

1 WHATCOM COUNTY COUNCIL
2 **Natural Resources Committee**

3
4 February 9, 2010

5
6 **CALL TO ORDER**
7

8 Committee Chair Carl Weimer called the meeting to order at 9:30 a.m. in the Council
9 Chambers, 311 Grand Avenue, Bellingham, Washington.

10
11
12 **ROLL CALL**
13

14 **Present:** Carl Weimer, Bill Knutzen and L. Ward Nelson.

15 **Absent:** None.

16 **Also Present:** Barbara Brenner, Kathy Kershner and Sam Crawford
17

18
19 **COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL**
20

21 **1. RESOLUTION APPROVING THE SOUTH FORK REGIONAL PARK CONCEPTUAL
22 PLAN (AB2010-056)**
23

24 This item was withdrawn from the agenda
25

26 **2. ORDINANCE AMENDING WCC TITLE 20 TO MODIFY THE DATES OF
27 SEASONAL RESTRICTIONS ON CLEARING ACTIVITIES FROM SEPTEMBER 1ST
28 THROUGH APRIL 30TH TO OCTOBER 1ST THROUGH MAY 31ST AND
29 IMPOSING A DEADLINE ON THE ISSUANCE OF DEVELOPMENT PERMITS TO
30 TWO WEEKS PRIOR TO THE SEASONAL CLOSURE DATE IN THE WATER
31 RESOURCE SPECIAL MANAGEMENT AREAS (AB2010-075)**
32

33 Cathy Craver, Planning and Development Services Department, gave a staff report
34 and submitted a handout (*on file*). She referenced her memo to the Council dated February
35 1, 2010 regarding the recommendation for seasonal restrictions on clearing activities within
36 the water resources special management areas (*on file*).
37

38 Discussion included the amount of root growth in May; a point system used prior to
39 seasonal restrictions; whether the building community prefers the point system or a set
40 timeframe for seasonal clearing restrictions; the permit application process; the difficulty of
41 growing grass planted in June; starting the construction season in May versus in June, and;
42 whether the seasonal clearing restrictions will apply in Birch Bay.
43

44 Crawford asked for research on what was not working with the point system, and
45 possibly revisiting the use of the point system. Many in the industry are complaining about
46 seasonal restrictions and have said they prefer the point system. The Building Industry
47 Association (BIA) was against the seasonal clearing schedule and in favor of the point
48 system.
49

50 Nelson described the history of and reasons for changing from the point system. The
51 Council was responding to stormwater impacts to Lake Whatcom and property owners not
52 properly controlling construction runoff.
53

1 The following people answered questions:

- 2 • Mike Kershner, Planning and Development Services Department
- 3 • David Stalheim, Planning and Development Services Department Director

4
5 **Weimer moved** to recommend approval to the full Council. He recalls that the
6 point system worked well for organized developers, but not necessarily homeowners. They
7 also wanted to align timeframes with the City of Bellingham.

8
9 Brenner stated she supports the ordinance, but come up with another process to
10 allow people to get a special permit to do this when they're having exceptionally dry
11 weather. Craver stated there is a provision for phased development that addresses that
12 concern on some level.

13
14 Nelson stated he will support the ordinance. He likes the date change. He is
15 concerned about getting something to grow in summer. He would like to consider allowing
16 clearing in May.

17 The motion carried by the following vote:

18 **Ayes:** Weimer, Knutzen and Nelson (3)

19 **Nays:** None (0)

20 21 22 **COMMITTEE DISCUSSION**

23 24 25 **1. DISCUSSION REGARDING HB 1614 (RELATED TO REDUCING THE AMOUNT** 26 **OF PETROLEUM POLLUTION IN STORM WATER) (AB2010-085)**

27
28 Weimer stated House Bill (HB) 1614 is dead, but has been replaced by House Bill
29 3181 (*on file*).

30
31 Crawford gave a report on this item. He is opposed to this House Bill. Approve a
32 resolution opposing the House Bill, and send it to the State legislature.

33 The following people answered questions:

- 34 • Jon Hutchings, Public Works Department
- 35 • Bill Kidd, British Petroleum

36
37
38 Brenner stated add a "whereas" statement that this is another way to get to the real
39 source of where stormwater runoff is coming from, and that is through the homeowner, who
40 can be given incentives for doing retrofits. Also, add a "whereas" statement, if factual,
41 about the money going to the State's general fund.

42
43 Discussion included unfairly burdening one industry; economic models that say it
44 may be cheaper to refine the oil in India and ship the refined gasoline; keeping those
45 industries local in case relationships with those countries dissolve; how these companies
46 contribute to the economy through their charity work and ancillary local businesses;
47 concerns about how these funds are used; benefits to local taxing districts from these taxing
48 mechanisms; the amount of money this existing tax has collected and how much has been
49 allocated to stormwater retrofits; how the refineries pay these taxes; developing low-impact
50 development regulations and adopting the State's manual; the definition of hazardous
51 substances; keeping businesses in Washington State viable; the timeframe for
52 accomplishing stormwater retrofits, and whether this actually benefits local communities
53 and their deadlines; stormwater retrofits as a part of the capital facilities plan; designing

1 programs to please the State Department of Ecology (DOE) versus programs that are
2 applicable for a particular area, and; creating a dedicated State fund for stormwater retrofits
3 and toxic waste cleanup that these taxes would go into.

4
5 Nelson stated the State should make sure that this revenue doesn't supplant other
6 State operations. Amend the last Whereas statement, "...and equitable funding mechanism
7 **dedicated entirely for toxic waste and stormwater retrofit** than that proposed in HB 1614."
8

9 Crawford stated the councilmembers can bring amendments to the Clerk to include
10 in the draft resolution going before the full Council.

11
12 **Nelson moved** to recommend that the full Council approve a resolution opposing
13 HB3181. Councilmembers should bring forward amendments that evening.

14
15 Weimer stated he is opposed to the resolution. He's not sure any of this money will
16 ever go to address stormwater, but it's clear something has to be spent on stormwater.
17 Every study shows the decline of Puget Sound due to a variety of pollutants. He also
18 doesn't like the way the bill is structured. The Washington State Association of Counties is
19 moving forward with a letter of support for stormwater funding for the same thing. The
20 resolution also includes factually incorrect statements. They should hear from both sides of
21 the issue, and give the public a chance to comment.

22
23 Brenner stated the State legislature is rushing this through, not any individuals. Say
24 that in a whereas statement.

25
26 The motion carried by the following vote:

27 **Ayes:** Knutzen and Nelson (2)

28 **Nays:** Weimer (1)
29
30

31 **OTHER BUSINESS**

32
33 There was no other business.
34
35

36 **ADJOURN**

37
38 The meeting adjourned at 10:32 a.m.
39
40
41

42 Please contact the Council Office to obtain an
43 official, signed copy:
44
45 360-676-6690 or council@co.whatcom.wa.us
46
47
48
49

50
51 _____
52 Dana Brown-Davis, Council Clerk

50
51 _____
52 Carl Weimer, Committee Chair