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WHATCOM COUNTY COUNCIL
Planning and Development Committee

February 25, 2003

The meeting was called to order at 3:10 p.m. by Committee Chair Seth Fleetwood in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Dan McShane
Laurie Caskey-Schreiber

Absent:

None

Also Present:

L. Ward Nelson
Barbara Brenner
Sharon Roy

COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL

1. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING ORDINANCE, TITLE 20, CHAPTER 20.71 – WATER RESOURCE PROTECTION OVERLAY DISTRICT, CHAPTER 20.80 – SUPPLEMENTARY REQUIREMENTS (STORMWATER AND CLEARING), CHAPTER 20.85 – PLANNED UNIT DEVELOPMENTS, AND CHAPTER 20.97 – DEFINITIONS, TO PROVIDE ADDITIONAL REGULATORY PROTECTION FOR SENSITIVE WATERSHEDS (AB2002-222B)

Fleetwood stated a substitute Exhibit A was distributed (*on file*) to include what the Planning Commission proposed.

Amy Pederson, Planner I, stated she handed out a revised Exhibit A. The tree retention language was omitted from the County Council packet.

Fleetwood stated they would work from the revised Exhibit A. Today they will consider tree retention, seasonal land clearing provisions, and impervious surface requirement.

Pederson stated she handed out a table of the side-by-side comparison of the three tree retention options. She explained the differences. The language adopted by the County Council does not include retaining priority trees. Priority trees are those that are healthy and mature.

Brenner asked why the Planning Commission did not include site requirements or exemptions. Pederson stated the Planning Commission adopted what was in the Blaine ordinance.

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1 McShane referenced the beginning of the language in the tree retention
2 language from the December 10, 2002 memo. He asked if 70 percent of a five-
3 acre parcel could be cleared of trees. Pederson stated that is correct. One is
4 required to maintain 30 percent, or whatever the remainder would be if the 5,000
5 square feet is cleared.

6
7 McShane asked why 5,000 square feet. Pederson stated that applies to the
8 smaller lots, such as those in Geneva.

9
10 McShane stated that someone with a 5,000 square foot lot could clear the
11 whole thing. He asked the rationale of the percentage. Pederson stated the
12 interim language was for 50 percent. The Planning Commission recommended 80
13 percent. The 70 percent is a compromise. It has been an item of debate.

14
15 Kurt Baumgarten, Planning Technician, stated there hasn't been any science
16 to support a particular percentage. The rest of the language is more
17 straightforward. Staff can't say any one percentage is better than the other, only
18 that the more vegetation that remains, the better soil retention they have. The
19 reduction came in response to concerns from the Planning Commission and
20 members of the public. The rest of the tree retention language is good at assessing
21 a site and providing mitigation to replant trees.

22
23 Roy asked if Planning staff looked at other plans around Western Washington.
24 Assigning a random percentage makes her uncomfortable. Baumgarten stated
25 they've seen a percentage of 30 or 35 percent that is retained in other jurisdictions.
26 For stormwater special district standards on lots over two acres, 65 percent
27 retention is required based on studies done in King County.

28
29 Brenner stated this might not be the percentage that they go by because
30 other ordinances have other requirements. Baumgarten stated that is correct if
31 there is a stormwater special district.

32
33 Chris Brueske, Engineer, stated that the 65 percent retention requirement on
34 lots greater than two acres for single-family homes built in the special district
35 includes the option of doing an engineered plan as an alternative. In the
36 stormwater special districts, which include the Lake Samish and Lake Whatcom
37 watersheds and Drayton Harbor, the 65 percent retention requirement applies to
38 single-family home building permits.

39
40 Brenner stated stormwater districts have the 65 percent retention
41 requirement for lots over two acres. Water resource special management areas
42 have a 30 percent retention requirement. She asked where they would have a
43 water resource special management area that's not part of a stormwater district.
44 Baumgarten stated they overlap. It has to do with what the person is doing with
45 the site and the permit required. What the committee is working on now is for
46 someone just clearing a property. If someone is clearing a property to build

1 something and put in impervious surfaces, then the stormwater special district
2 standards apply.

3
4 Brueske stated the 65 percent retained when building a home is an easy way
5 out because the builder has to do very little for stormwater controls in addition to
6 those for the house.

7
8 Pederson continued to describe the differences amongst the three tree
9 retention options.

10
11 Brenner asked if a site plan has to be done by a professional or whether a
12 homeowner could do it. Baumgarten stated they don't require a professionally
13 prepared site plan.

14
15 Baumgarten stated the site plan only has to be reasonably accurate and to
16 scale. It doesn't require a specialist.

17
18 Roger Almskaar, consultant, stated he was a member of the seasonal
19 clearing work group. They did not have a chance to look at the tree retention
20 issues. The Planning Commission changed the proposal quite a bit. He is
21 concerned with the alternative tree retention language that was in the December
22 10 memo.

23
24 People hire him to help through the permit process. There needs to be a
25 clearly stated public purpose for the tree retention concept, no matter what the
26 terms are. The rules should make a distinction between urban-sized lots and rural-
27 sized lots. Section (2) has major problems. The terms are vague. Sections (3)
28 and (4) are okay.

29
30 He'd like to see these things fixed, but doesn't want to slow the process
31 down. This part of the ordinance could be approved in some form, but revisited
32 within 90 days for fine-tuning. Section (5) references temporary fencing, which
33 could be extremely expensive. There are alternatives, such as crime scene tape.
34 Section (6) is vague. Section (7) regarding replacement trees could get expensive.
35 Make a distinction between which trees they are worried about and which they
36 aren't. Section (9) is regulatory overkill to make each tree removed a separate
37 violation. The definition of "significant tree" needs improvement. The rules for
38 regulating clearing now are confusing. There are three special districts in this
39 piece. They all include the Lake Whatcom and Lake Samish watersheds. One
40 includes the Drayton Harbor watersheds, which needs to be pulled out of some of
41 those restrictions because it is unlike the Whatcom and Samish watersheds.

42
43 McShane stated they should think about approving something like this soon
44 while being open-minded about future changes. Mr. Almskaar could write up
45 specific suggestions. As time moves on, they will get recommendations from
46 people who are knowledgeable and some rationale for the recommendations.

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1 There is good rationale for retaining trees in the Lake Whatcom and Lake Samish
2 areas.

3
4 Caskey-Schreiber agreed with including a purpose statement for the tree
5 retention policy.

6
7 Almskaar stated they should create a special section in Title 20 that deals
8 only with water resource issues rather than have it scattered throughout the code.

9
10 Rich Emerson, Building Industry Association (BIA)), stated he submitted a
11 memo dated February 3, 2003 regarding tree retention. He has questions that are
12 left unresolved. He suggested that the tree retention and impervious surfaces
13 could be looked at again so the minute details can be explored by people who know
14 more about it than the Planning staff and members of the Council, as they did with
15 seasonal clearing.

16
17 Chris Dillard, 1815 Old Fairhaven Parkway, stated he liked the original and
18 staff recommendations regarding identifying the retained trees on the site plan.
19 The possible need for a maximum amount of trees to be cleared makes sense.
20 Being able to clear 70 percent of a five-acre lot sounds excessive. The differences
21 between these rules and the stormwater special district rules seem like a loophole.
22 He asked if there are other jurisdictions that have similar regulations.

23
24 Pederson stated they have looked at regulations in a number of other
25 jurisdictions. The range is between 20 to 35 percent retention.

26
27 Dillard asked if those comparative jurisdictions were regulating drinking
28 water sources. The bond requirement should be mandatory. There are examples
29 of developers who have clear-cut their properties in violation of tree retention
30 policies. Having a bond would increase the likelihood that the developers would
31 follow the rules. He agreed with considering each tree removal a separate
32 violation.

33
34 **McShane moved** to approve the alternative tree retention language
35 proposed by staff.

36
37 *(Clerk's Note: End of tape one, side A.)*

38
39 **McShane continued to make his motion** to approve the alternative tree
40 retention language proposed by staff as described in the December 10 memo, with
41 one amendment to the last sentence in section 20.80.735(2)(d)(1), "...but such
42 areas shall not exceed 5,000 square feet or 70 percent, whichever is greater of the
43 total lot area, on lots one acre or less, or 50 percent on lots greater than one acre
44 in size." They should separate between larger lots and smaller lots.

45
46 **Motion carried unanimously.**
47

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1 Brenner asked if there is a way to combine the special district areas.
2 Pederson stated staff has discussed that. They will bring forward information on
3 what it would look like if they were consolidated. If they put it all together, they
4 would still have to cross-reference the various chapters of the code.
5

6 Caskey-Schreiber moved to add an explanation of the intent for the tree
7 retention language.
8

9 Fleetwood agreed. That is a benefit of having two weeks to make those
10 changes. Baumgarten stated he could work on it.
11

12 Brenner asked staff to work on a stronger definition of "significant trees."
13 Pederson stated staff has replaced that term with the phrase "stands of healthy
14 mature native trees."
15

16 Brenner stated that is fine. She also recommended that they do something
17 about temporary fencing. Pederson stated could replace it with protective
18 measures.
19

20 Caskey-Schreiber stated she liked the language about retaining trees on
21 sensitive slopes in high hazard areas. Keep what they have, and expand it in the
22 direction they are going. She supported taping or marking off instead of fencing an
23 area to be retained.
24

25 Brenner asked when they would not require a bond. Baumgarten stated it is
26 a matter of the time it takes to get a bond. They reserve the requirement for
27 situations where there is a higher likelihood of a having a problem with the trees.
28 It is not something they require for every site due to the time and expense it takes
29 for the contractors.
30

31 Brenner suggested including the criteria for determining when the bonds are
32 required. Baumgarten agreed. Staff wants this to be straightforward and
33 understandable for the public. View this as an area they are trying to retain, not
34 individual trees. They are looking to protect the canopy cover. A strong purpose
35 statement in conjunction with clear expectations should lead to a good product.
36

37 Brenner asked if they are making any distinctions between high quality trees,
38 such as firs, and weed trees that could become a problem. Pederson stated they
39 did not distinguish between tree species. They provided conditions in which a
40 hazard tree could be removed in subsection (d)(6).
41

42 Brenner stated she would like to see a distinction between trees that have
43 long-term significance and weed trees.
44

45 **McShane moved** to amend section 20.80.735(2)(d)(5), "Prior to any land
46 clearing or development activity, any trees or group of trees designated for
47 retention shall have **be clearly designated by temporary fencing, tape, or other**

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1 **clear indicators** installed completely around the drip line of the trees to be
2 protected. Temporary fencing, **tape, or other clear indicators** shall be clearly visible
3 and shall be maintained for the duration of the proposed clearing or development
4 activity. Trees designated for retention shall not be damaged....”

5
6 ***Motion carried unanimously.***
7

8 Nelson stated this would still apply to forestry practices and certain rural
9 forestry. Pederson stated it would apply to conversion/harvest options (co-hop)
10 and class four forestry practices.

11
12 Nelson stated a tree markings are somewhat subjective. Someone could
13 come into an area and move or add to the tree tags. Pederson stated one
14 alternative is to mark the outer boundary rather than every tree. There was one
15 concern about flagging every tree. On a 40-acre site, one can't reasonably flag
16 every tree.

17
18 Nelson asked if the forest practice application from the State Department of
19 Natural Resources could be used as the site plan. Baumgarten stated they would
20 have to give that some thought. It will be discussed at the Forestry Advisory
21 Forum.

22
23 Nelson stated the majority of areas around the Lake Samish and Lake
24 Whatcom watersheds are forestry areas.

25
26 McShane stated these regulations don't apply unless one is converting.

27
28 Nelson stated these areas would be impacted by the rules and regulations.
29 The additional cost may or may not be necessary. Baumgarten stated staff could
30 discuss it further.

31
32 Nelson asked how much area is needed for septic field and reserve.
33 Baumgarten stated it varies depending on the type of system. He will find out.

34
35 Nelson stated it might be difficult locating a house depending on the septic
36 requirements.

37
38 Pederson asked if the staff should stay with the term "significant trees" or
39 change to the phrase "stands of healthy, mature, native trees."

40
41 Caskey-Schreiber stated she would like to see both options. She prefers to
42 reference native trees. Native soil and native vegetation should be a goal. The
43 current language is clear that if a tree is likely to fail, it can be removed.

44
45 Brenner stated she preferred to use the term "priority trees." It gives leeway
46 to staff and property owners. Native conifers should be a higher priority than weed
47 trees.

1
2 Nelson stated it is a combination of both. A natural biological process takes
3 place in regenerating a forest. They will generally see a quick in-growth of native
4 deciduous trees. That is followed by the conifers coming in underneath. That is
5 Mother Nature's way of providing protection from the elements for the conifers.
6 They have to look into the biological process. When conifers start to grow, then the
7 deciduous trees could be removed.

8
9 Fleetwood moved the discussion to seasonal land clearing.

10
11 Pederson stated section 20.80.735(2)(g) originally included a clearing ban.
12 She described the history of seasonal land clearing. An appointed committee that
13 included stakeholders developed an alternative to the ban. The alternative is a
14 three-tiered point system. If someone does not meet the minimum point
15 threshold, that person is only required to do the minimum requirements. There are
16 more requirements for someone who exceeds the minimum point threshold. It only
17 applies to Lake Whatcom and Lake Samish. Drayton Harbor is excluded. A motion
18 was made in Planning Commission to put Drayton Harbor back in, but it failed.

19
20 Caskey-Schreiber stated they could remove the Lake Samish watershed from
21 this right now since the new downzone and the tree retention regulations will
22 provide protection.

23
24 Fleetwood stated he is inclined to include Lake Samish.

25
26 McShane stated he is inclined to consider all the regulations in Lake Samish
27 and decide whether these rules should be applicable to the entire Lake Samish
28 watershed. He's not ready to do that now.

29
30 Pederson described the new point system in subsection (g)(1)(b).

31
32 *(Clerk's Note: End of tape one, side B.)*

33
34 Caskey-Schreiber stated the Planning staff felt the committee was
35 unbalanced in favor of developers. She asked if they could modify the point scale
36 to represent a more balanced approach. Pederson stated staff reviewed the points
37 allocated. It is difficult to assign points to a particular site condition. If they are
38 concerned about how thresholds are addressed, it could be addressed through the
39 code, not the point system.

40
41 McShane stated he is not that worried about the process that occurred in the
42 past. It is not important. What is important is that if people have a concern about
43 the point system and the land clearing ordinance, they should make their argument
44 for why it should be changed. They don't need to revisit where that argument
45 occurred.

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1 Dillard stated the only reason the process is significant is to understand what
2 they are holding in their hands. It is a document written by the BIA and pro-
3 development interests. The committee started with consensus agreement, but
4 changed to majority agreement. The majority was a majority of builders. It is of
5 the opinion of People for Lake Whatcom that the only measure that will provide an
6 adequate level of protection for the lake will be reinstatement of the original
7 seasonal clearing ban as written and proposed by Planning staff. The science is
8 clear that erosion control is not effective, and a seasonal ban is the only way to
9 ensure an adequate level of protection for the lake, according to several studies
10 and sources. He submitted a number of ideas and approaches the Council should
11 take if it approves the point system. He's happy to hear that a financial security
12 requirement is still included in the regulations. The upper threshold would require
13 engineering. That is a perfect example of the give-and-take that never occurred at
14 the committee meeting. He recommended that the upper threshold be a cutoff
15 instead of requiring engineering. Include specific limits for phosphorus. Include a
16 mechanism for citizen review of the checklist. Have a mechanism for the County to
17 fix a problem if one occurs. Allow the County access to the private property to fix
18 failed silt control measures. Have a stringent inspection regime. The State
19 Department of Ecology (DOE) recommends daily inspections during the wet season.
20 There is an increased risk associated with developing in the drinking watershed
21 during the winter. Associated with that increased risk is an increased cost to
22 administrate the system to make sure the lake is protected. That increased cost
23 should be borne by the developer.
24

25 Brenner stated she is concerned about the citizen inspection suggestion.
26 County staff is who should review the checklist. Dillard stated he agreed, but there
27 are limits to the resources. He asked if staff would have an onsite inspection of
28 every item on the checklist.
29

30 Baumgarten stated any development activity requires an erosion control
31 inspection at the time of clearing. It's a condition of the permit. Staff is working
32 on making sure that people are more aware of the condition. Right now, there is a
33 low callback rate from the builders.
34

35 Brenner asked if it is illegal if someone does something without an onsite
36 inspection. Baumgarten stated it is a violation of the conditions of the permit. The
37 intent is to inspect every site. That's not happening because people don't read
38 their permits and call for their inspection.
39

40 Brenner asked if that is when the financial assurance would make the
41 builders figure it out pretty quick. She asked if the builders would be more apt to
42 look at the permit if financial assurance is required. Baumgarten stated that is
43 possible.
44

45 Roy stated the point system is a screening tool. They are only talking about
46 the wet season in these watersheds. She asked if there has been a site visit prior
47 to issuance of the building permit. That is the question. The process described by

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1 Mr. Baumgarten happens after the permit has been issued. Baumgarten stated
2 there is a site visit before the permit issued for a majority of the sites.
3

4 Roy stated they are talking about a very specific group of activities. She
5 asked if they could tighten it up so they make sure it could happen for that small
6 group of focused people. She is uncomfortable with the building permit being
7 issued without anyone ever going out there on a site visit. Baumgarten stated
8 almost every site gets a site visit. He prefers to meet with the person who does
9 the actual excavation. Mr. Dillard is talking about the follow-up to make sure the
10 erosion control measures are functioning. That's where he can't keep a running list
11 of every project out there and be there. That's the reason for the requirement to
12 call for an inspection.
13

14 Roy asked if it would be appropriate to have more certainty for the people
15 who fit into this category, which is just the Lake Samish and Lake Whatcom
16 watersheds and just during the rainy seasons. Baumgarten stated that is possible.
17

18 Caskey-Schreiber asked if there is a way to keep track of the excavating
19 timeline so Mr. Baumgarten can do a site inspection without a call from the
20 excavator. Baumgarten stated he does that to the best of his ability. There are a
21 lot of things that happen between the time a person gets a permit and when they
22 are ready to clear. The timeline is variable.
23

24 Caskey-Schreiber asked the percentage that call. Baumgarten stated it is
25 about 20 percent.
26

27 Caskey-Schreiber suggested refunding a portion of their deposit once the
28 measures are in place. She doesn't have much faith in the silt fences. Baumgarten
29 stated there are alternatives to silt fences. They've gone through this issue with
30 the appropriate staff members and worked with the building inspectors as a
31 resource. By the time the footing inspection happens, this should be taken care of.
32 If it is not, they will stop the building.
33

34 Caskey-Schreiber asked if the tree retention regulations would mitigate some
35 of the stormwater issues with clearing. Baumgarten stated that any site that is
36 able to maintain even ten feet or more that separates the clearing from a ditch or
37 swale would succeed far greater than a site that relies only on a silt fence.
38

39 Brenner stated any tightening up should be done by having another person to
40 do enforcements. She preferred that to having any citizen review the checklist.
41 The courses that teach soil erosion controls does not promote silt fences. There are
42 alternatives that are available. It bothers her when people criticize silt fences
43 because there are alternatives.
44

45 Caskey-Schreiber stated that silt fences are what is being used. They are out
46 there.
47

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1 Brenner stated staff has enough discretion to determine what is best to use
2 during the rainy season.
3

4 Myron Wlaznik, 4215 E. Oregon, Bellingham, stated he represents the Silver
5 Beach Neighborhood, which already has a land-clearing ordinance. He explained its
6 ordinance. All the sites subject to the Silver Beach ordinance have been
7 continuously out of compliance with runoff and land clearing activities during this
8 wet season. The runoff drains into the lake or into a detention pond. The problem
9 is with compliance. One person who was out of compliance did not cover the
10 property for several days during a recent rainstorm. All the mud that was on the
11 street was gone down the drain after three days. This person was the leader of the
12 Building Industry Association. That is very galling. It is supposed to be leadership
13 by example. They can't trust the building industry with the lake in the rainy
14 season. If they can't enforce five lots in Silver Beach, then they can't expect Mr.
15 Baumgarten to enforce all around the lake. They need to consider whether this can
16 be enforced. Recovery is not possible. Once it goes down the drain and into the
17 lake, they can't take it out again.
18

19 Brenner asked what the builder did when the City when to the site. Wlaznik
20 stated straw was laid down for a day or two. One site hauled dirt, and the ground
21 was covered with dirt. The next day when it rained, the dirt washed down into the
22 storm drain.
23

24 Brenner stated it sounds like the problems are with enforcement more than
25 anything. That's the only way they are going to change things and make them
26 better. Wlaznik stated that it is impossible to stay in compliance while working in
27 the sensitive watershed during a rainy part of the year. The question is whether
28 they want to take the chance, given that it's unenforceable. Don't do any land
29 clearing during the rainy season.
30

31 John Watts, Bellingham City Council Member, stated the Lake Whatcom
32 Management Program stresses prevention of pollution over treatment. No system
33 that is ever adopted will be perfect. That is true of seasonal limits, but they are
34 better than the alternative. The problems Mr. Wlaznik cited are real and true for
35 any number of sites. Despite their best inspection and enforcement efforts, the
36 fact is that most of the legislation is voluntary compliance. They are not a police
37 state. Doing prevention can help voluntary compliance rather than creating
38 problems they have to clean up.
39

40 The decision is a political decision, hopefully based on best available science
41 on seasonal construction, which works better than the alternatives. Abstinence
42 works. It is based on science. Seasonal limits are simple to understand. By
43 having seasonal limitations, enforcement and administration are much less
44 expensive. Even though it is not a perfect system, it has worked in the City of
45 Bellingham, which has had it in effect for over three years now. If Bellingham can
46 do this, then Whatcom County can do the same.
47

1 Caskey-Schreiber asked about the five lots that were cleared, given the City's
2 seasonal land clearing ban. Watts stated the lots were cleared during the summer,
3 but were not covered properly. That's when they get into voluntary compliance.
4 People know what the rules are before they get the building permit. The builders
5 either comply or don't comply. In this case, the builder didn't comply. By the time
6 the City chased it down, it was too late to get the pollution out of the lake. No
7 system is perfect, even the City's system, but it is better than the alternative.
8

9 Almskaar stated he was a member of the work group representing the
10 realtor's association. While on the work group, he tried to work for a compromise.
11 If people are worried about enforcement, make the fees on those sites higher. If
12 the staff has to do more work on this class of applications, then charge more.
13

14 McShane stated they would staff a position while not knowing how many
15 applications they actually have. Almskaar stated there is a record of that
16 information. Mr. Baumgarten should be able to come up with an estimate.
17

18 McShane asked if the fees could be set so that people would want to refrain
19 from developing at all. Almskaar stated some people would wait, and some would
20 not.
21

22 Brenner asked why they couldn't charge by the hour. Some projects may
23 take more time than other projects. Almskaar stated it is an option.
24

25 Goodwin stated some fees in the fee schedule are charged by the hour.
26

27 Baumgarten stated that once a permit is issued, staff can't charge any more
28 fees. They could go back to a site ten times to try and get it into compliance.
29

30 Brenner stated the County ought to be able to charge for enforcing violations.
31 Baumgarten stated there might be a way to charge for penalty assessments.
32

33 Almskaar continued to state that subsection (2)(g)((1)(b)(iv) provides for a
34 24-hour contact number for emergency work. The product that came out of this
35 work group was a compromise. An important principal of law is that rules are
36 supposed to be reasonable and the least restrictive of the alternatives that will
37 probably work. It is unjustified to have a total seasonal ban when the alternatives
38 will work.
39

40 Tom Pratum, 2241 Northshore Road, North Cascades Audubon, stated the
41 preference is a total ban on clearing during the wet season. A problem with
42 allowing clearing is how to show that it can be done safely. A problem with the way
43 this was addressed with the stakeholders was that there were no watershed science
44 experts on the committee. It is not correct to say there is a committee of experts.
45 It is unlikely that the Council will adopt a total ban during the wet season. The
46 checklist bothers him greatly because it assigns point values to things that they
47 can't assign points to. It would be a lot better to turn this over to Planning staff

1 entirely to evaluate the applications, giving consideration to certain things. If that's
2 too much, maybe adopt the checklist, but lower the point value for requiring
3 additional review. Regarding citizen review, people aren't notified when these
4 things are happening. It's very tedious and time-consuming to look through the
5 legal section of the paper. Post the work better so people know about it.

6
7 *(Clerk's Note: End of tape two, side A.)*

8
9 Pratum continued to state that staff sometimes miss things. It would be
10 good to have some of these things open for public review.

11
12 Brenner agreed. She was talking about having a layperson go over the
13 checklist.

14
15 Caskey-Schreiber stated she agreed with Mr. Pratum about the validity of the
16 point system. She asked if there is a way to modify it so it adheres to some
17 science. Goodwin stated there isn't any exact science on the specific combinations
18 of slope, soils, vegetation, clearing size, and proximity to lake would add up to a
19 value. There is science behind each of the sections of the checklist that they looked
20 at, including lot size, slope steepness, and soil groups. There is science on each
21 one of those things.

22
23 Caskey-Schreiber asked if the point assessment is representative of the risks
24 involved in those groups. Goodwin stated staff examined five or ten scenarios,
25 went through the points, and questioned the risk. It is a little more lenient than
26 the point system would have been if more environmental interests had been on the
27 committee. If anything, it errs toward development. Looking at some of the sites
28 that are out there now could be run through the point system to see how they add
29 up.

30
31 Caskey-Schreiber stated a future committee discussion is whether the points
32 are fair in accessing the true risks of each criterion. She suggested consulting with
33 experts from Western Washington University who could look at this. Goodwin
34 stated there are experts on staff.

35
36 Rob Baxter, 1309 Samish Way, stated they were originally going to have a
37 ban during the rainy season. Reasonable objections were made. Have a ban
38 during the rainy season, except for a few serious exceptions and hardships, such as
39 someone losing his or her mortgage. The fact is that the lake is being degraded. It
40 is their drinking water. There is enough science to show that the lake is being
41 degraded. Until that trend changes, they need to do some drastic things. The
42 compromise could be to look at allowing more building once the trend changes. If
43 they allow clearing only for hardship cases, then the point system would make
44 sense.

45
46 Caskey-Schreiber stated that just because she is trying to make this a
47 healthy point system, doesn't mean she is not willing to consider a total ban.

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

1
2 McShane stated Ms. Goodwin answered the question about the point system
3 very well. This is a model. They can run scenarios to see if it works. He suggested
4 that slope is not as important as the soil types. A 45-degree slope that is all sand
5 could have no runoff. The infiltration rate is critical. There are areas around Lake
6 Whatcom that have high infiltration rates. He's worried about clearing in those
7 areas. Increase the points by five or ten points.

8
9 Caskey-Schreiber stated she agreed.

10
11 Fleetwood stated this item would be held in committee for two weeks.

12
13
14 **OTHER BUSINESS**

15
16 There was no other business.

17
18
19 **ADJOURN**

20
21 The meeting adjourned at approximately 5:45 p.m.

22
23
24
25 _____
26 Jill Nixon, Minutes Transcription

27
28 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

29
30
31
32
33
34 _____
35 Dana Brown-Davis, Council Clerk

Seth Fleetwood, Committee Chair