

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF FERNDALE AND WHATCOM COUNTY
REGARDING DEVELOPMENT STANDARDS**

The City of Ferndale and Whatcom County (the Parties) enter into this Memorandum of Understanding (MOU) as follows:

WHEREAS, the Parties signed a 10-year Interlocal Agreement Between the City of Ferndale and Whatcom County Concerning Planning, Annexation and Development within the Ferndale UGA in May 2012; and

WHEREAS, Section 4.F of said Interlocal Agreement states:

"The County will conduct a formal process, including County Council review, to consider adopting City development standards for development within the City Urban Growth Area by December 30, 2013. The City will make specific recommendations relating to which development standards to apply within the Urban Growth Area. The County will retain the final authority to determine whether or not to adopt City development standards.

If the County adopts City development standards, the City agrees to review development in the UGA and make recommendations to the County relating to whether the development complies with City development standards."

and;

WHEREAS, representatives from the City of Ferndale Public Works Department, City of Ferndale Community Development Department, Whatcom County Public Works Department and Whatcom County Planning Department met in February, April, May, and October 2013 to discuss potential application of City of Ferndale Development Standards in the Ferndale UGA; and

WHEREAS, pursuant to these discussions, City of Ferndale representatives indicated that application of Whatcom County's urban standards to development in the UGA would be acceptable; and

WHEREAS, also pursuant to these discussions, it is recognized that the Western Washington Phase II Municipal Stormwater Permit (NPDES Permit) covers the Ferndale UGA and the Washington State Department of Ecology Stormwater Management Manual for Western Washington applies to development in the UGA; and

WHEREAS, also pursuant to these discussions, City of Ferndale representatives requested notification of any requests for variances from County urban development standards in the UGA; and

WHEREAS, also pursuant to these discussions, City of Ferndale representatives requested use of the City's geodetic control datum for new land divisions in the UGA;

NOW THEREFORE, the Parties agree to the following terms of this MOU:

1. **Development Standards in the UGA.**

A. Stormwater Standards – Whatcom County will apply the Washington State Department of Ecology Stormwater Management Manual for Western Washington to development in the Ferndale UGA in accordance with the Whatcom County Code.

B. Other Development Standards - Whatcom County will apply the Whatcom County Development Standards for urban development to all proposed development within the Ferndale UGA where a complete application was submitted prior to annexation, except that Whatcom County will apply the Whatcom County Development Standards for rural development for the following:

- i. Construction of a new single-family residence on a lot of record;
- ii. New shop, garage, shed, deck, porch, or similar structure construction associated with single-family residences;
- iii. New temporary building construction;
- iv. Existing single-family residence alterations, additions, or remodels;
- v. Existing shop, garage, shed, deck, porch, or similar structure alteration associated with single-family residences;
- vi. Existing temporary building alterations or additions;
- vii. Signage; and
- viii. Other minor new construction, as determined by the appropriate County Technical Administrator (i.e., County Public Works Director or County Planning Director).

2. **City Standards Do Not Apply in UGA.** Whatcom County will not apply City of Ferndale Development Standards to new development in the Ferndale UGA.

3. **Notification of Variance Requests.** Whatcom County will notify the City of Ferndale Community Development Department Director and Public Works Department Director of any variance request from application of the Whatcom County Development Standards in the Ferndale UGA (e.g., a request to utilize a rural standard instead of an urban standard).

4. **City Geodetic Control Datum.** Whatcom County will request developers in the Ferndale UGA to utilize the City of Ferndale geodetic control datum.

5. **Effective Date.** This MOU shall take effect immediately upon execution and shall remain in effect for the term of the May 2012 Interlocal Agreement Between the City of Ferndale and Whatcom County Concerning Planning, Annexation and Development within the Ferndale UGA.

6. **Amendment.** This MOU may be amended only by execution of a written amendment signed by duly authorized representatives of the City and County.

7. **MOU is not a Contract.** This MOU provides the conditions under which the City and County acknowledge that Section 4.F of the May 2012 Interlocal Agreement Between the City of Ferndale and Whatcom County Concerning Planning, Annexation and Development within the Ferndale UGA has been satisfied. This MOU does not create an enforceable binding contract.

Executed this 3RD day of DEC., 2013 for the City of Ferndale:



Gary Jensen, Mayor

Executed this 12th day of December, 2013 for Whatcom County:



Jack Louws, Executive

Approved as to form:



Civil Prosecuting Attorney