

Lake Whatcom Stormwater Utility Funding Study
Public Questions and Comments Received September 13 – November 4, 2018

Date Received	Form	Question/Comment	Response
9/19/2018	Written & Verbal	Comments received from Nancy Alyanak at the September 19 Advisory Committee meeting regarding: What determines whether or not stormwater utility rates and charges are valid? Comments reference the Teter v. Clark County court case and include a recommendation that parcel size should be considered in the rate structure because parcel size determines quantity of runoff.	Heard by the Advisory Committee and forwarded for their consideration. Clarification provided at the meeting that the Teter v. Clark County case is typically used to interpret the nexus between service charges and services received, establishing that services provided may be indirect.
9/19/2018	Verbal	Comments and questions received from Rick Kiene: (1) has the committee looked into a sunset clause for the new stormwater utility fee? (2) will there be a method to evaluate effectiveness of activities funded through the stormwater utility? (3) concerns voiced that administrative cost for the new utility will be too high and that a sampling testing plan is needed to evaluate if objectives for water quality are met.	Heard by the Advisory Committee. (1) Response provided at the meeting. The stormwater utility service charge must be based on actual costs to provide service. In this case, the service is to improve water quality in Lake Whatcom to meet state mandated water quality objectives from the Federal Clean Water Act. This is anticipated to be a 50-year process and includes many ongoing needs like facility maintenance. If the need to provide the service goes away, the fee will go away. (2) & (3) Water quality monitoring and water quality treatment facility effectiveness monitoring are ongoing through the Lake Whatcom Management Program. Results from these studies are used to evaluate progress meeting state water quality standards. Estimated annual stormwater program costs to be recovered through the new service charge are \$817,600/year including \$74,300 in administrative costs, 9% of the total.

9/19/2018	Verbal	<p>Comments received from Mike Allsop regarding: (1) expectation to receive a written response to previously submitted written comments; (2) property owners like him who have invested in good stewardship practices should receive a credit instead of a fee for stormwater services; (3) the city and county are legacy owners of disturbed properties (logging, dumps) and owners of public park land which impact water quality; (4) only a tiny group of property owners will be charged; (5) other concerns about inadequate water quality testing and overbuilding infrastructure.</p>	<p>Heard by the Advisory Committee. (1) Public comments are provided to the Advisory Committee for them to consider in their recommendation to County Council. Neither staff nor the committee is providing individual written responses. Comments will become part of the record for council to consider when making decisions about implementation of the utility. All verbal and written comments received are summarized in this table with a short staff response when applicable. (2) Comment noted. (3) & (4) All properties, regardless of ownership, including city and county owned properties will be subject to the new stormwater fee. This includes approximately 8,000 parcels in the Lake Whatcom watershed outside of city limits. The current rate structure proposal includes an exemption for properties with conservation easements that will be maintained in a forested state, and state law requires an exemption for properties managed for timber harvest.</p>
10/29/2018	Written	<p>Comments received from Eric Thomas regarding the need for a system to notify homeowners who withdraw drinking water from Lake Whatcom in the event of a sewage spill in the lake.</p>	<p>Forwarded to the Advisory Committee and to the Whatcom County Department of Health for follow up with the Lake Whatcom Water and Sewer District.</p>