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Whatcom County Council
Special Water Resources Work Session

March 16, 2004

Council Chair Dan McShane called the meeting to order at 10:00 a.m. in the Whatcom County Civic Center Annex, Second Floor Meeting Room, 322 N. Commercial, Bellingham, Washington.

Present:

Barbara Brenner
Laurie Caskey-Schreiber
Sam Crawford
Seth Fleetwood
Sharon Roy

Absent:

L. Ward Nelson

(Clerk's Note: There are is no audiotape recording of this meeting due to a recording malfunction. Minutes are taken from the Clerk's notes.)

WATER RESOURCES WORK SESSION (AB2004-025)

1. WRIA WATERSHED MANAGEMENT PLAN

Presentation of Draft Management Plan

Bruce Roll, Water Resources Division Manager, thanked Becky Peterson and Sue Blake for their fantastic job in pulling this draft plan together in a format that is readable and understandable.

Sue Blake, Resources Planner, stated the draft plan has been distributed for review to the water resource inventory area (WRIA) 1 participants. She and Becky Peterson pulled together the work that was done by other people. Those people haven't seen it yet, and this is their first chance to see it.

She read from her presentation (*on file*). Phase I means this is the first WRIA 1 watershed management plan. If implemented this way, there will be ongoing amendments as new information is obtained. It's important to understand that they originally hoped to use all the models that Utah State University (USU) put together. Those models aren't available yet. One of the first amendments will be to put the models in. Phase I means this is the first of an ongoing series of documents.

She continued to read from her presentation. This first draft is an opportunity for all the people who worked on this plan to turn it into something that is supportable. As a preliminary review draft, the intent is to change and improve

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1 the plan so it's easier to read when it goes to the public. The intent is to change
2 the format from what it is now.

3
4 The appendices are supporting information for the other sections of the draft
5 plan. She listed sections in the blue section of the draft plan. The draft plan right
6 now has gaps. The executive summary and plan summary don't exist yet. They
7 are supposed to briefly summarize the plan, but they don't know some of those
8 details yet. She continued to read her presentation, describing each section of the
9 plan.

10
11 The March 2000 scope of work took all the requirements of the Revised Code
12 of Washington (RCW), contracts, and Initiating Governments and laid out a strategy
13 for moving forward. They're going to see that document referenced throughout the
14 plan. It was a guide for why they did many of the things they did. The scope of
15 work was not included as an appendix because most people have it already.

16
17 Blake read the presentation describing section 2. One subsection in section
18 two, the socioeconomic subsection will require more work. They need to take that
19 into consideration. Appendix C is the biggest in the document. Many people
20 haven't seen and commented on those documents. The Center for Economic and
21 Business Research at Western Washington University put together most of those
22 documents.

23
24 Another subsection in section 2 is regarding local perspectives and linkages.
25 They used a lot of documents generated by participants during the process to give
26 people a sense of why people wanted to come to the table. A linkage section
27 describes the location of other areas of the document that address specific issues
28 and concerns regarding water quality.

29
30 Blake read the presentation regarding section 3 regarding the action plan to
31 address key issues. In this section they will see the most details that are missing.
32 It's going to take some work to fill it in. Appendix F is the management option
33 catalog.

34
35 Section 4 includes information on long-term monitoring. Appendix L is the
36 long-term water quality monitoring program, which includes initial suggestions from
37 USU and thoughts from project participants. There needs to be more work to
38 develop a long-term monitoring program to support this process. Because the
39 models aren't done, they need to wait and see how the models work and where the
40 data gaps are to finish the long-term monitoring program. There is a benefit to
41 wait on this program until the models are done.

42
43 The remaining sections are the glossary and acronyms and the appendices.
44 The appendices are also open for review.

45
46 Discussion of County Comments to Draft Plan

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1 Brenner asked when the Council has input into the plan. Roll continued the
2 presentation regarding the review schedule and strategy (*on file*). No agency is
3 capable of facilitating and implementing all elements of the plan. Think about all
4 the areas the County may want to implement. He will provide recommendations on
5 that at future meetings. Also consider the role of County government in context of
6 land use planning. Early in the process, the outcome of this will influence how they
7 regulate land use. They will talk more about that.

8
9 There are some policy questions that need to be laid out for the Council to
10 consider. Identifying sections the County is willing to support is critical. They'll
11 need to triage the areas the County is willing to support moving forward. The
12 County won't pay for everything listed. No agency can. The Planning Unit needs to
13 give them some insight. Over the next month or two, he'll identify the sections on
14 which the County should read and provide input into. In anticipation of their next
15 meeting, the Council should read sections one, three, and four.

16
17 He submitted a budget proposal from the Planning Unit Staff Team (*on file*).
18

19 Roy asked if staff believes the items on the WRIA 1 budget proposal are the
20 priority. Roll stated not necessarily. The proposal is going to the Planning Unit for
21 consideration during its next meeting.
22

23 McShane stated the County will make recommendations as a Planning Unit
24 member. Ultimately the Planning Unit will reach consensus. It's likely they'll see
25 things drop out. Some of those things may be priority items the County will want
26 to go forward with on its own, outside of the plan. Roll stated that's correct. There
27 will be pieces of this that people won't be able to agree on, and someone will go
28 forward anyway.
29

30 Brenner asked where the four early action elements come from. Roll stated
31 they were initially suggested by Tom Anderson from the Public Utility District (PUD),
32 with input from Henry Bierlink's group. The Planning Unit will receive the proposal
33 at the next meeting and discuss it.
34

35 Caskey-Schreiber stated they can't discuss making priorities of these items
36 without having a discussion first in Finance Committee on where the money comes
37 from. Roll stated the Planning Unit will get this information and discuss it, and
38 come up with some direction. In a couple months, there is a potential that the
39 Planning Unit will ask the County to fund some of these items.
40

41 McShane stated they should have a meeting to discuss in general what the
42 County is capable of handling financially from the general fund.
43

44 Brenner asked if all the Planning Unit members were able to come forward
45 with ideas, and the PUD took the initiative. Roll explained the Planning Unit
46 process.
47

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1 Brenner stated she's concerned that one WRIA member can put this together
2 without the others jointly contributing.
3

4 **2. PLANNING AND DEVELOPMENT SERVICES (PDS) COORDINATION**
5 **EFFORTS**
6

7 Overview of Water Resources and Planning and Development Services (PDS)
8 Coordination
9

10 Bruce Roll, Water Resources Division Manager, stated there are two huge
11 plans, the Salmon Recovery Plan and the WRIA Watershed Management Plan.
12 There are huge expectations from the community as to how the County will respond
13 to guiding principles and the role these plans play in future implementation. Staff
14 identified early on the link between how they recover salmon and how they allow
15 land uses to occur in sensitive areas in the watershed. There is also a link between
16 meeting the population increase and water needs without drying up salmon water
17 needs. They have to integrate these principals with the Shoreline Master Program
18 and Critical Area Ordinance. Staff must now begin to connect the dots as the land
19 use element moves forward.
20

21 Hal Hart, Planning and Development Services Department Director, stated
22 that's very important. The coordination efforts want to use the knowledge that
23 exists, and incorporate that knowledge into the Critical Areas Ordinance (CAO)
24 update, Shoreline Master Program update, and into other departments, areas, and
25 issues that come up, such as the Parks and Recreation Open Space Plan. First they
26 start with the science to determine why critical areas are important and define best
27 available science. Salmon recovery is an overlay on what they're doing with land
28 use. The way they regulate salmon under the CAO affects a lot of people. There
29 are a lot of coordination efforts to incorporate salmon into the broader picture of
30 land use. If the City changes land uses and no longer wants to have industrial
31 development on the waterfront, for example they have to decide the most
32 appropriate places for those industries to go. They will move into other
33 watersheds. Everyone needs to think of the broader impacts on land use policy.
34

35 The County administration is pushing the one-stop shop service, so staff is
36 trying to simplify and integrate the different layers of regulation. Subdivision
37 regulations should make sense on the ground. It's a big project to work on. The
38 Comprehensive Parks, Recreation, and Open Space Plan is a key component.
39

40 Roll stated he serves as the County's representative on the Bertrand group
41 steering committee. This is an example of a WRIA implementation piece dealing
42 with serious issues. A fundamental issue of watershed resource management is
43 finding out how to live while maintaining adequate water for people, fish, and
44 shellfish. This is a good pilot project for addressing comprehensively at a drainage
45 level.
46

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1 Hart stated it's important for the preservation of agriculture. They continue
2 to meet to work out future coordination efforts.

3
4 There was discussion regarding regional coordination, tax policies and
5 economic development policies, downstream impacts of water-based decisions, and
6 the regional impacts on land use over time.

7
8 Caskey-Schreiber asked how much control they have when, for example, the
9 City of Lynden lifts its moratorium on subdivisions because it has received water
10 from the City of Bellingham. Hart stated they were thinking about the leverage
11 points for those broader, regional discussions. They may be able to comment in
12 the context of the Coordinated Water System Plan or Countywide Planning Policies.
13 They can discuss it as a City/County caucus issue. There are other programs the
14 County can use for leverage, such as the Purchase of Development Rights program.

15
16 Roy stated this is a great memo in the packet. They want to use the
17 expertise that is already out there, including regular citizens who live by these
18 bodies of water without special interests in any area. She asked if the advisory
19 committee would include representatives from the building industry, who seem to
20 be the most concerned about this issue. She recommends they be included. Hart
21 stated the CAO update will come forward by the end of this year. After that, the
22 Shoreline Master Program will come forward by June 2005.

23
24 Dewey Desler, Deputy Administrator, spoke regarding the Parks plan.

25
26 McShane stated they have some sense of water resource planning. Different
27 water interests will come forward. The County can speak for entities that don't
28 have the ability to bring forward projects on their own.

29
30 John Watts, Bellingham City Council Member, stated it's apparent that a
31 limiting factor of land use planning is often not the amount of land, but the
32 available water. The WRIA process determined that the amount of water available
33 is essential information. He urged the County Council to look at that from the
34 perspective that limits on growth may occur first due to a lack of water availability,
35 not a lack of available land.

36
37 Roll stated he would send out a memo soon on the sections of the plan the
38 councilmembers should read before the next meeting. Read the introduction and
39 the proposed action sections including sections one, three, and four.

40
41 The Water Resources Division and Drayton Harbor Shellfish Protection District
42 did a report for the State Department of Health on the actions taken in the
43 community in anticipation of opening it up in April (*on file*). To keep Portage Bay
44 and Drayton Harbor open, it gets down to how they use the land. They've gone as
45 far as they can with existing regulations. They will have to deal with growth to
46 keep these resources functioning.

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1 *(Clerk's Note: Council took a five-minute break at 11:35 a.m.)*
2

3 **3. STORMWATER MANAGEMENT**
4

5 Discussion of County's Role in Stormwater Management
6

7 Jeff Monsen, Public Works Department Director, spoke regarding the National
8 Pollution Discharge and Elimination System (NPDES). By the end of the year, the
9 State Department of Ecology (DOE) will issue permit guidelines. The County will
10 have to define what the stormwater system is that the County is responsible for
11 and will regulate.
12

13 Part of what the County has to go through is to determine the financial
14 magnitude and policy implications by understanding the natural drainage systems,
15 modified drainage systems, and constructed drainage systems. A natural drainage
16 system is something they stand away from and rarely get proactively involved in.
17 A modified system is a natural system that has been changed, but still resembles a
18 natural system. A constructed system is mostly or all a modified system. A lot of
19 focus of this presentation today is on water quantity. He showed slide photos of
20 the different types of systems.
21

22 Each type of system creates a legal or discretionary responsibility for the
23 County. People are often asking the Public Works Department to proactively
24 operate some type of system or to respond to someone's request, or make
25 someone else fulfill their responsibilities. When considering surface water, consider
26 the elements of the system the County or someone else will be responsible for.
27 Think about the future role the County will take in managing a particular feature.
28

29 Hal Hart, Planning and Development Services Director, stated overlaying the
30 stormwater systems is the County's Critical Area Ordinance and Shoreline
31 Management Program.
32

33 Monsen stated they will discuss in the next few months how the County
34 identifies its responsibility.
35

36 McShane asked how they deal with a public system impacted by private land.
37 Monsen stated that as areas develop and water quantity and quality changes occur,
38 there is an inability to deal with maintenance. Most of the scenarios are such that
39 the County manipulates a lot of one-time fixes. In some cases that works. Getting
40 into urbanized areas, it doesn't work.
41

42 Chris Brueske, Engineering Manager, showed slides and maps of drainage
43 areas.
44

45 Brenner asked about homeowner's associations and whether they can be
46 forced to maintain their systems.
47

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1 Brenner asked if the person who got the permits to build the detention ponds
2 are ultimately legally responsible. Brueske stated that developer has sold all the
3 lots and is long gone.

4
5 Monsen stated often enforcement is worked out civilly between those
6 property owners. The question is what role the public sector will play to ensure
7 that systems are maintained.

8
9 Brueske stated these private detention ponds may become an issue with the
10 NPDES permit because not a lot are maintained.

11
12 Roll stated that from a water quality point of view, they may have little or no
13 ability to influence the constituents to adapt the ponds according to water quality
14 data.

15
16 Roy asked if these ponds retain any capacity for what they are supposed to
17 do. Brueske stated they do to varying degrees.

18
19 Roy asked how the ponds work.

20
21 Joe Rutan, County Road Engineer, stated ponds retain the water and meter it
22 out at the old flow rate. They can get plugged up.

23
24 Roy stated it's a mechanical process, not a natural process.

25
26 There was further discussion regarding stormwater management.

27
28
29 **ADJOURN**

30
31 The meeting adjourned at 1:00 p.m.

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33
34
35 _____
36 Jill Nixon, Minutes Transcription

37 The Council approved these minutes on April 6, 2004.

38
39 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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42
43
44
45 _____
Dana Brown-Davis, Council Clerk

Dan McShane, Council Chair