

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
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

WHATCOM COUNTY COUNCIL
Special County Council

April 26, 2005

Council Chair Laurie Caskey-Schreiber called the meeting to order at 9:30 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Barbara Brenner
Dan McShane
Seth Fleetwood
Sharon Roy
L. Ward Nelson

Absent:

Sam Crawford

1. COUNCIL TO DISCUSS ISSUES AND CONCERNS RELATED TO THE BUILDING AND SUBDIVISION MORATORIUM IN THE LAKE WHATCOM WATERSHED (ITEMS TO BE DISCUSSED INCLUDE: PROCESS, JUSTIFICATION FOR LIFTING THE MORATORIUM, BENCHMARKS, AND PRIORITIZATION OF TASKS) (AB2005-072B)

Steve Hood, Department of Ecology, stated he submitted information (*on file*) in response to Councilmembers McShane and Fleetwood. One of the things they've identified as part of the moratorium response is developing a comprehensive stormwater program. His information provides a model ordinance prepared by the Puget Sound Action Team. One of the most urgent things to do is to examine the technical standards for review of flow control.

Kraig Olason, Senior Planner, stated that typically, staff first inventories what uses are in the watershed. When moving forward on regulations without good information, they may go after something that isn't worth going after. First, determine what is out there and how much of a problem it is, especially given the different geographic areas.

The proposed new critical areas ordinance requires farm plans and a checklist for low-intensity farms. That may be enough regulation for the watershed. Look at that as an interim approach to see how well it works. Problems with individual property owners could be sent to the Conservation District for assistance.

In this part of the country, year-round animal keeping is dependent on the site without over-winter housing. The cost of land in the watershed is enough that there won't be commercial agriculture. There are too many regulations already. They may see increased numbers of horses that are more of a recreational use. Horses can become a real problem. Thresholds may be a better method to create more requirements. In other words, Whatcom County Code (WCC) 20.80.805(1) is

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 a table of information on animal units in the county on smaller parcels. The list
2 could be referenced at 50 percent for the watershed. If in excess of those numbers
3 listed, one must have a Conservation District-approved farm plan. Look at the
4 individual site rather than a blanket regulation for properties that are all very
5 different. If agriculture is really an issue, then inventory the area. The County
6 could prohibit livestock in areas with a certain slope. The process of working with
7 people on this issue would be very time consuming and expensive. The question is
8 who will go out and make that effort and whether the effort is worth it.
9

10 McShane asked if hobby farms are required to have a farm plan under the
11 current critical areas ordinance. Olason stated he didn't think they are.
12

13 McShane asked if the new critical areas ordinance will require a farm plan for
14 hobby farms. Olason stated there is a threshold for low-impact agricultural
15 operations that allows one animal unit per acre. One isn't exempt from the
16 standards. Look at the standards referenced. There is a prescribed raising
17 practice. The requirement will give the County the authority to do follow-up
18 enforcement for those who are a problem.
19

20 McShane asked if the proposed critical areas ordinance allows one animal
21 unit per acre or less, and less than that is exempt from the critical areas ordinance.
22 Olason stated all are required to comply with the requirement in section one for low
23 impact operations. If a property is in the wrong spot, the use may not be a low
24 impact operation. This ordinance will require staff to have a good working
25 relationship with the Conservation District, and the Conservation District must have
26 resources to deal with these things.
27

28 McShane asked how many hobby farms exist countywide. Olason stated
29 they don't know, but there are hundreds. The critical areas ordinance will have
30 more teeth. They are trying to get voluntary compliance.
31

32 Nelson asked for an actual idea of what is out there. There used to be a few
33 dairy farms in the watershed. None are left on Squalicum Lake Road. There are
34 some horse farms and a llama farm. He agreed that it's not an issue they want to
35 tackle. Not that many agricultural practices are out there. There may only be
36 hobby practices. The ground soils aren't conducive to raising anything. The critical
37 areas ordinance is the road to take. The ground limitations are naturally limiting.
38 Olason stated no one is making money on the activity. It really is a hobby. People
39 may decide to get rid of the animals rather than pay the price to do it right.
40

41 Nelson asked what is the current proposal.
42

43 Caskey-Schreiber stated the current proposal is to eliminate agricultural use
44 from being a permitted use.
45

46 Nelson stated he is opposed to that proposal. He asked about the 50 percent
47 rule. Olason stated one option is listed in his memo, item 3b. There is a proposed

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 regulation for specified animal units per acre, based on usable area on the
2 property. One couldn't count a driveway or house area as an area for livestock.
3 The standard is applied to properties ten acres or less. The code could say that a
4 hobby farm operation with 50 percent or more of the amounts listed in WCC
5 20.80.805(1) would be required to get a farm plan. Someone from the
6 Conservation District will have to go to the site, charge a per hour fee, and work
7 with a person who may not like it.

8
9 Nelson asked the pollutant load they're worrying about.

10
11 McShane stated the problem is phosphorus in the amount of 45 pounds per
12 animal unit per year.

13
14 Roy asked if the critical areas ordinance will not require farm plans for hobby
15 farms. Olason stated there is a threshold for low impact agricultural operations
16 that have less than one animal unit per acre. To determine if there are any critical
17 areas, there is a checklist to go through. One must also follow prescribed
18 specifications regarding pasture management and buffer management.

19
20 Roy stated a benefit of the farm plan is support for monitoring this would be
21 from the Conservation District. This may have a minor impact on the community.
22 She asked if that will help the County monitor what is going on if the County
23 requires a farm plan at 50 percent of this standard. Olason stated someone has to
24 pay the Conservation District, who has always relied on unstable funding. If there
25 was stable local funds, or if the cost was partially paid by the owner, the
26 Conservation District would have an ability to do this work. Getting the money
27 from an unwilling owner might not be easy. They are getting deep into people's
28 business.

29
30 Roy asked what happens if it is a permitted use. Olason stated the staff
31 would defer to the critical areas ordinance and thresholds. Someone with more
32 than one animal unit per acre would have to self-assess the operation. The
33 problem is that the issue is about voluntary compliance or complaint-based
34 enforcement. If someone is out of line, the County can say the person didn't do a
35 good job of self-assessing and has to have a farm plan. The County would have to
36 treat it like an enforcement. With that process, there would be standards that don't
37 exist currently. The threshold in the watershed could easily be lower by referencing
38 50 percent or less of the animal units in WCC 20.80.805(1)

39
40 Caskey-Schreiber asked for an example of how many animal units would be
41 allowed in the 50 percent rule for five acres. Olason stated five acres could allow 2
42 1/2 horses, depending on the amount of site available for pasture. Beef cows are
43 one animal unit per acre. Dairy cows are 1.4 animal units per acre.

44
45 McShane stated a concern is existing hobby farms that are grandfathered in.
46 Everyone agrees that the ground in the watershed is lousy farmland, which
47 indicates that the use shouldn't be allowed. Existing geese and animals cycle the

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 phosphorus that already exists in the watershed because they live there and eat the
2 phosphorus. However, hobby farms import phosphorus into the watershed. A
3 typical cow and calf bring in 45 to 70 pounds of phosphorus per year.
4

5 They don't know how effective the new critical areas ordinance rules will be.
6 He's not optimistic that they will do a good job with hobby farms around the county
7 in the first place. From a farmland perspective, there is no cost to converting land
8 in the watershed to pasture. However, people in the future who live in the
9 watershed aren't interested in cost-benefit analysis. They want to enjoy a lifestyle
10 with water.
11

12 This debate occurred when they talked about Lake Samish. Property owners
13 weren't interested in reducing density. Those who advocated for reducing density
14 also had horses and cows. It is a huge source of phosphorus they should not
15 ignore. Any other drinking water watershed would ban farming as a use. It's time
16 to amend a mistake that allowed farming of any type in the watershed. Make it
17 clear.
18

19 Nelson stated there is good farmland in the watershed, it's just not large
20 enough. Agriculture practices do have impacts. Geese also bring in phosphorus
21 into the watershed. They can't say phosphorus is brought into the watershed only
22 from manmade sources. The watershed is a public source that was historically used
23 for more than just drinking water. Do all they can to protect the source. They can
24 do that with the limited amount of existing agricultural practices.
25

26 Olason stated a big part of John Gillies' point was about dairy farms in the
27 county importing material. Dairy farms buy a lot of hay from Eastern Washington.
28 However, typical hobby farms buy hay locally. Dairies feed five times as much as
29 beef cows. Hobby farm operators typically don't want to buy anything they don't
30 have to. Therefore, they mostly pasture and put up some local hay to feed back to
31 the cows. Don't compare that statistic from Mr. Gillies to low input hobby farms.
32 There could be more input with horses that like higher-quality hay. The input
33 depends on what is in the management practice. That goes back to having an
34 appropriate farm plan.
35

36 Nelson stated many hobby farms in the watershed get hay locally, from
37 within the watershed.
38

39 Caskey-Schreiber stated typically, hay is local and alfalfa is from Eastern
40 Washington. It's unlikely the five-acre tracts in the watershed will be able to
41 survive on that pasture alone, or they may encourage conversion of forestland to
42 pasture.
43

44 McShane stated it's not a big issue now. His concern is for the future. They
45 are not going to take away people's dreams of having a hobby farm because there
46 aren't many. However, one person has a small veal operation on Olsen Creek. It's

1 a hobby farm. That's why he chose the low number of phosphorus pounds. Of
2 course there will be a range of imported material.

3
4 Olason stated another question is the source of runoff travel. There is a lot
5 of source material that rides other material into the lake. Whether or not a farm is
6 good or bad is the true question. The other question is the time the Council wants
7 to spend making a farm a good farm.

8
9 McShane stated he will bring this forward for a vote eventually. Farming in
10 the watershed is not a good idea. They are setting the County up to deal with more
11 enforcement issues. Don't add to that burden.

12
13 Brenner stated they should allow horticulture in the watershed with the
14 stipulation that the operation doesn't use phosphorus. Someone could make a
15 good living growing plants suitable for the watershed.

16
17 Caskey-Schreiber asked if there is any portion of the watershed that can
18 have exceptions to the rules.

19
20 Nelson stated that is what the critical areas ordinance is for.

21
22 Caskey-Schreiber stated one resident of the watershed is required to move
23 all his fences for five steer cattle on 15 acres. There is some kind of enforcement
24 of hobby farms happening now. Olason stated the issue is site-specific. He
25 understands Councilmember McShane's concerns, having seen other watersheds
26 that have intensive hobby farm uses. It's a headache for a local jurisdiction to deal
27 with in terms of water quality. The question is whether it is a big problem
28 compared to nearshore development.

29
30 Brenner asked if they can remove agriculture as a permitted use, but with
31 exceptions allowing the use for certain reasons. It would be like an administrative
32 approval process. The owner would be required to make sure the use is
33 appropriate. Olason stated the minimum threshold would be to require a farm plan
34 for any use.

35
36 Caskey-Schreiber stated she liked the idea, but John Gillies' said it would be
37 the worst-case scenario because they don't have the money to do that work.
38 Olason stated it could be a self-paid program. It gets down to who at the County
39 would do the work to decide if there needs to be a farm plan. It would take four
40 staff people to determine whether a landowner needs a farm plan. They would
41 have to have an amnesty program for people to register that they've been there.

42
43 Fleetwood asked if the Council has voted to delete this use.

44
45 Caskey-Schreiber stated the Council has.

1 Fleetwood stated the idea is to allow the use as an administrative approval
2 use with the condition that there be a farm plan.

3
4 *(Clerk's Note: End of tape one, side A.)*
5

6 Olason stated a permitted use process requires notifying the neighbors, who
7 could appeal it to the Hearing Examiner.

8
9 Caskey-Schreiber asked if Mr. Olason believes this would be a nightmare for
10 staff. Olason stated it would be.

11
12 Fleetwood stated he's hearing that the practical effect would be so
13 deminimus that it would have close to no application, and that's why Mr. Olason
14 proposed to do an inventory. Now, they are speculating. The Council has spent an
15 hour in this moratorium response effort talking about this issue of minimal import.
16 Move on. He will support it as an administrative approval use.

17
18 ***Nelson moved*** to reinstate WCC 20.71.051 with the added condition that
19 the use have a farm plan if it exceeds 50 percent of the stocking rates in the table
20 of WCC 20.80.805(1).

21
22 Caskey-Schreiber asked if there is information from other watersheds about
23 the percentage. Olason stated there isn't.

24
25 McShane stated there are examples in King County.

26
27 Olason stated it would be great to encourage small lot forestry. Maybe the
28 farm plan will require enough money that people will think twice before buying the
29 property.

30
31 ***Motion carried 4-2 with McShane and Caskey-Schreiber opposed.***
32

33 Troy Holbrook Senior Planner, stated he would provide the transfer of
34 development right (TDR) program status update. Now, there are 322 certified
35 TDR's, and about 200 are available for transfer for additional density. Of those
36 development rights, 122 have restrictive covenants. About 31 of the development
37 rights were used to increase density in receiving areas. About 30 or so are being
38 certified as sending areas right now. Several receiving projects are in the works
39 right now. The program is attractive enough with the three-to-one ratio and the
40 development standards. Property owners are interested in the program. In the
41 Bakerview area, the County did a provisional rezone to the urban residential, 24
42 units per acre (UR-24) zone. About 50 or 60 TDR's that are being transferred now
43 for additional density. The program is continuing to pick up momentum as they
44 establish receiving areas.

45
46 The Bellingham subarea will help the TDR program by providing additional
47 receiving areas. Now, receiving areas are only in the urban residential, mixed use

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 (UR-MX) zone areas in the Bellingham urban growth area (UGA), most of which are
2 built out. They need to work on new receiving areas in the UGA. They also need to
3 put receiving areas within the city limits of Bellingham.
4

5 Brenner stated the County could require cities to receive a certain percentage
6 of the TDR's in the city limits. There is no incentive for the Cities to put receiving
7 areas in the city limits now. Development is moving farther out from the city limits.
8 People don't want to be in the UGA because it becomes a dumping ground.
9

10 Caskey-Schreiber stated the County is giving up opportunities to develop
11 receiving areas by not requiring them in upzones. For instance, the 18 acres in
12 Cherry Point could have a requirement to purchase TDR's from farmland or the
13 watershed. In Sumas, the County has processed 43 acres from agriculture to
14 industrial. That should have required TDR receiving areas. Holbrook stated there is
15 a TDR component to UGA expansions and upzones, with certain exceptions. The
16 Sumas rezone was one of the exceptions. It was a nonconforming use. It was a
17 government-initiated rezone. Some of the Comprehensive Plan amendments will
18 require TDR's this year.
19

20 Roy asked if they are working on requiring TDR's in the cities. Holbrook
21 stated there are different levels to work on that issue. One issue is with the staff
22 level. Also, County codes don't apply to the Cities. The County can work on the
23 subarea plan in conjunction with the City of Bellingham. Included in the subarea
24 plan is an implementation package to revisit zoning regulations that will implement
25 the subarea plan. As part of the implementation package, they will need to update
26 the interlocal agreement, the method by which to address TDR's in the city.
27

28 Caskey-Schreiber asked if they should increase the required number of
29 development rights. Holbrook stated staff can look at that. The County has a
30 component for residential rezones, but is lacking with commercial and industrial
31 rezones.
32

33 McShane asked the market value of a development right in the watershed.
34 Holbrook stated the going price so far is between \$4,000 and \$6,000 per TDR.
35

36 McShane stated the developers are, in effect, buying three lots, with a value
37 of \$12,000 to \$18,000. He asked how that value equates to the value of the
38 development rights received. The number seems low enough that it may not be
39 very attractive. A seller may find it attractive if in a area that is difficult to develop.
40 However, a lot in Geneva or Hillsdale, with ready access to utilities, could be easy
41 to sell for \$60,000. Holbrook stated there are many variables when converting the
42 value of TDR's. It's hard to compare. It depends on whether or not a property is
43 easy to develop, is landlocked, has utilities, and the type of development. A study
44 was done two years ago that quantifies the values a bit. It also has different
45 formulas to look at.
46

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 McShane stated the County is facing significant costs in areas subject to the
2 national pollution discharge and elimination system (NPDES) permit. In those
3 areas, TDR's may be more valuable, and the conversion rate may need to go up.
4 He asked how many individual lots in the middle of a neighborhood have been
5 transferred. Holbrook stated few exist in areas such as Geneva and Hillsdale.

6
7 McShane stated those areas will cost the most to work on.

8
9 Holbrook stated that as he does analysis of those areas for the subarea plan,
10 he will look at exactly the value for those vacant lots and how to adjust that
11 formula.

12
13 Fleetwood asked if the Council has given Mr. Holbrook direction on something
14 to work on. Holbrook stated it has not, as it relates to the moratorium. He's just
15 providing an update on the status of the program.

16
17 Brenner stated she liked the idea of valuing different TDR's differently.
18 Holbrook stated the County is not valuing TDR's now because it is a private market
19 where costs are negotiated. There are some ways to affect it without getting
20 involved in the private transaction.

21
22 Caskey-Schreiber asked if some jurisdictions do TDR banking. Holbrook
23 stated there are a few in the country. There are different ways to do that. There is
24 a mechanism for setting up a TDR bank, but they haven't pursued it yet. The
25 market is starting to take care of itself.

26
27 Nelson asked the cost of one-acre lot in a zone with 20-units per acre.
28 Holbrook stated he doesn't have an idea. In the UR-24 zone, the minimum density
29 is ten units per acre, but the developer can go up to 24 units with the TDR. One
30 problem is that the values were established too high. The property owner asked for
31 too much money. Each is different depending on the property. Property zoned UR-
32 24 would be valued less if most of the property is wet. He's not sure what the
33 prices are right now.

34
35 Nelson stated they have to look at both sides. If he has acreage where he
36 can transfer development rights, he will add that to his selling price. The developer
37 must make sure there is room for enough units to get the investment back. If the
38 price of a TDR is too high, it's not worth investing in them. They need more
39 information on the price of receiving units, and whether it is with or without critical
40 areas. Holbrook stated he will provide that information.

41
42 Brenner stated that if the moratorium continues, an idea is to include
43 language to except clusters as long as the overall density remains at five acres or
44 less.

45
46 Hal Hart, Planning and Development Services Department Director, stated he
47 agreed with trying to figure out how to make it work. However, don't make it

1 overly complex, which this language does. Don't do anything in haste that creates
2 another rush to the counter or confuses people during the interim period. Be very
3 cautious.
4

5 Roy asked if a twenty-acre parcel can put one house on each of the five
6 acres, but would be prohibited from clustering the houses on lots smaller than five
7 acres. Hart stated that is correct, during this interim ordinance.
8

9 Roy stated that is contradictory to the policy to encourage clustering. Hart
10 stated staff is working on this contradiction for the final ordinance. To do anything
11 in the interim makes too many changes for staff and the citizens.
12

13 Roy stated these are the kinds of things the Council can tweak during the
14 interim ordinance.
15

16 Caskey-Schreiber stated this ordinance is temporary. They should include
17 Councilmember Brenner's language in the permanent ordinance.
18

19 McShane stated the Council does need to do additional work on the cluster
20 rules.
21

22 Pederson stated the specific cluster requirements for WCC 20.71 are
23 scheduled in the Planning and Development Committee today.
24

25 Brenner stated it's nice to not complicate things for staff, but allowing some
26 clustering is better than nothing. It may not affect that many properties during the
27 interim. Use the same cluster regulations that already exist. It won't be a big
28 change because it may only affect a few properties.
29

30 Fleetwood stated a question last week was about the number of lots they're
31 talking about that could be subject to this moratorium. Pederson stated the
32 geographic information system (GIS) staff have not been able to get an accurate
33 estimate yet.
34

35 Hart stated one question was how to find incentives for low impact
36 development. Generally, local governments haven't any economic development
37 incentives to do low impact development. What governments have is the idea that
38 a developer can build an additional home or two with low impact development
39 practices and a smaller drainage basin.
40

41 On the other side of the incentive equation is the homeowner over the long
42 term. Another question is the incentives available for the homeowner to do long-
43 term maintenance. The City of Olympia says it hasn't gotten to that, and feels that
44 the City will do a lot of the maintenance. Through the rate structure of a
45 stormwater utility district, the City of Olympia has provided a break in the rates to
46 the local landowner. With more time, he will be able to provide more ideas.
47 Another incentive for developers is the ability to advertise the available open space

1 in a development, making the development more attractive. The developers
2 incorporate critical area protection and trails, which makes the development more
3 marketable. So far, no one has attempted to provide an economic incentive
4 through the tax structure.
5

6 Brenner stated Brennan Schumacher said they're running into a real
7 frustration with getting permits. If there is a way for the County to specify low
8 impact development standards in an ordinance, the process would be more
9 streamlined. A homeowner incentive to do maintenance could be the stormwater
10 district rate reduction. Give homeowners a break on their charges if they maintain
11 their systems. Hart stated staff is looking at streamlining review right now. They
12 would build in any other incentives they can into the permit system.
13

14 Brenner asked staff to contact Brennan Schumacher.
15

16 Nelson stated the issue of development can be done through development
17 standards. That's being done. They still need to find a funding mechanism for
18 retrofitting. That would address issues regionally. The last issue is existing
19 development sites. An incentive can be given via the open space/open space tax
20 designation.
21

22 *(Clerk's Note: End of tape one, side B.)*
23

24 Nelson asked the type of criteria to put in place similar to open
25 space/agriculture and open space/forestry. Having a district would add another
26 layer of government that may be too cumbersome. Hart stated the idea of using
27 tax policy to initiate public good on a lot-by-lot basis is cutting edge.
28

29 Keith Willnauer, County Assessor, stated a property tax incentive to assist
30 the watershed is not unusual and may be appropriate, depending on the
31 mechanism. The first issue is the Council's opportunity to take local control over
32 the application and administration of open space/open space property tax
33 exemption, particularly how the ordinance is construction. The Council can define
34 what is important with a great deal of local control and flexibility within the public
35 benefit rating structure.
36

37 Engrossed Substitute Senate Bill (ESSB) 5620 relates to priority
38 consideration of buffers in open space plan benefit rating systems. It is about the
39 amount of benefit they want to apply. It gives priority consideration to wetland and
40 stream buffer activity if the local jurisdiction hasn't done that already.
41

42 A typical homeowner in the watershed could have a residential home
43 improvement exemption, which is a three-year exemption. The most dramatic
44 example of an improvement would be if someone upgrades a septic system.
45

46 Brenner asked if the exemption is from the total property tax. Willnauer
47 stated it is a tax exemption from the increased value of the improvement. It would

1 reduce the assessed value by the value of the improvement. Property tax is a very
2 effective way to use motivations for some of these things.

3
4 Nelson asked the type of exemptions one can get for an open space/open
5 space exemption. Willnauer stated it depends on the public benefit rating structure
6 applied to the property. At this point, the tax reductions aren't very dramatic, so
7 there isn't a lot of participation. It's a mechanism to apply to those things that are
8 important, and to apply exemptions to relatively important things.

9
10 Nelson asked if the taxing structure can be applied to a particular physical
11 area, or if it must be countywide. Willnauer stated it can apply to a specific area.

12
13 Brenner stated the open space/open space tax designation is only on the
14 land, not the house. Willnauer stated that is correct.

15
16 Nelson stated the point of his idea is to encourage more open spaces.

17
18 Brenner stated another idea is that people would pay a certain charge into a
19 stormwater special district until they can prove they've paid for certain
20 improvements.

21
22 Nelson stated that's why they have to look at incentives. Now, stormwater
23 rates are up to \$90 per year, based on a home assessed at \$300,000. Any
24 reduction to that rate due to improvements wouldn't be much.

25
26 Brenner stated it's more of a moral issue.

27
28 Roy stated look at all options. Look at these things countywide, not just for
29 Lake Whatcom. There are other sensitive watersheds in the area. Reducing
30 property taxes carries a very emotional reaction. There is a psychological benefit to
31 work this through the property tax incentive.

32
33 McShane asked if an open space tax designation passes the tax burden to
34 other taxpayers. Willnauer stated it does. Fewer taxes are collected from the
35 exemption, so the tax amount is spread to the other property owners.

36
37 McShane stated those outside the watershed could have increased taxes due
38 to the exemptions. Willnauer stated that is correct for any exemption, depending
39 on the community benefits.

40
41 Brenner stated the benefit is for the residents who drink the water, not the
42 rest of the county who have their own problems in different watersheds. The rest
43 of the county should not shoulder any burden for the Lake Whatcom watershed,
44 except a nominal burden. The people who drink the water and benefit from that
45 water should pay the difference.

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 Nelson stated the entire county uses the open space requirements. Lake
2 Whatcom is a public resource for the entire county.

3
4 Willnauer stated another mechanism is a statute to create a property tax
5 exemption for improvements to benefit fish and wildlife habitat, water quality, and
6 water quantity. This is in Revised Code of Washington (RCW) 84.36.255. It is
7 directed toward best management practices. Unfortunately, this statute needs to
8 be administrated by the Conservation District. It was put in place to support dairy
9 farms, but it applies broadly to those things that help water quantity, water quality,
10 and fish and wildlife habitat. This is the vehicle to answer septic design and system
11 applications. It's an application that can be easily administrative, given the fact
12 they already have detailed tracking of septic system improvements, upgrades, and
13 maintenance through the Health Department. It would encourage property owners
14 to manage their septic systems appropriately if there were a property tax incentive.
15 It could extend to other residential improvement design features as a best
16 management practice for a residential home site.

17
18 Fleetwood stated the issue of property tax credits and their relationship to
19 what they're doing should be discussed in committee sometime soon.

20
21 Nelson stated they need to get clear on the legal ramifications. It brings
22 forward ideas for useable criteria for measurement standards. The current
23 ordinance for open space requires specific criteria to qualify. Look at the more
24 specific criteria of geologic development, native plantings, stormwater detention,
25 and home designs. Encourage people to do that with the tax incentives. He will
26 get information from Mr. Willnauer on the dollar savings. Willnauer stated he is
27 available for that discussion.

28
29 Hart stated staff has direction from the Council to work with Mr. Willnauer on
30 criteria.

31
32 McShane stated he liked using criteria also for a future sub-district for
33 stormwater. Getting guidance will help. The Public Works Department should be
34 involved also, with a focus on phosphorus.

35
36 Pederson stated that in light of the interim seasonal land clearing ordinance,
37 they have not heard if the Council wants to discuss it further.

38
39 Nelson stated look at rainfall in certain time frames. He's not as concerned
40 about clearing later in the season.

41
42 Fleetwood stated he assumed that a permanent ordinance would go through
43 the process so the Council would discuss a permanent ordinance.

44
45 McShane stated staff should put it through the Planning Commission.
46

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 Roy stated they should go through the steps as if the Council will consider it
2 as a permanent ordinance. Also, the criteria should consider fecal coliform,
3 countywide. Apply this to marine watersheds also. Hart stated staff needs to do
4 that anyway.

5
6 Nelson stated they need to apply this countywide, but the Council voted
7 against it.

8
9
10 **OTHER BUSINESS**

11 There was no other business.

12
13
14
15 **ADJOURN**

16 The meeting adjourned at 11:30 a.m.

17
18
19
20
21 _____
22 Jill Nixon, Minutes Transcription

23 The Council approved these minutes on May 24, 2005.

24
25 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

26
27
28
29
30
31 _____
Dana Brown-Davis, Council Clerk

Laurie Caskey-Schreiber, Council Chair