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Whatcom County Council
Special Surface Water Work Session

December 12, 2006

Council Chair Laurie Caskey-Schreiber 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
Dan McShane
Seth Fleetwood
Carl Weimer
L. Ward Nelson
Sam Crawford

Absent:

None

SURFACE WATER WORK SESSION (AB2006-025)

1. STORMWATER

Geneva Stormwater Improvements - Wall Street Homeowner Concerns

Kirk Christensen, Public Works Department, stated this summer was a good construction season. They put in about 12,000 square feet of swale in the Geneva area. He indicated the location of the swales and vaults. He gave a history of the Wall Street homeowner concerns.

They looked into three options. One option was to construct the swale as planned. That cost about \$83,000. The drawbacks were objections from the property owners and potential groundwater impacts that could occur from past conditions. The advantages were low maintenance cost and (*inaudible*).

The second option was to install a pipe in areas he indicated on a map. It is significantly cheaper, at about \$48,000 to construct. However, they don't get any treatment. It would have no impact on the property owners. There would be two to four percent less treatment in the entire Geneva area for the entire project.

The third option was to do a conveyance system and vault. The cost is about \$78,000. They get similar treatment results, and there are higher maintenance costs. This option is acceptable to the property owners. It would not create any groundwater issues. He indicated the location of where the vault would be installed.

Caskey-Schreiber asked the percentage of treatment they will achieve with the third option versus the first option. Christensen stated the vault would be more expensive to maintain. They can get similar treatment results. It's a good option to keep everyone happy and treat the water.

Nelson stated that the more surface area they cover, the better the impact. A swale spreads out the surface area as the water progresses along, so they are getting a better impact in terms of reducing the contaminant load. Christensen stated that is correct.

1 Nelson asked how they maintain the swales and reduce contaminant problems in the
2 swales. Christensen stated the plants in the swales would uptake the phosphorus over
3 time. Maintaining the vegetation is required. The soil may have to be changed out over a
4 certain number of years. They've tested many different soils, and picked the soil that has
5 the most absorption for phosphorus. They would test the soil over the years to see how it's
6 doing. If the soil becomes too loaded, they will have to address it.
7

8 Roll stated the geology was such that they couldn't get a good dose of water going
9 into the ground. There is a pipe at the bottom of the swales. Active filtration is above the
10 pipe. It's a novel approach.
11

12 Christensen stated the filtered water goes to the lake. The water that goes directly
13 through the swales goes to the lake. The water that overflows and cannot get to the swales
14 will go through the vaults.
15

16 Roll stated both systems will work well in terms of fines and particulates.
17

18 Weimer asked the main objections of the residents. Christensen stated there are
19 four concerns; pedestrian safety, groundwater movement, loss of parking, and the fecal
20 impact. They say they have a lot of basement problems, and they are afraid it will get
21 worse. The swale could create problems, but it's hard to determine without doing an
22 extensive study.
23

24 Brenner asked if the County is liable if it does cause problems. Christensen stated
25 they would have to go look at everyone's basements now. They are talking about five
26 potential houses. The question is how much they want to put into the groundwater portion
27 and spend time on this versus working on projects in other places. The project has worked
28 out well other than this neighborhood. He thought the entire project would run into more
29 problems, but it's been great.
30

31 Weimer asked if going with option three takes care of the groundwater concern.
32 Christensen stated it does.
33

34 McShane stated it is a perceived concern.
35

36 Caskey-Schreiber stated it's frightening that five or six homeowners can drive policy.
37 It sets a precedent for things to come.
38

39 Barbara Ryan, Bellingham City Council Member, stated the only concern is that the
40 City has installed vaults in several parts of the watershed. Follow-up studies have shown
41 that vaults don't capture any phosphorus at all. They do collect other particulates, if
42 phosphorus is a major concern.
43

44 Caskey-Schreiber stated the issue is the different filters. The City used low-end
45 filters. The County will use the best filters they are. Christensen stated the manufacturer
46 says that they will get more filtration. Technology evolves. Hopefully, they will be able to
47 better-target phosphorus. Set up the system so it can change as things change in the
48 future.
49

50 Roll stated there are two types of phosphorus. The particulate-derived phosphorus
51 can be removed effectively. They must also make sure they reduce ortho-phosphorus,
52 which is what they are most concerned about with the lake. The best approach to get the
53 maximum amount of phosphorus from the systems is best when there are high levels of

1 ortho to begin with. However, they have low levels of ortho to begin with. Many of the
2 technologies won't get the same efficiencies if they started out with more ortho.

3
4 Roll stated the County Executive recommends going with option three.

5
6 McShane asked if the vaults for the entire project were to catch whatever might
7 make it through the swale system. Christensen stated that is correct.

8
9 McShane stated the vaults were designed as the last resort measure to catch the
10 water that doesn't get through the system of swales. The swales are the primary treatment
11 approach of this Geneva design. Christensen stated it is a combination.

12
13 McShane stated the swales have been designed and engineered. The issue is
14 parking, more than anything. He's not convinced of the safety issue. It's a narrow street
15 anyway. People are parking boats and recreational vehicles on the County right-of-way.
16 They're not happy with losing that. That was his impression from driving down the street.
17 He is not remotely convinced about the argument of groundwater problems being created
18 by this design. These people have basements in clay soils. Christensen stated they did
19 have significant sand as they dug up the project (*inaudible*).

20
21 McShane stated that if they dig a swale, the whole idea is to put in impermeable
22 layers, because they want to contain them. The County doesn't need to take responsibility
23 for that. The issue is mostly over parking. The goal is to maximize protection of the lake.
24 They are giving up a significant length of swale.

25
26 Nelson stated he can understand Councilmember McShane's ideas on the swales.
27 There is a lot of evidence. He's not comfortable that they have the right answer with the
28 swales. He's concerned about what happens over a long period of time with those swales.
29 The Council must try to find answers that work and work with communities. If they don't,
30 the Council won't get cooperation when it needs other neighborhoods to cooperate. Work
31 with the neighborhood as best they can to get the results they need to protect Lake
32 Whatcom. He asked why there are only two tanks. Christensen stated they sized the tanks
33 based on the volume of water and number of cartridges in the vault.

34
35 Nelson asked if overloading would not make a difference. Christensen stated it
36 would burden the cartridges.

37
38 Nelson asked what happens if they have more vaults and cartridges. Christensen
39 stated they would get better treatment and potentially not use the cartridges to their full
40 potential. They have to work with the maintenance folks and work with the cartridge
41 specifications.

42
43 Roll stated costs go way up to get the last few percentages of removal.

44
45 Christensen stated there are more factors than just surface area. They must
46 consider the depth of the media, whether there is sand and vegetation, and other factors.

47
48 Brenner stated she agrees with Councilmember Nelson about working with the
49 neighborhood. Homes are one of the most important things to people. She asked when
50 they are going to have people close to the lake start taking some responsible for their
51 properties in a standard way. The majority of the pollution is coming from the net effect of
52 all the housing. There are many things people can do. She wonders how many are taking
53 measures to slow down stormwater. Roll stated the County is working with the City on a

1 grant to do retrofits for single family homes. Also, a lot of the lake-friendly gardening does
2 just that.

3
4 McShane stated that is what the County is trying to do in this neighborhood. The
5 County is trying to put in rain garden-like infiltration. He asked if the County is going to
6 require all existing houses to put those in. Small rain gardens infiltrate water into the
7 ground, just like this project would do.

8
9 Brenner stated this project also filters the water. It's not about the water going into
10 the lake. It's about filtering.

11
12 McShane stated this is the same thing, except on a larger scale.

13
14 Brenner stated this costs a fortune. They get a lot of animosity from neighbors. It's
15 less expensive to things individually. Do some things like that so people retrofit their own
16 properties instead of the County doing it.

17
18 McShane asked if Councilmember Brenner is advocating for the County to require
19 that people retrofit their properties and pay for it themselves.

20
21 Brenner stated she is, to some extent. Her rights end where they effect someone
22 else. If someone is causing contamination, those people need to be contacted and told that
23 they must do something. If they can't afford it, then the County can help them.

24
25 Fleetwood asked if Councilmember McShane is questioning the value of the proposed
26 alternative.

27
28 McShane stated he prefers option one. It's the most effective approach. The policy
29 decision is simple. If the County ought not use its right-of-way the best way for the
30 community in treating water, compared to the desires of the people who live along that
31 street and have some expectations of how the right-of-way is managed. He can sympathize
32 with wanting to work with neighbors. He also sympathizes with working with the whole
33 community in finding cost-effective approaches for protecting the lake.

34
35 Putting in a pipe would involve digging into the soil to lay the pipe. He asked if there
36 would be structures to block groundwater flow from getting into the backfill material.
37 Groundwater will flow along the pipe, outside the pipe, in the pipe excavation. Either way,
38 water will move along there. The option doesn't resolve the groundwater issue at all.

39
40 Fleetwood asked Councilmember McShane if the previous design proposal would
41 capture more pollutants, and if he degrades that there is a similar pollutant removal
42 efficiency.

43
44 McShane stated he does disagree.

45
46 Nelson stated he has a problem with above-surface swales. They are still going to
47 get an amount of material shoved through the system. They don't know what the filtration
48 will be on those. He prefers pollutant loads to not be above-ground. Individual rain
49 gardens are fine to reduce the amount of cumulative effect. Swales have been en vogue.
50 They are not going to contain the larger storm events. Christensen stated they are only
51 going to contain the smaller events. Studies show that the majority of the pollutants are in
52 the smaller events.

53

1 Caskey-Schreiber stated swales are not en vogue. They are popular because they
2 work. The biggest problem with this lake and the surrounding development is that the
3 impervious surface is at such a high level that the water hits faster than it should, and
4 brings a lot of pollutants with it. There is evidence that the phosphorus is liquid and can
5 travel. The swales slows the velocity of the water so it behaves in a more natural fashion.
6 The ocean will be impaired with a degree of impervious surface higher than ten percent.
7 The lake in basin one is far above a level of ten percent. That's why the lake is polluted.
8 She respects that the County should work with the property owners. The County has
9 worked with these property owners. They have been trying to get people to embrace this
10 information on a voluntary level, but without much success. They don't have the luxury of
11 looking out for these five or six property owners when they have to look out for the water
12 system of an entire community. It's a worthwhile sacrifice the owners will have to put up
13 with. The original option was the best.

14
15 Weimer asked the timeline of implementation and when they will know how well
16 each system works. Roll stated the science hasn't caught up with the industry. Collecting
17 the data that shows efficiency is very costly. Monitoring would be \$80,000 to \$100,000 for
18 a particular best management practice (BMP). This is an evolving field and differs for each
19 climatological area.

20
21 Weimer stated Dr. Matthews is already measuring the City's vaults and saying that
22 what comes out of the vaults is the same as what goes in the vaults. He asked if the
23 County can't do that same type of test. Roll stated the nuance is how phosphorus is
24 removed over time. They are not designing things that moves phosphorus in 100 percent of
25 the different events. They try to maximize the removal during the events they can treat
26 and reduce it knowing they will never treat 100 percent of what is coming down. Dr.
27 Matthews hasn't collected the data to show how it works throughout the year under varying
28 conditions.

29
30 Caskey-Schreiber stated they need to invite the experts to this meeting or the Lake
31 Whatcom Management Committee meeting. Christensen stated the meeting is tentatively
32 planned for February.

33
34 **McShane moved** to not concur with the Wall Street neighborhood's proposed
35 alternative and to recommend option one.

36
37 Nelson stated he is against the motion. Concerns with filtration have been raised.
38 Work with the communities to protect Lake Whatcom. Measuring outcomes will be
39 expensive. Look at the swale system in the long-term and the filters in the short-term. He
40 supports the administration's recommendation, which provides a similar level of protection.

41
42 **Motion failed 3-3 with Brenner, Nelson, and Fleetwood opposed.**

43
44 Nelson moved to approve option three.

45
46 Fleetwood stated he's still torn on the issue. He asked for clarification on the costs
47 and benefits being similar. Roll stated this is a classic example of weighing the community's
48 desires with the available options. There are compromises with both options. The
49 administration considers what the community wants for its community.

50
51 McShane stated the question is what the individuals on Wall Street has done to
52 improve water quality in Lake Whatcom. He's not sure what the homeowners are doing.
53 The County has an impervious surface that it has to deal with as a property owner.

1
2 Weimer asked if they will ever find out if any of these methods work. Christensen
3 stated they are the best available science out there. Modify things in the future as
4 technology changes. They will monitor and figure things out. They have to change the
5 cartridges. They will change the soil and vegetation in the swale, if they have to.
6

7 Roll stated the Council approved a monitoring plan contract for this. The cost of
8 doing the full monitoring is high. The cost will need to be shared by others.
9

10 Brenner stated trust the people they serve. If the County wants the people to do
11 more things, then just ask. People will try and do the right thing. These people weren't
12 asked. Approve the motion.
13

14 ***Motion failed 3-3 with Nelson, Brenner, and Fleetwood in favor.***
15

16 Caskey-Schreiber stated there is no decision at this time.
17

18 *(Clerk's Note: End of tape one, side A.)*
19

20 **2. RIVER AND FLOOD ISSUES**

21 Report on November 2006 Flood Event and Related Policy Issues 22 23

24 Jeff Monsen, Public Works Director, gave the history of flood funding by the County
25 and the countywide Flood Control Zone District. As the environmental and regulatory world
26 has changed, beliefs have changed. The questions are how much does the County spend to
27 stop or change flooding and how much does the County spend to restore what existed 200
28 years ago. Another question is the role of individuals versus the role of the governmental
29 entities. The Cable Street project is the tip of the iceberg regarding public financing of
30 projects.
31

32 Nelson asked if they've determined the community's desire for the river. Monsen
33 stated the policy in place is clear. The County will engage projects as they arise. When an
34 event occurs, the County will use the Flood Hazard Plan and other documents to help guide
35 a project. The decision making is based on the damage that just occurred. Reacting to a
36 situation isn't a flawed public policy, but it doesn't work for a long-term vision.
37

38 Paula Cooper, Public Works Department, stated there are components of a vision.
39 They have a system of overflow corridors. They have the concept of establishing the river
40 management zone. They haven't transitioned from the vision to the reality.
41

42 Nelson stated that if they are going to decide on courses of action, they need to lay
43 out a map for the Nooksack Basin and define what's going to be in it. Then they can put
44 together proactive tools. His biggest concern is that the County hasn't decided on the plan
45 for the river.
46

47 Caskey-Schreiber stated the river is more complicated than that. Things trigger
48 other things.
49

50 Nelson stated consider what they're trying to accomplish. Have some goals, or they
51 will just act reactively. Monsen stated people don't want to be flooded, no matter what.
52 They've tried to move in a particular direction, but the majority of the action is a reaction to

1 an opportunity to act. The biggest challenge for the County is to begin to say no to people
2 for policy or financial reasons.

3
4 Nelson stated set goals set for an area, so people know about them ahead of time.
5 Monsen stated some of those goals take years to develop so the community understands
6 and accepts them. The community may not ever accept the environmental goals when their
7 house is flooded.

8
9 Nelson asked if the County will stay reactive to flood conditions and hazards or
10 become proactive to develop the goals upon which the community can agree. Monsen
11 stated they are at a stalemate. Generally, those who live along the river or who are
12 impacted by it day to day still believe there is a County rock program. A high percentage of
13 the people in the county believe the County will keep their backyard dry, no matter what
14 the river does.

15
16 Cooper submitted a matrix that the Advisory Committee Project Review
17 Subcommittee uses to prioritize projects in the regular program. She explained the annual
18 project review process. This most recent flood came early. The Federal Emergency
19 Management Agency (FEMA) was anxious to collect damage information early.

20
21 They categorized the event into three categories. The first category was sites with
22 Army Corps of Engineers (Corps) levees. Those sites aren't eligible for FEMA money. She
23 indicated the levee locations on a map.

24
25 Nelson asked the goal and the options for accomplishing the goals. Cooper stated
26 the Comprehensive Flood Plan calls for looking at the system and developing designed
27 overflow sections. The Bedlington levee is one of those designed overflows. They're
28 designed with a flatter back slope. The Bedlington levee is farmable. It takes in a lot of
29 water and has no damage. During the last flood event, it worked great except there was a
30 little problem with some farm practice. The farmer put the crop about a foot up the back
31 slope. The grass on the levee stays all year around. As the water poured over, it cut a little
32 trench. If the grass is allowed to run out into the field a bit, they wouldn't see the problem.
33 For a Corps levee to be repaired by the Corps, it has to be caused by a flood event and
34 more than \$15,000 in damage. This will not be that much damage. The subzone or
35 property owner will have to fix this on their own. She indicated another section of a levee
36 that is designed to allow some overtopping. The impacts of wood to a levee shows why a
37 tree buffer between the river channel and levee helps. It can act like a filter, and siphon
38 out the wood to keep it from the levee. There was minor damage to the project they built
39 this summer. The emergency repairs are within the original budget. The river hits the Twin
40 View levee hard. There is a lot of velocity and a lot of wood at that site. The Corps should
41 pay for all but about 20 percent of the repair cost.

42
43 Caskey-Schreiber stated there is a lot of development west of Everson that is getting
44 close to the river. She asked if the County is working with the City on that. Cooper stated
45 the County submitted a letter when the subdivision was proposed, and said it wasn't a good
46 idea. The City has some zoning legacy issues.

47
48 Caskey-Schreiber asked if the County or City is required to be aggressive in
49 preventing flood issues in that one area. Cooper stated the County submitted a letter
50 opposed to the development because of flooding and river issues. The letter didn't get
51 much attention.

1 Caskey-Schreiber stated the subdivision homes have flow-through foundations.
2 Cooper stated the foundations have venting, which is a standard in the flood code.

3
4 Monsen stated most of these decisions are discretionary. They've chosen to develop
5 a river flood program. There is no legal obligation to have a program.

6
7 Cooper stated the next category in the Corps levees is damage to the rip rap face.
8 Two locations fell into this category. Mt. Baker Rim is past Glacier, a gated community on
9 the right side of the road. This is a historical place where Glacier Creek comes in. The
10 levee used to have a nice rock face before this flood event, which took a significant bite out
11 of it. The levee protects a play area, community center, and homes. This levee is active in
12 the Corps program.

13
14 The Sandy William site is a levee segment near Deming. The Diking District
15 requested that the County do an emergency project right before the flood event hit. Before
16 the flood, a few rocks were exposed. The Diking District wanted the County to reinforce
17 that rock section. On another section of the levee, the Corps made a repair in 2005. They
18 buried some rock to extend the levee. They've done work on two sites on this levee. The
19 Diking District wants to rebuild this system piece by piece over the next few years because
20 of its age and questionable integrity.

21
22 Nelson asked how to identify the 100-year flood area. Cooper stated a lot of the
23 areas on the map are in the 100-year flood plain. There are many things they can do much
24 better, such as evacuation planning and updating maps. The Sheriff's Office is interested in
25 improving their response. The County was planning to do something in one location. Now
26 that the flood has happened, the County can request assistance from the Corps. The Corps
27 has problems in many of the counties. It has put together its list of priorities. The Sandy
28 Williams and Mt. Baker Rim were second in the Corps' priority. They will get to them some
29 time in February. The Council will see cost-share agreements before repairs get under way.

30
31 Nelson asked how the County's flood project goals work with the Corps. Cooper
32 stated the Corps does a cost-benefit on each repair. They could justify a project every time
33 the County asks for a repair, even if it's every year. However, this is an instance when the
34 County said that's ridiculous.

35
36 Nelson asked if the County is the lead entity. Cooper stated it is. The Corps is there
37 to help.

38
39 Cooper stated the Bertrand Creek didn't get a true test. She gave a history of the
40 project. It was hydroseeded a week before the event. She was concerned about the
41 delays. The County has an agreement with the Corps to protect the County's interest, and
42 get the Corps to repair it at their cost. They lost the entire back slope. The water eroded
43 bare slope.

44
45 Nelson asked what they need for root strength. Cooper stated they like to have the
46 grass be a certain height. All the farmers who live upstream of this levee noticed a
47 difference in terms of the duration and peak of the flood. The Diking District thinks the
48 levee will function well once it stays intact.

49
50 Brenner asked why someone hydroseeded, knowing they are in flood season.
51 Cooper stated the project was behind schedule. The Corps thought it could get it done.
52

1 Cooper stated the next category is sites with public interest, but no Corps levees.
2 The County has to figure out what to do with these sites. These four sites are the Everson
3 overflow, Acme flood property, Deming levee, and Marine Drive levee. They all support
4 significant public infrastructure.

5
6 She indicated the location of the Everson overflow. It didn't sustain too much
7 damage. It will cost about \$20,000 or \$30,000 to fix it. The project was budgeted for
8 about \$1.1 million, and actually cost about \$900,000 at this time. The river deflated the
9 upper area, and they lost about a foot along the bank line. Also, wood poked into areas and
10 stuff washed away. A key to treatment is vegetation growth that wasn't complete. Once
11 the vegetation grows for a few years, it is self-maintaining.

12
13 She indicated the location of the Acme property. During a flood, there is significant
14 overtopping, which is okay. However, it's started to develop a channel that will capture the
15 tributary channel. The County is getting some Salmon Recovery Funding (SRF) Board
16 funding to do a design that will also provide habitat and still enable overtopping. They
17 scaled down the project.

18
19 *(Clerk's Note: End of tape one, side B.)*

20
21 Roll stated the SRF Board has been more receptive this last round to coming up with
22 win-win scenarios on the multi-objective projects.

23
24 Cooper stated the point of this project is to keep the flooding from getting worse.

25
26 Crawford asked the southern most part of the highway that the water got to.

27
28 Robert Knutson, citizen, indicated the location on the map.

29
30 Cooper stated their comprehensive planning effort in this area includes building a
31 hydraulic model and looking at options.

32
33 Crawford asked if there was flood damage to structure. Cooper stated there wasn't.

34
35 Brenner stated this was a weird flood. Cooper stated there was more flooding in the
36 upper basin, and less in the lower basin. There was a bunch of rain in the hills, and not
37 much in the lowland areas.

38
39 Ron Bronsema, citizen, stated the weather had been so dry previously in the lowland
40 areas that the rain was quickly absorbed right into the ground and didn't run off. When the
41 flood came, there wasn't already as much water in the ground.

42
43 Cooper stated the Deming levee is barely a levee. It is starting to get some damage.
44 It has been on the County's list of things to do. The work is somewhat dependent upon the
45 modeling so they can get the right elevation. The hydraulic analysis isn't close to doing
46 reach four yet.

47
48 Brenner stated the casino is in that location. She asked if the County is working on a
49 monetary agreement with the Tribe. Cooper stated they haven't gotten to this project yet.

50
51 Cooper indicated the location of the Marine Drive levee. The land is all owned now
52 by the State Department of Fish and Wildlife, which isn't interested in repairing the levee
53 section that continues to degrade. It is busy restoring wetlands.

1
2 Brenner stated she thought there was going to be a bike path along this levee.
3 Monsen stated don't rely on the having the bike path on the levee. Have the bike path
4 down lower than the top of the levee. Because of the restoration, this situation also
5 influenced some of the Slater Road decision-making. Once it fails, Slater Road will go under
6 more often, without the project. Three years ago, there were three flood events.
7

8 Nelson asked if the water backs up upstream if the levee fails. Cooper stated it will.
9 It will impact Marine Drive, Slater Road, and potentially Marietta.

10
11 Monsen stated the elevation of the top of the levee in the photo is almost identical in
12 elevation to the low point in Slater Road.
13

14 Nelson asked if the water would come down through Marietta if the levee fails.
15 Monsen stated the less water that is in there, the longer the water can flow in there without
16 crossing Slater Road. If it is full, and they add a little more water, it is immediately going
17 up on the road. The failure would simply change the frequency.
18

19 Cooper stated this was given a low priority to continue by the Advisory Committee.
20 At this point, it's just something they're keeping track of.
21

22 The next category are private lots: There are five possible private sites. She
23 indicated the location of and described the sites. The County will try to be as helpful with
24 technical assistance as it can to help people protect themselves.
25

26 Nelson asked if the problem is woody debris is hitting the rocks along the levees and
27 driving them off, or if the water is getting behind and loosening the rock. Cooper stated
28 there are different causes, including too much velocity and logs banging into the rip rap
29 faces. Engineers are starting to realize that smoothing the rock keeps the energy high and
30 makes it harder in the long run. They want things that dissipate energy, such as
31 vegetation.
32

33 Nelson asked if dredging would remove debris in a particular situation. Cooper
34 stated one treatment would be to move back a levee to provide pilot channels and a wider
35 cross section. Widen it strategically to maintain the overflow channel and a low flow
36 channel.
37

38 Nelson asked if they can maintain a high flow channel, in terms of permitting.
39 Cooper stated they need the science to show why it's necessary.
40

41 The intent after the last meeting was for the staff to look more at the hydraulic
42 model and change some of the cross sections to show what will happen.
43

44 Monsen stated there is a historical belief that once the County touches a structure, it
45 becomes a County structure. The County has touched every rock along the river. From this
46 moment, it will be rare that there is a County responsibility.
47

48 McShane stated think about this prioritization, the County's rationale for doing Corps
49 projects, continuing projects the County has been maintaining, and the County's rationale
50 for going forward with private property projects. Think about how private projects are
51 different. Cooper stated most of the Corps levees are Diking District levees, so there is
52 another public interest. The County tries to work with them collaboratively to do projects
53 that will protect the public as well.

1
2 Brenner stated that if they are not going to prioritize private sites, figure out how to
3 help the property owners get through the process quicker. Cooper stated the staff helps
4 with technical assistance and getting through the permitting process. In some instances,
5 the permitting agencies are more sympathetic to property owners.
6

7 Cooper indicated the location of and described other private property sites.
8

9 Roll stated there are more and more flood situations and events. People want clarity
10 from the Board of Supervisors about how the County spends its time and energy when
11 events occur, and question whether the County's responses to the different categories are
12 consistent. The presentation today is to get the issues on the table. They are trying to
13 keep a countywide perspective that includes salmon recovery and water resource inventory
14 area (WRIA) stuff to get into the guiding principles and goals in specific geographic areas.
15

16 Nelson stated the consultant work will become more important as they try to identify
17 problems and limited resources. Begin looking at the areas to determine what kind of flood
18 impacts the county can sustain and what criteria are important. The meandering river may
19 not be the total answer. If they have larger setbacks for high flood areas, the question is
20 whether the County will be able to maintain those areas for people and salmon
21 enhancement areas. The County must be able to say what it's willing to give up. He asked
22 if the Flood Control Zone District Advisory Group has considered that, and if the best
23 political course of action is to keep going with what the people expects.
24

25 Bronsema stated no one in the flood plain can expect their land to stay dry. People
26 don't comprehend the danger until they experience their first flood. The County has to keep
27 water out of people's homes. There are many new people in the flood plain. People are in
28 danger when they try to drive through the flood waters. Sooner or later, the County must
29 address that.
30

31 Crawford stated there must be some cognizance by new buyers, who have to deal
32 with the insurance issue. Their lenders aren't going to do anything without the insurance,
33 which costs a lot. There is a fiscal reality the homeowners have already dealt with.
34 Bronsema stated the cost is offset by the property values. The owners are looking at that
35 beautiful waterfront property. The cost of the insurance is already mitigated because of the
36 lower cost on the house and property.
37

38 Knutson stated some people don't believe they're in a flood area until they
39 experience it.
40

41 Nelson stated it will be important for the Council and various districts to begin
42 defining the plans for these areas. They may have to look at the zoning in those areas and
43 identify those areas as problem areas. Identify the zones with the impacts in those zones.
44 Start identifying what the County wants to accomplish in each region.
45

46 Bronsema stated urban growth areas are an area of frustration. People who want to
47 develop in the urban growth areas conflict with where they want to put flood control
48 measures, such as overflow areas. He asked if the County can remove areas in the flood
49 plain that are needed for flood control measures. He doesn't know how to deal with that.
50

51 Nelson stated that is a question they need to deal with. If the area is left in the
52 urban growth area, eventually it will be part of the city, then the City will spend a lot of its
53 money trying to help its citizens as the flood occurs. The County must start addressing

1 these issues. Most of the communities in the county are located along the river, as a
2 transportation corridor. The County must wrestle with past planning efforts.

3
4 Crawford asked if it would be unrealistically to post signs notifying people that
5 they're in a flood area, similar to the signs that notify people they are in the Lake Whatcom
6 watershed. He asked if they can sign all the roads in the county. Cooper stated there are
7 signs in some major areas.

8
9 Caskey-Schreiber stated she really likes that idea. So many people are coming from
10 outside of the area and don't understand the risks to living next to a river. There are 40
11 homes going in right next to the river in Everson. It's very dangerous.

12
13 Crawford asked if staff can find out if the sign idea is practical. Monsen stated there
14 are many roads that go in and out of the flood area. If the County is going to do that, do
15 signage that is outside the perimeter of the flood plain to minimize the number of signs.
16 They would want to talk about legal issues to make sure the County doesn't create some
17 kind of special relationship with people in a way that creates liability exposure.

18
19 Brenner stated the cities may not necessarily end up with the problems. It's the
20 County's problem, and the County needs to do something about it.

21
22 *(Clerk's Note: End of tape two, side A.)*

23
24 Brenner continued to state that she likes the signage idea. She asked what the
25 information says on the deeds. Bronsema stated it says whatever the seller wants to put on
26 the deed. It is a disclosure and warning of the hazards of that particular property.

27
28 Brenner asked if the County can require certain wording.

29
30 Crawford stated there is disclosure at the time of sale. He doesn't recall anything
31 being on the deed.

32
33 Cooper stated the Council talked about doing something like that for Canyon Creek.
34 They never did anything.

35
36 Monsen stated they didn't do anything for legal reasons.

37
38 Brenner stated that people can build their house high enough in a 100-year flood
39 plain, but the owners may not understand that they can't get anywhere. Try again with
40 some wording. If the Council feels something is dangerous, it shouldn't allow it.

41
42 Crawford stated he doesn't understand by what mechanism the deed would address
43 the concern, other than going with a legal restriction of some sort.

44
45 Brenner stated there must be something more than generic disclosure to get their
46 attention. Some people may still want to build.

47
48 Cooper stated it's almost impossible to keep up with all the issues going on in all the
49 cities. The County says something when it feels the issue is critical, and tries to get
50 information to the cities. She's still optimistic, but is becoming less so. The County is
51 dealing with all the little stuff, but isn't dealing with the big-picture issues.

1 Brenner asked what Ms. Cooper suggests for the big-picture stuff. Cooper stated the
2 things that pull the County away from dealing with the big picture are driven by people on
3 the special districts. They were ready to do modeling, and they had to deal with an
4 emergency. They can't control the floods. She doesn't have an answer, but she hopes for
5 stability in her priorities so they don't change from year to year. In April, the Advisory
6 Committee prioritized two staff positions to be in place by November who would be
7 dedicated to the big picture. They haven't done that yet.

8
9 Caskey-Schreiber stated the County put money toward a consultant that is supposed
10 to enable the process. They aren't going to solve the issue today. It has to come from the
11 consultant, who must help the County through this process. She hopes to do that in the
12 next six months, and come up with a comprehensive plan and stick to it.

13
14 McShane stated education is always a good idea. The signage idea is interesting.
15 Today, keep in mind the presentation. Everyone can agree they need more Sheriff
16 deputies. They can use a lot more flood projects, but they can only do so many. They need
17 to get to a policy that helps the County say no. The County says yes to too many things.
18 That's where the priorities get bumped all the time. Identify what things the County should
19 deal with and what things the County should drop. The County Council is the Board of
20 Supervisors, so it is more involved in flood management. It's being asked to provide
21 guidance on how to administer the program and how to prioritize. A question is how
22 frequently and in what areas should the County coordinate with the Corps. Money comes
23 with it, but it may take the County away from other projects. He would like to know more
24 about how often that happens. Identify the core things that flood revenue should fund.
25 Concentrate on those things, and let other things drop off the list of things to do. It would
26 be nice to coordinate with the subzones, but they push projects that are in their interest.
27 It's very hard to say no to someone, but that's what the County needs to do.

28
29 Weimer stated the County is planning to start new districts like the one around Lake
30 Samish that are around Birch Bay and Lake Whatcom. Those new districts are going to
31 have different priorities than keeping people dry. Start adding those priorities to the big
32 picture. The consultant may help with that process. Start discussing it. Get the Advisory
33 District to start talking about stormwater in places like Birch Bay instead of worrying about
34 rip rap in Acme.

35
36 Roll stated that is another layer. The Birch Bay and Lake Whatcom subzones will be
37 created shortly. They will be driven to finance for the maximum amount they can to
38 implement the plan. Each of those subzones will have big-picture projects that they can't
39 fund themselves, and they will look to someone to help them fund the projects. A question
40 for the Council in the future is the role of the Flood Control Zone District in capital
41 stormwater projects.

42
43 Nelson stated he hears frustration about the process. He doesn't want to be the one
44 to say no without a process in place. When they get the consultant on board, look at the
45 various entities that can contribute resources to find a process that starts at the local
46 community level. Identify the criteria necessary to develop those areas for water resource
47 protection, flood control, or other things. The process should then move forward to a
48 countywide approach, finally going to the Council. By the time the process goes through
49 the community and gets to the Council, the Council will hopefully not have to say no. Once
50 the process is in place, it won't answer all the problems. It will allow the County to solve
51 the problems in a sensible fashion that doesn't waste taxpayer dollars. Roll stated the
52 consultant will consider how critical areas, salmon recovery, stormwater, and WRIA all
53 relate. Each element has its own plan with clear criteria. The question is how they are

1 applied in a thoughtful way to specific geographic areas that make sense. Don't look for a
2 new plan. Look for a way of uniting those plans and for a process that thoughtfully
3 implements the central themes in each plan.
4

5 Brenner stated she agrees with Councilmember Nelson. The County will be able to
6 help everyone by at least giving them the direction they need, even if it can't help finance a
7 project. One of the biggest complaints is the complex permitting process that is difficult for
8 the average person to do. Helping the public with the process will be an accomplishment.
9

10 Monsen stated a lot of this has to do with the community's growing pains. They are
11 transitioning from a rural to urban community. People are moving to the fringe of the flood
12 plain. There are conflicting interests in the community on these topics.
13

14 Roll stated the phase two stormwater permit is to be issued in two days. It will be
15 applied to the urbanizing areas around Bellingham and a portion of Lake Whatcom.
16 Ferndale was added. It accepted grant money and agreed to become part of the phase two
17 area.
18

19 Monsen stated it applies to all the growth area around Ferndale.
20

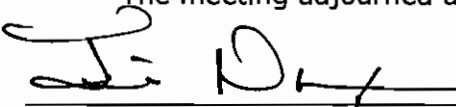
21 Roll stated the stormwater plan specific to the Lake Whatcom watershed is moving
22 along. Many things will happen next year.
23

24 Brenner asked about the small cities taking money. She asked when the cities would
25 be committed. Roll stated he was told by the State Department of Ecology (Ecology).
26 Ecology had grant monies available for phase two response. Neither the City of Bellingham
27 nor County were offered that money. The money was offered to the City of Ferndale.
28 Ferndale accepted the money with the condition that it would become part of the phase two
29 area.
30

31 Chris Hatch, Acme/VanZandt Subzone Advisory Committee, stated he thanks the
32 Council for today's discussion. The Advisory Committee can talk about some of these
33 things.
34

35
36 **ADJOURN**
37

38 The meeting adjourned at approximately 12:45 p.m.
39

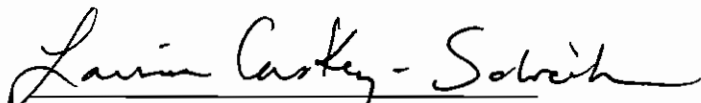
40 
41 _____
42 Jill Nixon, Minutes Transcription
43

44 The Council approved these minutes on January 30, 2007.
45

46 ATTEST

47 
48 _____
49 _____
50 _____
51 _____
52 Dana Brown-Baer, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Laurie Caskey-Schreiber, Council Chair