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WHATCOM COUNTY COUNCIL
Natural Resources Committee

December 4, 2007

Committee Chair Dan McShane called the meeting to order at 9:00 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Seth Fleetwood
Carl Weimer

Absent:

None

Also Present:

L. Ward Nelson
Sam Crawford

COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL

1. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE WHATCOM CONSERVATION DISTRICT REGARDING THE CPAL PROGRAM IN THE AMOUNT OF \$110,000 (AB2007-469)

Jim Thompson, Planning and Development Services Department, stated this is to fund farm planning efforts to support the critical areas ordinance. The Conservation District will mobilize these allocated resources by creating farm plans from now through 2008. The Conservation District will use these funds with funds from other sources to implement this program. The Conservation District will provide technical support, public outreach, and exist surveys.

At the same time, the Planning Department will work with the Conservation District to present the public with a coordinated, uniform, and consistent message. They will identify standards for the critical areas ordinance and maintain contact with the farmers as the plans are produced, implemented, and maintained.

There is a need for 1,200 plans. They won't be able to do that many under this scope of work. This scope is for low- and moderate- impact farm plans. The execution of low impact farming plans and the development of the moderate-impact process puts them in competition for the same resources. Given the time remaining to execute this work, they should focus on low-impact production of the plans to realize benefits on the ground. They can test the execution to model what they will need to do as they move forward with moderate-impact farming plan process.

Fleetwood asked if this agreement is a result of the de-funding from the State several years ago. Thompson stated he is unfamiliar with that history.

Fleetwood moved to recommend approval to the full Council.

George Boggs, Conservation District, stated they are thrilled about this opportunity. This is the paradigm for dealing with livestock on small acreages. Funding is adequate for the remaining time. They are going to prove this program. He will come back to the Council to report their challenges and accomplishments to see if it's a paradigm they should

1 continue. This will result in positive water quality improvements. Folks with livestock will
2 enjoy them more as they find solutions to problems and improve their stewardship.
3

4 The conservation districts around the Puget Sound have developed a work plan to
5 advance the State's initiative to recover and enhance the Puget Sound. In 2008, they will
6 work on solutions. They hope to receive more funding from the State to support these
7 kinds of activities in the next biennium.
8

9 Weimer stated he introduced this additional services request (ASR) and supports this
10 item. He's glad to see the interlocal agreement between these two government agencies.
11 It's a good way to move this forward. He is a member of both shellfish protection districts.
12 This is one of the highest priorities of both districts.
13

14 ***Motion carried unanimously.***
15

16
17 **COMMITTEE DISCUSSION**
18

19 **1. DISCUSSION REGARDING THE INTERLOCAL AGREEMENT BEING DRAFTED**
20 **TO ESTABLISH A NEW JOINT MANAGEMENT STRUCTURE FOR THE LAKE**
21 **WHATCOM RESERVOIR AND WATERSHED AND POTENTIAL FINANCING**
22 **MECHANISMS (AB2007-397)**
23

24 McShane stated there is a handout from staff (*on file*).
25

26 Jon Hutchings, Public Works Department, stated the handout is the same work plan
27 presented previously, with the addition of a column for resources and funding. They tried to
28 estimate costs. They also identified where additional funding may be required. Those
29 program area tasks are indicated by bold and cross-hatch on the handout. Program areas
30 three, four, eight, and twelve have substantial associated costs. He asked for committee
31 approval of the work plan items.
32

33 The new activities proposed in the work plan will have to bear the scrutiny of the
34 water resources integration project. For those items that require additional budget
35 authority, they will go into the budget process next year. Some of those activities will have
36 to bear budget scrutiny as well. Therefore, more process is still required. The City Council
37 and Sewer District Board of Supervisors will receive the County Council's recommendations.
38 They'll all work through the process and come back next spring.
39

40 Fleetwood asked if they are talking about priorities today, but not the interlocal
41 agreement.
42

43 McShane stated they must go over priorities first before deciding on a management
44 structure. The Council wanted this in committee to look at, in light of the interlocal
45 agreement.
46

47 Weimer asked about task 1.2, the transfer of development rights (TDR) program.
48 He asked about the additional staff needed.
49

50 Cathy Craver, Planning and Development Services Department, stated the number of
51 full-time equivalent (FTE) employees indicated is necessary to begin looking at the program.
52 It indicates the initial step of what existing staff can do. Once they decide how to
53 implement the program, they will need additional staff.

1
2 Weimer stated Councilmember McShane introduced a contract for \$120,000. It was
3 specifically for implementing this type of a TDR program, but now it seems to be for a
4 general public outreach program about agricultural issues.
5

6 McShane stated he visualized having one person work on TDRs and agriculture.
7 Craver stated there have been discussions in the administration about combining the PDR
8 and TDR programs and moving forward. Whatcom County received a grant to look into
9 those options. The details have not been vetted.
10

11 Nelson asked if programs that are indicated as unfunded by the County can be
12 funded from other sources, including the Conservation Futures fund. He asked if the issue
13 is lack of funding or lack of a program. Craver stated it is about lack of a program.
14

15 McShane stated program area three is urbanization and land development. The
16 County would like to see a zone change in the Lake Whatcom urban areas. It would be part
17 of the agreement with the City. That will have to be done jointly. That should be worked
18 on right away. The County Council's Policy Analyst is working on options.
19

20 McShane stated the urban growth area (UGA) issue will have to be done jointly with
21 the City. There may be items on the plan that the County isn't interested in.
22

23 Fleetwood stated there are things to do to lift the building moratorium.
24

25 McShane stated they've done quite a bit on that already.
26

27 Fleetwood asked if the County has done enough, and if the City can do more, on task
28 3.3. He asked if the County should work with the City.
29

30 McShane stated they may want to change development standards. Craver stated
31 program area three ties in a lot with program area 12, which is enforcement. The staff
32 team can jointly evaluate City and County regulations and look at other options. They may
33 consider making certain regulations the same. They can look to other sources and agencies
34 for direction. She wouldn't say they've done enough, but an enforcement team will get
35 everything out on the table and decide how to move forward.
36

37 McShane stated he's not sure the County Council will be willing to look at new
38 development regulations yet again, other than stormwater.
39

40 Nelson stated item 3.3 is a lower priority. The Council has done a lot of work
41 already. Make sure there isn't confusion about coordination in the UGA. Don't create
42 confusion between the City and County regulations. There should be greater coordination.
43 He asked if task 3.1 is to coordinate efforts and understand the responsibility for allowing
44 sewer and water. Craver stated task 3.1 is about creating a database that all jurisdictions
45 can draw from to perform some sort of analysis. Item 3.3 is about identifying and
46 evaluating those regulation differences. Staff would provide that information. Then, the
47 Council will decide whether it wants to make changes. This item is related to other tasks of
48 the enforcement team. If the Council makes this a lower priority, the enforcement team
49 would do that as well.
50

51 Clare Fogelsong, City of Bellingham, stated part of the development of this idea was
52 done when the City reconsidered the Silver Beach ordinance a few years ago. The City has
53 wanted to make changes to that ordinance. Through an analysis of development

1 regulations of the City and County, they would consider to the highest protection level.
2 Sections 3.2 and 3.3 is joint review that has standardization of applied regulations. The
3 enforcement team would have a common set of regulations to consider. This is a way to
4 have more uniform enforcement of regulations.
5

6 McShane stated there are vested developments in the watershed. Uniform
7 development regulations could exist, but they're still under previous development
8 regulations. There will be inconsistency that will be hard to deal with. He is leery of
9 changing development regulations again, to create another set of vested developments.
10

11 Fleetwood stated there is value in the review process of 3.3. They may learn
12 something about what the City has done.
13

14 Weimer stated he supports all four of the items in program area three. However, 3.3
15 is at the bottom of his priority list. It would be nice for the effective dates in the code to be
16 consistent between the City and County regulations.
17

18 McShane stated that if there is a joint enforcement effort, it will take someone with a
19 special skill set to remember all the different dated codes. However, in the end, any
20 sediment coming off the site is a violation. It's a violation of the Clean Water Act.
21

22 Fleetwood asked if there is zero tolerance in the code for sediment coming off a site.
23 Craver stated she's not sure if the code specifies zero tolerance. There are different
24 thresholds that trigger stop work orders or fines. Also, the different vested regulations
25 would be considered in program 3.1. Having that database available is a preferred
26 outcome.
27

28 **Weimer moved** to recommend approval of program area three.
29

30 **McShane suggested a friendly amendment** to include a review of the UGA
31 zoning.
32

33 **Weimer accepted** the friendly amendment.
34

35 **Motion carried unanimously.**
36

37 Craver referenced program area four, community outreach. She read item 4.3,
38 which is unfunded. The City has something going, and it would be easy to coordinate with
39 the City.
40

41 Fleetwood asked if the County has any means of monitoring the effectiveness of
42 education outreach efforts in terms of change in citizen behavior.
43

44 Fogelsong stated they don't, other than empirically. Over the years, they've
45 considered how to get at those tracking mechanisms. Now, the Pledge program is being
46 reconstituted in the Silver Beach neighborhood. They intend to follow through with people
47 in this effort. Keeping in contact with people is the best way of tracking success. It's very
48 expensive and time consuming to backend a project with a success survey.
49

50 Fleetwood asked if education outreach is effective. Fogelsong stated it is. They've
51 seen that with people learning about phosphorus education of the lake. People know about
52 the phosphorus cycle of the lake.
53

1 Weimer stated he was one of the people who started the Pledge program years ago.
2 He is skeptical about these programs unless they invest enough money to do it right. Social
3 marketing can increase the level of success of these types of things. Most of the time, there
4 isn't much return for educational spending. If they are going to spend money, invest
5 enough to do it right, and then track the results. Fogelsong stated the new Silver Beach
6 effort includes social marketing strategies, such as meeting with the neighborhood groups
7 and getting their participation. They were the ones who volunteered to deliver the
8 information. His people are well-versed in social marketing.
9

10 Weimer stated the Silver Beach effort is a good one. Fogelsong stated it's expensive
11 to follow-through with social marketing techniques and do analysis of program success.
12 They are trying to be practical, and haven't asked for everything they want. The people in
13 his division are familiar with social marketing techniques and those kinds of assessments.
14

15 Crawford asked the percentage of phosphorus fertilizer reduction, for example, due
16 to public education. Fogelsong stated they work on the assumption that some percentage
17 of the population will start to abide by information if they understand the information and
18 understand the connection between their behavior and the negative outcome. For those
19 who don't abide by the information, the other end of the spectrum from education is
20 enforcement. Some people need that.
21

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

24 Crawford stated the garbage men know who is and who is not complying, because
25 they see the fertilizer bags. If you take it to the extreme, they now seem to think it's okay
26 from a health standpoint to require folks to inspect septic systems. In the most extreme
27 case, they can require testing of a lawn to see if phosphorus fertilizer is used. He doesn't
28 advocate for that. Fogelsong stated they could test lawns if the councils decide to do that.
29

30 Weimer stated it would be cheaper to ban phosphorus fertilizers countywide. There
31 is no reason to use it at all.
32

33 Crawford stated phosphorus strengthens the root. A ban in Minnesota has resulted
34 in losing more sediments because of weakened root strength. Now, they allow phosphorus
35 application every four or five years to build root strength. It may be beneficial for slope
36 areas.
37

38 McShane stated he prefers reducing potential development and retaining trees,
39 instead of having lawn.
40

41 Hutchings stated the national pollutant discharge elimination system (NPDES) phase
42 II process has some education requirements. They are going to have to address that. This
43 is a part of that discussion as well.
44

45 McShane stated they need education before massive stormwater projects go
46 forward. That's a tough issue, especially when right-of-way areas, which people think is
47 their land, gets dug up for swales.
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49 **Weimer moved** to recommend approval of program area four.
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51 **Motion carried unanimously.**
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OTHER BUSINESS

There was no other business.

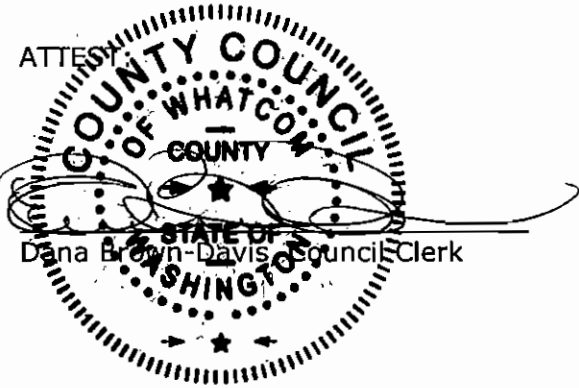
ADJOURN

The meeting adjourned at 9:55 a.m.



Jill Nixon, Minutes Transcription

ATTEST



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Dan McShane, Committee Chair