer services. (If you require more space, please attach a separate sheet of paper): Installation of Box Culvert C-315. Work will require modifications to both water and sewer lines in attached drawings.		

To be completed by District			
9. Application Complete Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	10. Application Fee Received Yes <input checked="" type="checkbox"/> \$300.00 No <input type="checkbox"/>	11. Receipt # #100176206	12. Received by 5/27/2021, Debi
13. General Manager Signature		14. Date Signed	

SPECIAL NOTICES TO APPLICANT
➤ When you request to establish a DEA with the District, we will provide you with an Application and a sample of a Developer Extension Agreement. The sample is provided to you for information and planning purposes only.
➤ Once the District approves your application, you will be asked to complete and submit the DEA.
➤ Application processing steps are printed on the reverse of this form.
➤ This Application, once accepted and approved by the District, does not constitute, nor does it imply, a guarantee by the District to provide water or sewer service.
➤ This is NOT a "Will Serve" document.

OVERVIEW OF DEVELOPER EXTENSION PROCESS

Application Process:

- A. Developer identifies basic facilities needed for the project.
- B. Developer completes a Developer Extension Agreement (DEA) Application Form.
- C. Board of Commissioners evaluates whether or not to allow extension.

After Board of Commissioners decides to allow extension:

- D. District and Developer sign a Developer Extension Agreement.
- E. Developer designs facilities using District Design Standards.
- F. Developer constructs facilities using District's Construction Standards.
- G. District accepts improvements.
- H. If applicable, District creates a Latecomer's Agreement with Developer per RCW's 56 & 57.

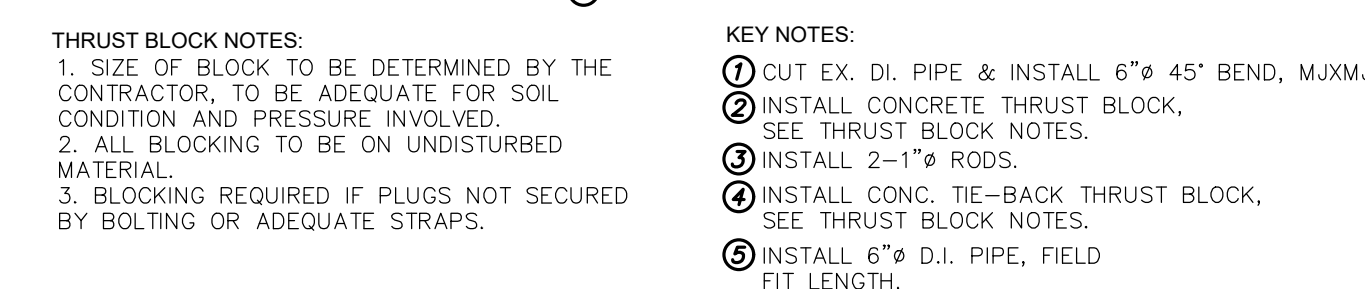
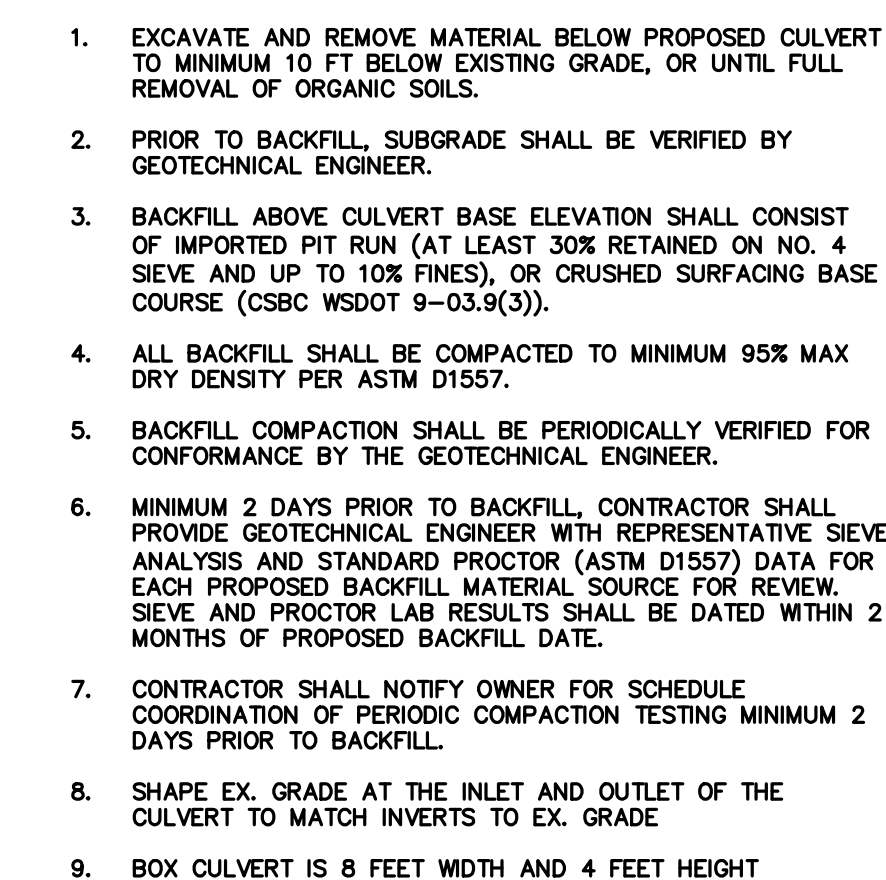
APPLICATION PROCEDURES

1. Applicant furnishes information required on reverse and pays application processing fee.
2. District performs preliminary Application completeness evaluation. If evaluation proves unsatisfactory, the District will return the application package to applicant citing deficiencies, and advise that application revision and resubmission is necessary.
3. Using information provided on the reverse, District ascertains proposed project conformance to the latest approved version of the District's Comprehensive Plan and other relevant District planning requirements. If found that:
 - 3.1. The information provided is insufficient to allow a determination, the District General Manager notifies the Applicant accordingly, citing discrepancies, and advises that Application revision/resubmission is necessary.
 - 3.2. In full conformance, the District General Manager advises the Applicant accordingly, and automatically petitions the District's Board of Commissioners to authorize the creation of a Developer Extension Agreement (DEA).
 - 3.3. In non or partial conformance, the District General Manager notifies Applicant accordingly, citing discrepancies, and advises that Application revision/resubmission is necessary.

If a Comprehensive Plan Amendment is required, the Applicant petitions the District's Board of Commissioners to have the District attempt a formal amendment to the latest approved version of the District's Comprehensive Plan. Applicant is hereby cautioned that:

- The Commissioners are not obligated to grant Applicant's request to attempt to amend the Comprehensive Plan.
- Applicant shall fund all expenses associated with said amendment attempt, (current minimum estimate \$1,000.)
- Amendment approval is not guaranteed since amendments require approval by multiple State and County agencies.

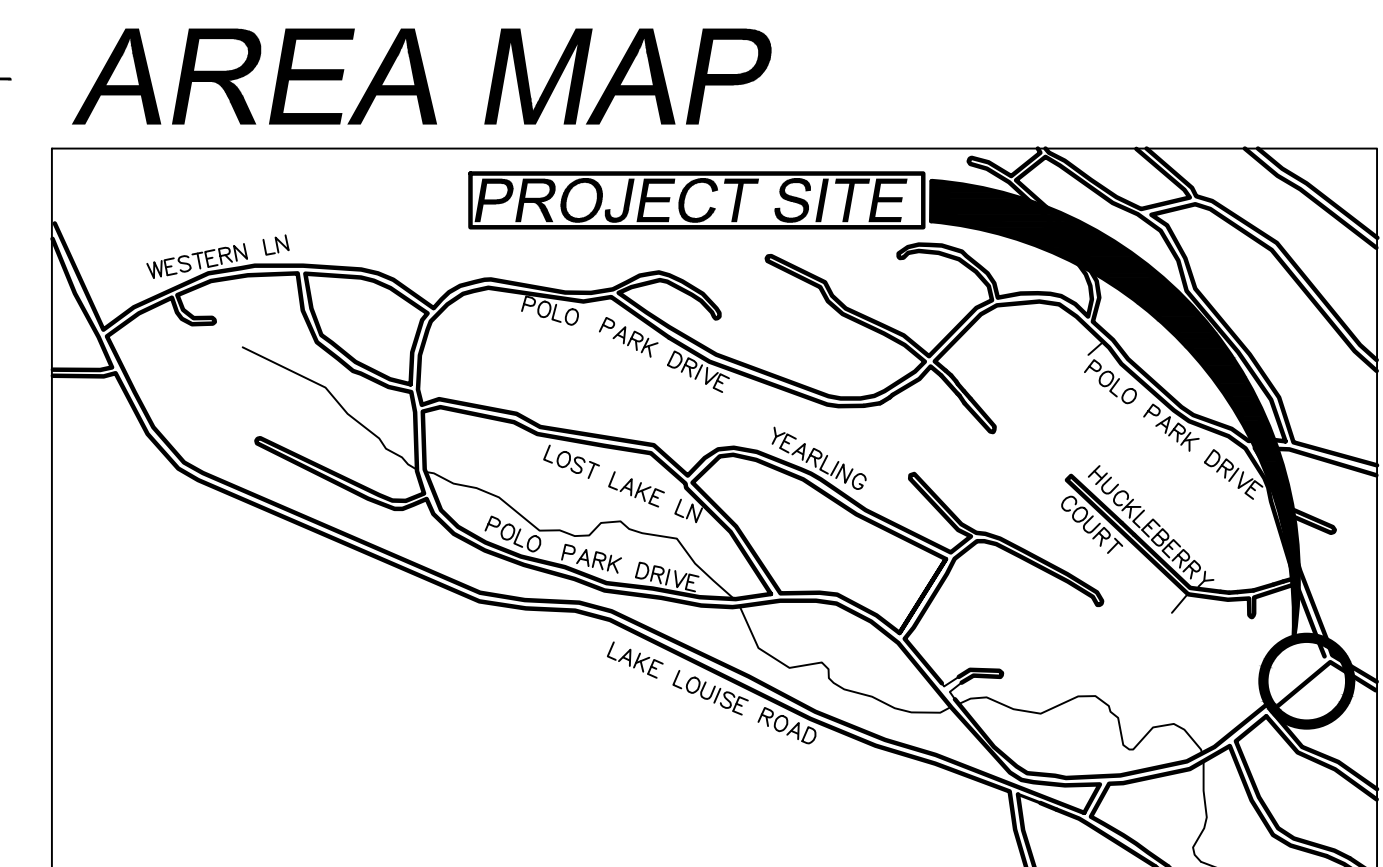
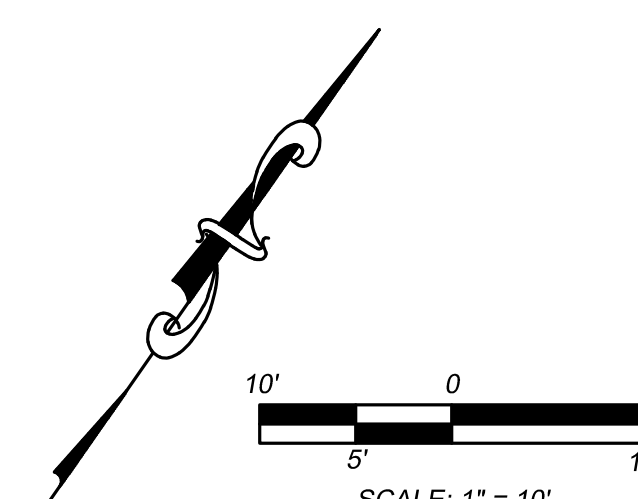
SUDDEN VALLEY, WASHINGTON



WATERMAIN STOVEPIPE DETAIL
NOT TO SCALE



C-315 SECTION D-D'



SUDDEN VALLEY
CULVERT REPLACEMENTS 2021
CULVERT 315 SITE PLAN
WHATCOM COUNTY, WASHINGTON

[illegible]



0 500 1,000 2,000 Feet



6/1/2021



**AGENDA
BILL
Item 7.B**

**Customer Appeal—Water/Sewer
Utility Bill**

DATE SUBMITTED:	June 1, 2021	MEETING DATE:	June 9, 2021
TO: BOARD OF COMMISSIONERS	FROM: Debi Denton, Finance Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. Letter from Gale Schwiesow dated May 18, 2021		
	2. Utility account history and notes		
	3. Administrative Code references		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL /OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

Through its Administrative Code, the District has set policy on how it administers its services, including water/sewer utility billing processes. To maintain consistency, District staff implements the Administrative Code as written. Per Section 2.1, "The General Manager shall be the administrator of the District. Appeals of the General Manager's instructions, interpretation of District policy, or decisions may be made to the Board of Commissioners in writing for consideration before a regular or special meeting of the Board."

The District has received a letter (attached) from Gale Schwiesow dated May 18, 2021, requesting an appeal to the Board for relief from water consumption charges. Mr. Schwiesow's appeal is associated with water utility charges incurred as a result of a leaking water heater that occurred during the bi-monthly billing period of February 19 through April 19, 2021.

District Administrative Code allows for leak adjustments (Section 2.10.8); however, leak adjustments are only allowed for "...water bills resulting from in-ground water service line breaks between the water meter and the outermost exterior walls of the structure." Therefore, an adjustment due to a leaking hot water heater is not a qualifying event.

Historically, staff have completed administrative adjustment of rates to the Tier 1 (less than 2,500 cubic feet consumed) rate in instances where the excess consumption has been specifically attributed to a leak that has resulted in fees assessed at the Tier 2 (greater than 2,500 cubic feet) rate. District staff completed this adjustment on May 20, 2021, which resulted in a reduction of Mr. Schwiesow's utility bill by \$192.12

Staff has explained to Mr. Schwiesow that the District is a public agency that must consistently administer its policies, as defined in the Administrative Code, and that staff does not have the authority to further reduce water consumption charges outside of the leak adjustment policy defined in the Administrative Code. Staff offered Mr. Schwiesow the option of a 12-month payment

plan, and agreement form was provided. Mr. Schwiesow was not satisfied with this response and elected to appeal the General Manager's decision to the Board, as allowed under the Administrative Code.

Following provides a summary of events relative to Mr. Schwiesow's appeal:

- April 19, 2021: Meter was read; consumption of 9,589 cubic feet recorded.
- April 21, 2021: District criteria for notifying customer of high usage (2,500 cubic feet per Administrative Code Section 4.4.3(7)) prompted a letter being sent pointing out the high usage.
- May 1, 2021: Utility bill was mailed to customer.
- May 3, 2021: Staff explained to Mr. Schwiesow that they have done everything that they are allowed to under the Administrative Code, and that the leak does not qualify for a credit. As a result, his sole recourse is to appeal his bill to the Board of Commissioners.
- May 19, 2021: District received a letter of appeal dated May 18, 2021, to the Board of Commissioners from Mr. Schwiesow (attached).
- May 20, 2021: Credit adjustment was applied by District for Tier 2 rate (greater than 2,500 cubic feet usage) in the amount of \$192.11.

FISCAL IMPACT

Customer request would reduce Mr. Schwiesow's May 2021 billing by \$652.04.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Financial Viability

RECOMMENDED BOARD ACTION

The District must apply billing policies consistently to all customers. Staff recommends that the Board uphold its billing policies, as implemented.

PROPOSED MOTION

Should the Board wish to uphold current policy, as defined in the Administrative Code and implemented by staff, a recommended motion is:

"I move to uphold the District Administrative Code as written and implemented by the General Manager, and decline Mr. Schwiesow's appeal for leak adjustment."

Should the Board wish to grant an exception to the Administrative Code to allow for reduction in the Mr. Schwiesow's utility bill to account for the leak, a recommended motion is:

"I move to grant an exception to Administrative Code Section 2.10.8 specific to the May 2021 utility bill for 4132 Lakeway Dr, and allow for a leak adjustment for a leak that occurred within the structure."

21 MAY 19 7:38AM

May 18, 2021

To Lake Whatcom Water & Sewer District Board of Commissioners

Enclosed please two sewer and water bills addressed to me at 4132 Lakeway Drive in Bellingham. One is for the March and April 2020 billing period which amounted to \$288.77 and the other is the current billing for the March and April 2021 in the amount of \$1,409.75.


My wife and I bought this home about two and one half years ago. Prior to the sale, the house inspector went into the crawl spaces where the house water lines are located and found no issues. On April 8th of this year we had overnight guests. One guest, who had taken a tub bath that evening mentioned to me that the water was getting cool during the tub filling process. I concluded that the hot water heater was the problem.

The next day April 9th I called the plumbing company who had installed the water heater. He came late the same afternoon, looked at the heater and determined that it was not the problem and that there must be a leak. At that point he went outside and looked into a very small crawl space and saw water dripping from the insulated floor. He shut the water off and as he was not prepared to fix the problem on a late Friday afternoon he promised to be back on Monday. Another plumber from the same firm came on Monday the 12th and repaired the leak. What he found and explained to me that whoever did the original installation years ago should not have allowed the hot and cold water pipes to be in contact with each other at a junction which finally wore through resulting in two 1/8 inch holes one in the hot water line and the other in the cold.

The next day April 13, I called your office and explained what had happened. She was very cordial and said that the water district was only responsible for leaks that happen between the main and the meter and any relief of the \$1,409.75 current bill would be decided by your board.

This is our second home since we moved to Bellingham in 1982 and we are well aware that homes need up keep and maintenance, but this instance was not foreseeable. It was not through neglect or ignorance that this leak happened, but once we found out we had a problem we took immediate action. We are both seniors. I am 83 and my wife is 78. We both have social security and some retirement savings but this episode with a plumbing bill approaching \$1000.00 and replacing insulation that got saturated in the \$3,000.00 range puts us in the position where your help would be very much appreciated.

Thank you for your consideration of this matter.


Gale Schwiesow
4132 Lakeway Drive
Bellingham, WA 9229

#040000387

May 18, 2021

To Lake Washington Water & Sewer District Board of Commissioners

Enclosed please find two sewer and water bills addressed to me at 4132 Lakeway Drive in Bellingham. One is for the March and April 2020 billing period which amounted to \$288.77 and the other is the current billing for the March and April 2021 in the amount of \$1,408.75.

My wife and I bought this home about 12 and one half years ago. From the day we moved in, we experienced problems with the sewer and water lines. On April 8th of this year we had overnight guests. One guest, who had taken a tub bath that evening mentioned to me that the water was getting cool during the tub filling process. I concluded that the hot water heater was the problem.

The next day April 9th I called the plumbing company who had installed the water heater. He came late the same afternoon, looked at the heater and determined that it was not the problem and that there must be a leak. At that point he went outside and looked into a very small crawlspace and saw water dripping from the insulated floor. He shut the water off and as he was not prepared to fix the problem on a late Friday afternoon he promised to be back on Monday. Another plumber from the same firm came on Monday the 12th and repeated the leak. With no lead and explained to me that whoever did the original installation years ago should not have allowed the hot and cold water pipes to be in contact with each other at a junction which finally wore through resulting in two 1/8 inch holes one in the hot water line and the other in the cold.

The next day April 13, I called your office and explained what had happened. She was very cordial and said that the water district was only responsible for leaks that happen between the main and the meter and any leak of the \$1,408.75 current bill would be decided by your board.

This is our second home since we moved to Bellingham in 1982 and we are well aware that homes need to keep and maintain, but this situation was not foreseeable. It was not the product of ignorance that it occurred, but it was a home and we had a problem. We took immediate action. We are not a family with a large income. We have a 401k and some retirement savings but this episode with a plumbing bill approaching \$1,000.00 and replacing insulation that got saturated in the \$2,000.00 range puts us in the position where your help would be very much appreciated.

Thank you for your consideration of this matter.

Gale Schwesow
4132 Lakeway Drive
Bellingham, WA 98220



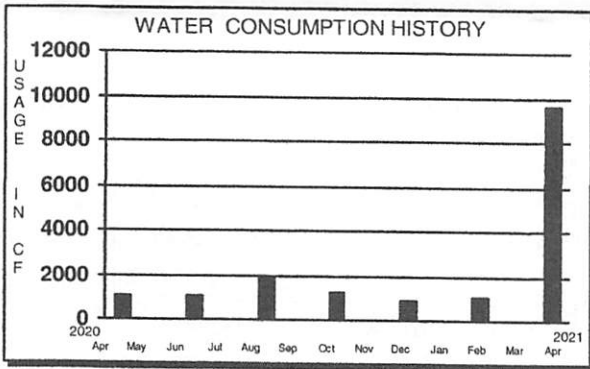
LAKE WHATCOM WATER & SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA 98229-2010
(360) 734-9224
www.lwwsd.org

Customer Name: SUSAN & GALE SCHWIESOW
Service Location: 4132 LAKEWAY DR

Billing Date: 05/01/2021
Account Number: 040000387
Service Number: 040000387
Service Period: Mar. & April
AMOUNT DUE \$1,409.75
DATE DUE: 06/20/2021

METER NO.	WATER METER READINGS		CONSUMED
	PREVIOUS	CURRENT	
3407151	20958	30547	9589



Consumption is for the PRIOR two months, graphed as the 2nd month.

Account Summary

Previous Balance	301.78
Adjustments	0.00
Payments	301.78

Water Base Charge	76.05
Water Consumption	1,162.03
Sewer Base Charge	171.67
Current Charges	1,409.75

TOTAL DUE

\$1,409.75

Per Proclamation 20-23.15, from the Office of the Governor of the State of Washington, All Late Fees & Service Terminations are Suspended until JULY 31, 2021.

Our Office is Currently Closed to the Public. Please Contact Office Staff by Phone, 8 a.m-5 p.m., M-Thurs.
A Payment Drop Box is located next to the Front Door. Thank You.

Find us on FACEBOOK and our WEBSITE: www.LWWSD.org

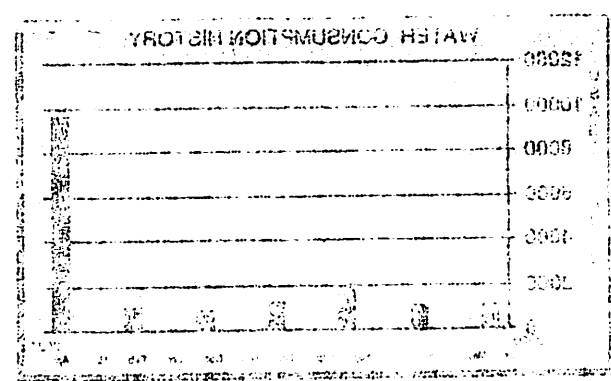
12321 Lakeway Drive
Springfield, VA 22152-2094
(800) 734-5234
www.bawd.org

060903087	DATE FILED
01/08/78	AMOUNT DUE
MAY & APR	SERVING PERIOD
040000087	SERVICE NUMBER
040000087	ARMED NUMBER
050105087	BILING DATE

Customer Name: SUSAN & GALE SCHWISSOW
Service Location: 4101 LAUREWAY RD

Account Summary	
Previous Balance	201.78
Adjustments	0.00
Payment	201.78
<hr/>	
Water Base Charge	20.50
Water Consumption	11.51
Water Base Charge	17.67
Current Charges	1,40.15

00000000	00000000	00000000	00000000
0000	0000	0000	0000



CONFIDENTIAL - SECURITY INFORMATION

EX-004.11

10-10-1950

A Payment Drop Box is located next to the Front Door, Thank You.
Our Office is Currently Closed to the Public. Please Contact Office Staff by Phone at 703-684-1100.

Find us on FACEBOOK and our WEBSITE: www.LVMSO.org

1990

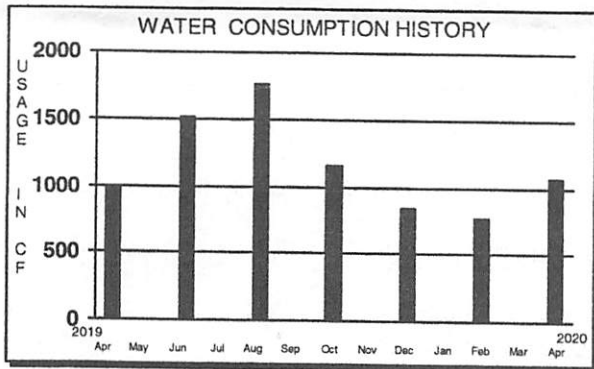


**LAKE WHATCOM WATER
& SEWER DISTRICT**
1220 Lakeway Drive
Bellingham, WA 98229-2010
(360) 734-9224
www.lwwsd.org

Customer Name: SUSAN & GALE SCHWIESOW
Service Location: 4132 LAKEWAY DR

Billing Date: 05/01/2020
Account Number: 040000387
Service Number: 040000387
Service Period: March & April
AMOUNT DUE \$288.77
DATE DUE: 06/20/2020

METER NO.	PREVIOUS	WATER METER READINGS	CURRENT	CONSUMED
3407151	13649		14713	1064



Consumption is for the PRIOR two months, graphed as the 2nd month.

Account Summary

Previous Balance	257.53
Adjustments	0.00
Payments	257.53

Water Base Charge	73.12
Water Consumption	48.16
Sewer Base Charge	167.49
Current Charges	288.77

TOTAL DUE ➡ **\$288.77**

CUSTOMER RELIEF MEASURES in effect until July 31, 2020 (Resolution 865):

Temporary Suspension of Late Fees, Service Terminations and Service Suspension Fees .

Office Staff Available by Phone during normal business hours: 8 a.m.-5 p.m., Monday-Thurs. for payments and inquiries.

Find Us on Facebook and www.lwwsd.org for Information and Updates!

Utility Reads

Lake Whatcom W-S District

Time: 08:37:27 Date: 05/19/2021

Page: 1

For: 4132 LAKEWAY DR

Billing Date	Read	Prior	Consumption	Read Date	Time	Account	Remark
05/01/2021	30547	20958	9,589	04/19/2021		40000387	4/19 HAD LEAK NOW RE
03/01/2021	20958	19857	1,101	02/18/2021		40000387	
01/01/2021	19857	19008	849	12/17/2020		40000387	
11/01/2020	19008	17743	1,265	10/19/2020		40000387	
09/01/2020	17743	15754	1,989	08/19/2020		40000387	
07/01/2020	15754	14713	1,041	06/18/2020		40000387	
05/01/2020	14713	13649	1,064	04/20/2020		40000387	
03/01/2020	13649	12886	763	02/18/2020		40000387	
01/01/2020	12886	12045	841	12/18/2019		40000387	
11/01/2019	12045	10895	1,150	10/21/2019		40000387	
09/01/2019	10895	9134	1,761	08/19/2019		40000387	
07/01/2019	9134	7619	1,515	06/20/2019		40000387	
05/01/2019	7619	6629	990	04/22/2019		40000387	
03/01/2019	6629	5636	993	02/19/2019		40000387	
01/01/2019	5636	4794	842	12/17/2018		40000387	
11/01/2018	4794	3552	1,242	10/22/2018		40000387	
09/01/2018	3552	1231	2,321	08/20/2018		40000387	
07/01/2018	1231	0	1,231	06/19/2018		40000387	
05/02/2018	0	88602	0	05/02/2018	00:00	40000387	Meter Changeout
05/01/2018	88602	87300	1,302	06/19/2018		40000387	
03/01/2018	87300	86482	818	02/20/2018		40000387	
01/01/2018	86482	85964	518	12/18/2017		40000387	
11/01/2017	85964	84991	973	10/18/2017		40000387	
09/01/2017	84991	83507	1,484	08/21/2017		40000387	
07/01/2017	83507	82512	995	06/19/2017		40000387	
05/01/2017	82512	81765	747	04/19/2017		40000387	
03/01/2017	81765	80796	969	02/21/2017		40000387	
01/01/2017	80796	79877	919	12/19/2016		40000387	
11/01/2016	79877	78989	888	10/20/2016		40000387	
09/01/2016	78989	78067	922	08/22/2016		40000387	
07/01/2016	78067	77128	939	06/22/2016		40000387	
05/01/2016	77128	76157	971	04/22/2016		40000387	
03/01/2016	76157	75247	910	02/17/2016		40000387	
01/01/2016	75247	74254	993	12/16/2015		40000387	
11/01/2015	74254	73315	939	10/15/2015		40000387	
09/01/2015	73315	71912	1,403	08/17/2015		40000387	
07/01/2015	71912	70873	1,039	06/17/2015		40000387	
05/01/2015	70873	70102	771	04/16/2015		40000387	
03/01/2015	70102	69186	916	02/17/2015		40000387	
01/01/2015	69186	68072	1,114	12/15/2014		40000387	
11/01/2014	68072	67095	977	10/16/2014		40000387	
09/01/2014	67095	65721	1,374	08/18/2014		40000387	
07/01/2014	65721	64961	760	06/17/2014		40000387	

CUSTOMER NOTES

Lake Whatcom W-S District

Time: 08:39:26 Date: 05/19/2021

Page: 1

Date/Type/User Comment SCHWIESOW, SUSAN & GALE - 40000387

05/03/2021 10:25:08 Leak is from Water Heater. I QTD: Outside of our policies, not applicable for credit.
Attention Status offered payment plan. They would like relief anyway...writing Board. I mailed a PP
Roxanne Peterson Form along with 5/1 bill.

04/21/2021 12:23:37 mailed high use letter on blue paper to owner at service address.
Comment usage: 20958
Patricia Gilmore water charges: 2772.89

12/07/2017 11:26:54 New owners as of 12/2017
Comment
Debi Denton

1. The structure in question is removed, condemned, destroyed, or no longer requires water and/or sewer service in the opinion of the General Manager, and
2. The property owner requests in writing the suspension of service and service charges to the structure, and
3. The water meter is locked or removed when the service is suspended, and
4. The account is paid current to the first of the month following the District's receipt of the property owner's written request before the billing will be suspended. [Resolution Nos. 444, 782, 870]

2.10.8 Water Leak Adjustments


The District will adjust high customer water bills resulting from in-ground water service line breaks between the water meter and the outermost exterior walls of the structure. The leak adjustment request must be made in writing by the property owner and include evidence that the leak is now repaired either by enclosing a paid invoice or a receipt for repair parts. If there are no invoices or receipts available, a written assertion that the leak is now repaired is acceptable. To calculate the adjustment:

1. Water consumption figures from the same billing period in the previous year are used to calculate the leak adjustment. If less than one year's usage history exists, the current base rate allowance will be used as a non-leak quantity basis. The District will credit qualifying leak adjustment dollar amounts to the current or next customer bill. The adjustment credit shall not exceed \$1,000 or 50 percent of the amount determined to be the excess water usage charge, whichever is less.
2. The District has adopted a tiered rate structure for water. Water usage exceeding 2,500 cubic feet in a two-month billing period is billed at a higher "water conservation" rate. For the purpose of calculating leak adjustment credits, water usage over 2,500 cubic feet will be billed at the lower tier rate.
3. Water leak adjustments are limited to one adjustment per owner during the life of that metered service. When a leak occurs, the overage may be reflected on more than one consecutive billing cycle. In those instances, the District will utilize both contiguous cycles for the purpose of calculating leak adjustment credits.
4. The District will set up an incremental payment schedule on the remaining balance of the leak amount at the customer's request. Payment schedules must be arranged in a way that ensures payment of the current two-month minimum billing plus an installment on the extraordinary portion of the bill. The extraordinary portion of the bill must be paid in full within 12 months of incurring the charges. Late charges on the leak amount will be waived if the customer adheres to the prearranged payment schedule. [Resolution Nos . 821, 861, 870]



**AGENDA
BILL
Item 7.C**

**On-Call Engineering
Services Professional Services
Agreement Amendment No. 1**

DATE SUBMITTED:	June 2, 2021	MEETING DATE:	June 9, 2021
TO: BOARD OF COMMISSIONERS	FROM: Bill Hunter, District Engineer / Assistant General Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. Agreement Amendment No. 1		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input checked="" type="checkbox"/>	INFORMATIONAL /OTHER <input type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

The existing 5-year professional services agreement for On-Call Engineering Services with Wilson Engineering LLC expires July 31, 2021.

The District has advertised a Request for Qualifications (RFQ) published in the Bellingham Herald on May 20, 2021 for the selection of the most qualified engineering firm to provide general On-Call Engineering Services for the next 5 years. Submittals are due on June 17, 2021. Review of the qualifications by the selection committee is scheduled to occur through the end of June and into July. The goal is for the selection committee to make a recommendation to the Board at the July 28, 2021 board meeting.

Wilson Engineering LLC is actively working on several District projects (task orders), as well as preparing to begin some upcoming work. This work includes:

- C1814 Agate Heights Water Treatment Plant Upgrades
- C1908 Fire Flow Improvements – Hydraulic Model Calibration
- C2011 Convert Eagleridge Booster to Metering Station
- Division 7 Reservoir Grant Application Support. FEMA application update, topographic survey, etc.
- A2115 Water Use Efficiency Plan Update

Staff recommends adding three months to the existing agreement with Wilson Engineering LLC. This will provide sufficient time for completion of ongoing/planned work, and to allow for transition of active projects covered under the current agreement to move into coverage by a new 5-year agreement (firm to be determined as part of the RFQ selection process).

FISCAL IMPACT

None

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Customer Satisfaction

RECOMMENDED BOARD ACTION

Staff recommends that the Board approve the amendment to allow completion of assigned tasks that are anticipated to extend beyond the current contract period of performance.

PROPOSED MOTION

Recommended motion is:

“I move to authorize the General Manager to execute Amendment No. 1 to the professional services agreement with Wilson Engineering LLC for on-call general engineering services, as presented, which extends the period of performance through October 31, 2021.”

**AMENDMENT NO. 01
TO
AGREEMENT FOR PROFESSIONAL SERVICES
FOR
ON-CALL ENGINEERING SERVICES**

AN AGREEMENT, was made and entered into by and between Lake Whatcom Water and Sewer District, a Washington special purpose district located in Whatcom County, Washington, hereinafter referred to as "District", and **Wilson Engineering, LLC** ("Consultant"), a corporation with a place of business at **805 Dupont Street, Bellingham, WA 98225**, collectively referred to as "Parties", effective **August 8, 2016**.

WHEREAS, the District solicited for professional services as required by RCW 39.80; and

WHEREAS, the Consultant was selected based upon its qualifications, a professional services agreement executed, and subsequent task orders since authorized, as needed by the District; and

WHEREAS, the period of performance, as defined in Section 1.1 of the existing professional services agreement, expires July 31, 2021; and

WHEREAS, per Section 1.2 of the existing professional services agreement, the period of performance may only be modified through an amendment approved by the District Board of Commissioners; and

WHEREAS, based upon the current schedule for advertisement, review, selection, and negotiation of a successor professional services agreement with an appropriately qualified engineering consultant, it is unlikely that an executed professional services agreement for on-call engineering services will be completed prior to expiration of the existing professional services agreement; and

WHEREAS, the District Board of Commissioners wishes to ensure that there is no lapse in coverage by a professional engineering consultant until a successor on-call engineering consultant can be selected and an associated professional services agreement executed;

The Parties amend the original Agreement as follows:

SECTION 1: PERIOD OF PERFORMANCE

The **Agreement for Professional Services for On-call Engineering Services**, and all associated ongoing task orders, shall be completed by **October 31, 2021**, unless extended or terminated earlier by the District pursuant to the terms and conditions of the Agreement.

This Amendment to the Agreement shall be executed in two (2) counterpart copies, any of which shall be considered for all purposes as the original.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to the Agreement to be executed by their respective authorized officers or representatives as of the day and year written below.

Consultant

By: Melanie Nankamyer Dated: June 2, 2021
Printed Name: MELANIE NANKAMYER, PE
Title: PARTNER


Lake Whatcom Water and Sewer District

By: _____ Dated: _____
General Manager



**AGENDA
BILL
Item 7.B**

**Accessory Dwelling Unit Regulation
Policy Discussion**

DATE SUBMITTED:	June 3, 2021	MEETING DATE:	June 9, 2021
TO: BOARD OF COMMISSIONERS	FROM: Justin Clary, General Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. Accessory Dwelling Unit Policy Analysis memorandum dated February 16, 2021		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input type="checkbox"/>	INFORMATIONAL /OTHER <input checked="" type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

Permitting and billing associated with accessory dwelling units (ADUs) within the District is regulated under the District's administrative code. With an increased statewide focus on affordable housing, the Board of Commissioners has indicated a desire to review current policy related to ADU regulation.

Attached is a memorandum developed in February by staff meant to facilitate Board policy discussion on the topic. The topic was discussed during the Board's regularly scheduled meeting on February 24; however, the Board indicated a desire to postpone any decisions on whether or not to consider any revision to the existing policy to a future meeting. Considerations raised by the Board during the February 24 meeting included:

- Reducing general facilities charges (connection fees) to 0.5 equivalent residential unit (ERU)
- Eliminating additional water and/or sewer rates for ADUs, including allowing water service through one water meter

The topic was again discussed during the Board's regularly scheduled meeting on April 14; however, because not all five commissioners were in attendance, the Board indicated a desire to postpone substantial discussion until all five commissioners were present. The discussion has been placed on the June 9 meeting agenda due to the anticipation that all five commissioners will be attending that regularly scheduled meeting.

Since initiation of the District's ADU policy discussion in February, the Washington State Legislature passed HB 1220 during the 2021 legislative session, which was developed to encourage construction of ADUs as a means of meeting affordable housing goals under the State's Growth Management Act (GMA). HB 1220 adds a new section within the GMA that has direct impacts on the District's ADU policies. However, Governor Inslee partially vetoed the bill, including vetoing in its entirety the new section related to ADUs. Governor Inslee's reason for vetoing the section was due to an inadvertent error by the bill's sponsor in not specifying that the new section solely pertained to ADU development in city limits and urban growth areas (UGAs). As a result, though there are no impacts to the District's ADU policy now, it is anticipated that a bill with the ADU

section will be re-introduced during the 2022 legislative session that includes the municipal limits/UGA requirement. Therefore, whatever ADU policy revisions that the Board elects to implement now, may require revision in 2022 to address connections within the Geneva UGA vs. the rest of the District.

FISCAL IMPACT

No fiscal impact is anticipated associated with the Board's policy discussion.

APPLICABLE EFFECTIVE UTILITY MANAGEMENT ATTRIBUTE(S)

Customer Satisfaction

Financial Viability

RECOMMENDED BOARD ACTION

No action is recommended.

PROPOSED MOTION

Not applicable.



LAKE WHATCOM WATER & SEWER DISTRICT

1220 Lakeway Drive
Bellingham, WA, 98229

(360) 734-9224
Fax 738-8250

MEMORANDUM

To: Board of Commissioners

From: Justin Clary, General Manager

Date: February 16, 2021

RE: Accessory Dwelling Unit Policy Analysis

Permitting and billing associated with accessory dwelling units (ADUs) within the Lake Whatcom Water and Sewer District (District) is regulated under the District's administrative code. With an increased statewide focus on affordable housing, the Board of Commissioners has indicated a desire to review current policy related to ADU regulation. The purpose of this memorandum is to provide information relative to ADUs and how they have historically been regulated within the District as a means of facilitating Board policy discussion.

Accessory Dwelling Units

An ADU is a small, self-contained residential unit located on the same lot as an existing single-family home. An ADU has all the basic facilities needed for day-to-day living independent of the main home, such as a kitchen, sleeping area, and a bathroom. ADUs are sometimes called "mother-in-law apartments" or "granny flats," because they are often used to house extended family. As the term "accessory" implies, ADUs are generally defined to be smaller in size and prominence than the main residence on the lot. Some municipal codes include specific size limits, and a location that is not readily visible from the street.

In theory, an ADU may be created as a separate unit within an existing home (such as in an attic or basement), an addition to the home (such as a separate apartment unit with separate entrance), or in a separate structure on the lot (such as a converted garage). See the examples shown below.

Some communities, however, only allow ADUs that are within or attached to the main residence, and exclude ADUs housed in a separate structure. Whether attached or detached from the main residence, most codes require that the main residence and the ADU must be owned by the same person and may not be sold separately.

Examples of Accessory Dwelling Units (ADUs)

ADUs in blue; main residence in white

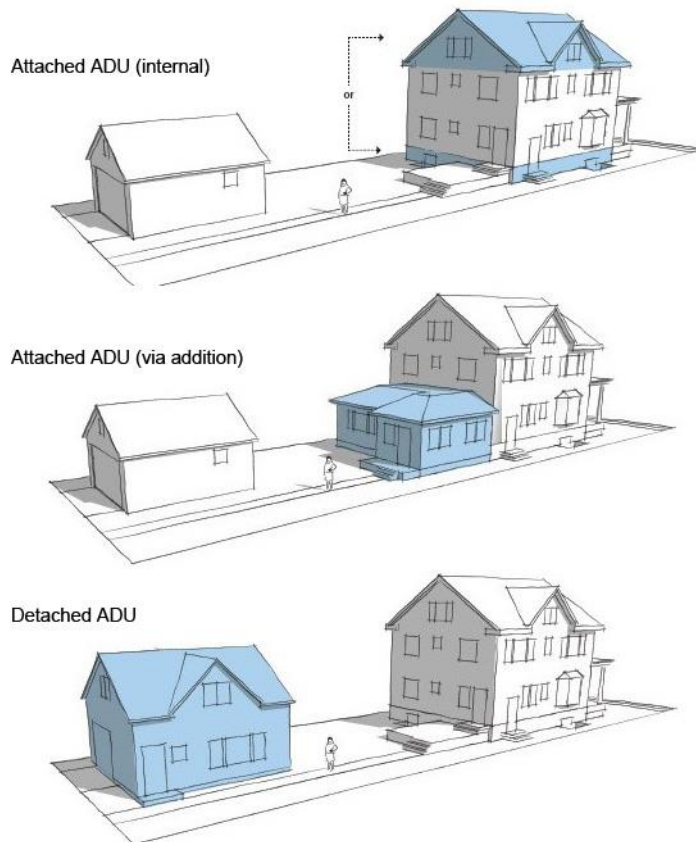


Image credit: City of Saint Paul, MN

Accessory Dwelling Units in Washington State

Revised Code of Washington [\(RCW\) 43.63A.215](#) and [RCW 36.70A.400](#), adopted as part of the 1993 Washington Housing Policy Act, require many Washington cities and counties (including Whatcom County) to adopt ordinances encouraging the development of accessory apartments or ADUs in single-family zones. Specifically, this legislation applies to:

- Cities with a population over 20,000
- Counties with a population over 125,000
- Counties that plan under the Growth Management Act (GMA).

Local codes must incorporate the [model ordinance recommendations](#) prepared by the Washington State Department of Community, Trade and Economic Development (now Department of Commerce), per [RCW 43.63A.215](#) and [RCW 36.70A.400](#). However, state law

allows local communities some flexibility to adapt these recommendations to local needs and preferences.

ADU ordinances have been widely adopted in Washington since the 1993 Act, in part because ADUs have helped local jurisdictions meet GMA goals to encourage affordable housing and provide a variety of housing densities and types while preserving the character of single-family neighborhoods.

Accessory Dwelling Units in Whatcom County

As indicated above, Whatcom County is required to adopt ordinances that encourage the development of ADUs, which are approved through the County's Department of Planning & Development Services and regulated under Whatcom County Code (WCC). ADUs are permitted under the following Whatcom County zoning designations:

- Urban Residential (UR) ([WCC 20.20.132](#))
- Urban Residential – Medium Density (URM) ([WCC 20.22.132](#))
- Urban Residential Mixed (UR-MX) ([WCC 20.24.133](#))
- Residential Rural (RR) ([WCC 20.32.132](#))
- Rural Residential-Island (RR-I) ([WCC 20.34.132](#))
- Rural (R) ([WCC 20.36.132](#))
- Point Roberts Transitional Zone (TZ) ([WCC 20.37.132](#))
- Agriculture (AG) ([WCC 20.40.133](#))
- Rural Forestry (RF) ([WCC 20.42.132](#))
- Lake Whatcom Watershed Overlay District ([WCC 20.51.060](#))

Accessory Dwelling Units in Lake Whatcom Water and Sewer District

The Lake Whatcom Watershed Overlay District ([WCC 20.51.060](#)) encompasses all land within District boundaries. Whatcom County land use zoning of lands located within District boundaries that allow ADUs include:

- Urban Residential (UR)
- Residential Rural (RR)
- Rural (R)
- Rural Forestry (RF)

All properties zoned Urban Residential are comprised of the City of Bellingham's Geneva Urban Growth Area (UGA). While construction of attached or detached ADUs may be permitted under [WCC 20.20.132](#) (note that paragraph [11] of that section requires conformance with the density of the zoning district for properties inside the Lake Whatcom watershed), should the City ever annex the UGA, construction of subsequent ADUs would be prohibited ([Bellingham Municipal Code 20.10.036\(B\)\(1\)](#) prohibits ADUs in the Lake Whatcom Watershed; existing ADUs would likely be allowed to continue as a nonconforming use).

All properties zoned Residential Rural are associated with the Sudden Valley LAMIRD (limited area of more intense rural development). While construction of attached or detached ADUs may be permitted under [WCC 20.32.132](#) (the caveat being paragraph [11] requiring conformance with the density of the zoning district), [Sudden Valley Community Association Restrictive Covenant Paragraph 3](#) prohibits them.

For properties zoned Rural, construction of attached or detached ADUs may be permitted under [WCC 20.36.132](#) (the caveat being paragraph [11] requiring conformance with the density of the zoning district).

For properties zoned Rural Forestry, construction of attached or detached ADUs may be permitted under [WCC 20.42.132](#) (the caveat being paragraph [11] requiring conformance with the density of the zoning district).

District Policy relative to ADUs

District policy associated with regulation of ADUs is defined with the District Administrative Code. Following provides excerpts from the Administrative Code relative to ADUs.

3.1.25 Duplex

A two unit dwelling (including 2 trailers or 2 mobile homes not a part of a mobile home or trailer park, or a single family residence with an accessory apartment or detached accessory dwelling unit as defined under Title 20 of the Whatcom County Code) containing not more than two kitchens, designed and/or used to house not more than two households living independently of each other and including all necessary facility of each household. Each dwelling unit shall be considered a separate Residential Unit for purposes of billings of all kinds. [Resolution Nos. 146, 242A, 785]

3.1.27 Equivalent Residential Unit (ERU) (or Residential Unit)

The basic unit used for purposes of billings of all kinds. One residential unit shall be based on 18 fixture units as defined in the Uniform Plumbing Code. When volumetric measurements are used, an Equivalent Residential Unit shall be based upon the equivalent of 900 cubic feet or 6,732 gallons per month. Note that the UPC "fixture units" are not a one-to-one correlation with the number of plumbing fixtures. [Resolution Nos. 146, 174, 242A, 785]

3.5.7 Multiple Connections

An existing single parcel with a water and sewer service connection may request an additional water and/or sewer service connection to that parcel.

Multiple water services to an existing single parcel are allowed. Each water service connection shall be subject to the full amount of the current General Facilities, Service Installation, Permit Processing, and Inspection Fees. Each meter shall be billed the monthly base charge and charged for overage above current volume included in the base charge.

Multiple sewer services to an existing single parcel are allowed. Each sewer service connection shall be subject to the full amount of the current General Facilities, Service

Installation, Permit Processing, and Inspection Fees. Each sewer service connection shall be billed for at least one (1) ERU, but may be billed more depending on usage. [Resolution No. 711]

4.3.3 Meter Installation

All water services shall be metered and the District shall deliver water to users only through meters owned by the District. At least one water meter shall be installed for each land parcel receiving water, whether it contains a single family residence, multiple family residence, commercial structure(s), or industrial structure(s). The District shall determine the size of the meter to be installed in each instance using the Uniform Plumbing Code and AWWA "Sizing Water Service Lines" (see Section 3.1.27), except that single family residential services also needing standby fire protection shall be sized based upon the required fire flow as determined by the county fire marshal or a qualified District approved fire system professional. The connection charge for a single-family residence with standby fire protection shall be based on the meter size required before adding fire flows. Charges for water service installations shall be in accordance with Section 3.5.4. Meters shall be of the type specified by the District's Construction Standards and Details and shall be installed by the District. A flow test shall be performed by the District at the time of meter installation to insure no restrictions to water flow are present. [Resolution Nos. 242A, 785, 834]

5.4.8 Side Sewer for Each Building

A single side sewer shall be provided for each building unless the topography of the land makes it impractical to build a lateral, then District Management may authorize suitable alternate construction. The connection of more than one building to a single side sewer must be approved by District Management and verified by the District Commissioners prior to the construction of such side sewer. No more than one multiple dwelling or commercial building shall be connected to a side sewer, unless otherwise previously approved by District Management.

If the side sewer is to exist on two building sites, approved documents assuring that all properties involved shall have perpetual use of the side sewer, and having provisions for maintenance and access for repair purposes, shall be signed by the recorded owners. This document shall be acknowledged and recorded with the County Auditor. [Resolution Nos. 146, 785]

Policy Considerations

The County, as land use authority, allows ADUs under certain conditions in the District. Therefore, the District's administrative code must continue to address how (not whether) ADUs are permitted and billed. However, the District may set rates and fees associated with ADUs at levels it feels appropriate for impact to District utilities.

The key policy consideration for the District is whether or not ADUs should be subject to general facilities charges and service rates the same as those of a separate, single family home. It can be argued that typical occupation of ADUs is lower than that of a single family detached home (i.e., 1-2 individuals residing in an ADU compared to the industry standard estimate of 2.58

residents per single family home). Therefore, the actual water and sewer infrastructure capacity necessary to serve an ADU could similarly be argued to be less. However, the District's base water rate (600 cubic feet per two-month billing cycle) equates to approximately 75 gallons per day, which equals the U.S. Environmental Protection Agency's estimated daily water consumption rate per capita (i.e., the District's base water consumption allowance provides for one person's consumption per day, with the additional usage rate capturing any additional residents, regardless of home size). Therefore, it could be considered appropriate to apply the full water service rate to ADUs. On the other hand, the District's sewer fee is a flat rate, regardless of home size. The District could consider a lesser rate for ADUs due to the likely lesser system capacity need; however, that could open the door for the argument that all residential connections should be billed based up on actual impact (through water consumption), rather than the flat rate.


Staff Recommendations

There are relatively few existing ADUs within the District's service area, and Whatcom County Code constraints on development of new ADUs within the watershed limit the likelihood of a significant number of additional ADUs being constructed. Of additional note, Sudden Valley Community Association restrictive covenants prohibit ADUs, so the potential for additional ADUs in the District's most-populated area is eliminated. Further, the current water service rate structure is set at a low consumption rate that appropriately accommodates an ADU separately. Therefore, staff recommends that the District maintain current ADU policies regarding water and sewer rates, and that no changes to the Administrative Code be made.



**AGENDA
BILL
Item 9.A**

**General Manager's
Report**

DATE SUBMITTED:	June 3, 2021	MEETING DATE:	June 9, 2021
TO: BOARD OF COMMISSIONERS	FROM: Justin Clary, General Manager		
GENERAL MANAGER APPROVAL			
ATTACHED DOCUMENTS	1. General Manager's Report		
TYPE OF ACTION REQUESTED	RESOLUTION <input type="checkbox"/>	FORMAL ACTION/ MOTION <input type="checkbox"/>	INFORMATIONAL /OTHER <input checked="" type="checkbox"/>

BACKGROUND / EXPLANATION OF IMPACT

Updated information from the General Manager in advance of the Board meeting.

FISCAL IMPACT

None.

RECOMMENDED BOARD ACTION

None required.

PROPOSED MOTION

None.



LAKE WHATCOM WATER AND SEWER DISTRICT

General Manager's Report

Upcoming Dates & Announcements

Regular Meeting – Wednesday, June 9, 2021 – 6:30 p.m.

Important Upcoming Dates

Lake Whatcom Water & Sewer District			
Regular Board Meeting	Wed Jun 30, 2021	8:00 a.m.	Remote Attendance
Employee Staff Meeting	Thu Jun 10, 2021	8:00 a.m.	Remote Attendance Commissioner McRoberts to attend
Investment Comm. Meeting	Wed Jun 30, 2021	10:00 a.m.	Remote Attendance
Safety Committee Meeting	Thu Jun 24, 2021	8:00 a.m.	Remote Attendance
Lake Whatcom Management Program			
Data Group Meeting	Thu Jun 10, 2021	9:00 a.m.	Remote Attendance
Policy Group Meeting	Wed Jun 2, 2021	3:00 p.m.	Remote Attendance
Joint Councils Meeting	March 2022	TBD	TBD
Other Meetings			
WASWD Section III Meeting	Tue Jun 8, 2021	7:00 p.m.	Remote Attendance
Whatcom Water Districts Caucus Meeting	Wed Jun 16, 2021	1:00 p.m.	Remote Attendance
Whatcom County Council of Governments Board Meeting	Wed Oct 13, 2021	3:00 p.m.	TBD

Committee Meeting Reports

Safety Committee:

- The committee met on May 27; discussion included status on review/update to various safety programs, status on scheduling asbestos (pipe) certification, and continued rollout of the new electronic safety inspection forms using the recently acquired software.

Investment Committee:

- No committee meeting has been held since the last board meeting.

Upcoming Important Board Meeting Topics

- Sewer system rehabilitation return on investment presentation
- Agate Heights water treatment plant public works project contract closeout
- Dellesta/Edgewater sewer lift stations improvements public works project contract closeout
- Beaver/Flat Car sewer lift stations PLC replacement public works project contract closeout

2021 Initiatives Status

Administration and Operations

Six-Year Business Plan

- Develop department-specific business plans that define staffing, facility, and equipment needs necessary to meet level-of-service standards over the six-year planning horizon.
The management team nearing completion of first revision of the plan that takes into consideration the results of the Effective Utility Management self-assessment completed in 2020.

Rate Study

- Conduct a rate study for the water and sewer utilities for the six-year planning horizon, including funding strategies related to significant capital improvements anticipated during and beyond the planning horizon.
A contract for the rate study has been executed and work is proceeding; a presentation on progress was provided during the May 26 board meeting.

Investment Policy Review

- Conduct a comprehensive review of the District's investment policy aimed at optimizing return on investments while sufficiently protecting District funds.
Resolution No. 473, which revised and incorporated the investment policy into the administrative code, was adopted by the board during its April 28 meeting.

Capital Improvement Program Support

- Support the Engineering Department through management of specific capital improvement project(s).
The general manager is managing the Eagleridge Water Booster-Metering Station Conversion project (District Project No. C2011).

Fill Anticipated Finance Manager Position Vacancy

- With the retirement of the District's Finance Manager anticipated in July 2021, engage in a recruitment and hiring process that allows for seamless transition of leadership in the Finance Department.
Interviews were conducted on April 28; preferred candidates were interviewed in-person on May 10 and May 17; Jennifer Signs has accepted the District's offer for employment with a start date anticipated of June 28.

Negotiate Successor District-AFSCME Agreement

- With the current labor agreement scheduled to expire December 31, 2021, negotiate a successor agreement that aligns with District financial capacity and Board goals.
J Clary and B Hunter met with union representation on May 26 (joint labor/management bi-monthly meeting). Union representation was reminded of the requirement within the current contract requiring negotiations to commence by July 15 and that the District is ready to schedule a negotiations kick-off meeting.

Emergency Response/System Security

America's Water Infrastructure Act-compliant Risk Management Program

- Conduct a USEPA-compliant risk and resilience assessment by June 30, 2021.
Sewer and water utility assessments are complete and were certified on February 8, 2021.
- Develop a USEPA-compliant emergency response plan by December 31, 2021.
Update to the District's emergency response plan is nearing completion.

Community/Public Relations

General

- Website
The District's web content is reviewed and updated on a regular basis.
- Social Media
Posts are made to District Facebook and LinkedIn pages regularly; Nextdoor is regularly monitored for District-related posts.
- Press Releases
Press releases were issued on February 24 (public notification of daytime road closures assoc. with Division 30 water main repairs) and March 1 (EnviroStars certification).

Intergovernmental Relations

- *J Clary contacted Darin Klein with the Whatcom County Health Department on June 1 regarding providing a presentation to the board on the County's septic system inspection program (communication earlier this year had indicated no availability due to Health staff's commitment to the COVID-19 response). Mr. Klein indicated workloads should allow for a presentation in the August timeframe.*
- *J Clary is scheduled to attend the WASWD Section III virtual meeting on June 8.*

Public Works Board

- *Pursue appointment as WASWD representative on the Washington State Public Works Board. Following board approval, J Clary submitted an application for appointment to the Public Works Board on February 11, 2021. J Clary has since been notified that he is a finalist for the appointment (now under consideration by Governor Inslee).*

Lake Whatcom Water Quality

Management Program

- *Participate in meetings of Lake Whatcom Management Program partners.*
J. Clary attended the policy group meeting on June 2.

Onsite Septic System Conversion Program

- *Pursue connection of the one remaining septic-served parcel located within 200 feet of District sewer system identified in the memorandum to the Board dated April 9, 2020.*
To be initiated.