

Birch Bay Watershed Action Plan:

June 16, 2011 Ad Hoc Stakeholder Workgroup Meeting Summary

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Ad Hoc Stakeholder Workgroup Agenda



BIRCH BAY WATERSHED ACTION PLAN

Thursday, June 16, 2011 9 - 11 AM
 Whatcom County Civic building - Garden Level Conference Room
 322 N. Commercial St, Bellingham 98226

Items of Concern:

- Flexibility vs. Simplicity
- Incentives
- Interface with State LID Manuals/Regulations
- Stormwater technical standards
- Buffer reduction vs. buffer impact
- Out of kind Mitigation: projects to resolve watershed issues
- *Your additions*

Agenda

- [1] 9:00 - Introductions
- [2] 9:15 - Background and purpose (ESA)
- [3] 9:30 - Update on State LID drafts (2020)
- [4] 9:45 - Review of Draft Code, Calculator, and Alternative Mitigation Plan (WC)
- [5] 10:15 - Concerns to be resolved (All)
- [6] 10:45 - Define curriculum and discuss need for subgroups
- [7] 11:00 - Go to work

Please Read: [Draft Chapter 20.50 Birch Bay Low Impact Development Overlay \(birchbay-lid_wccc_20-50pubdraft.pdf\)](#)
[Draft Section 16.16.900 Birch Bay Watershed-based Management Plan \(birchbay-bmf_wcc-16-16-900.pdf\)](#)

Peter Gill and Adam Merrill (ESA) gave a presentation of the existing proposal.

http://www.co.whatcom.wa.us/pds/naturalresources/specialprojects/actionplan_downloads.jsp#Presentations

Feed back on the proposal from attendees grouped by subject:

Code structure/format, policies, and incentives:

- Need an on the ground, workable ordinance and focused guidebooks
- Planning Commission is leaning towards a “not recommend.” Needs big changes.
- Need incentives that work & motivate
- Reduction in BBWARM fee is key to participation, dollar for dollar reduction in BBWARM fee
- Interested in performance, as opposed to planning. Need to see definite improvement, before BBWARM fees are reduced.
- Consider a density bonus incentive
- Insure that incentive-based program isn’t going against current regulations. (e.g., CAO, SEPA)
- If replacing on-site buffers, need to make sure that overall result of off-site mitigation is better.
- LID stuff is good, but untried.
- LID limits marketability
- Tough balance between clarity and flexibility
- What is “measurable harm” to streams, wetlands, and lakes?
- Need other County department/divisions input on proposals
- Need clarity, voluntary program

Alternative Mitigation Program:

- Need to address administrative cost of program (especially if people aren’t using mitigation program for an extended amount of time.)
- Go for wetland ILF program, smaller jurisdictions are able to get wetland ILF plans approved faster.
- Concerned that agencies doesn’t realize the complexity of an In-Lieu-fee program.
- Precapitalize mitigation program
- What is the process of certified ILF?
- On-site—no net loss-quantify how offsite mitigation will be better
- How to measure no-net-loss?

LID Designation and Qualification:

- Need clear purpose statement. Helps avoid future legal issues.
- Need more specificity, more definitions
- Go through a checklist with each item, to avoid conflicts with code.
- Need to look at how points are allocated. Ran some hypothetical development scenarios— doesn’t work out.
- Can’t lock up half of site, people won’t go for that.
- There are some conflicts with county code (e.g., lot size in manual vs. what’s allowed for a cluster development.)
- Remove disincentives (e.g., people won’t want to give up 50% of their property)
- Remove 2nd review payment
- Open space is a disincentive

Written comments were provided by Doug Campbell:

http://www.co.whatcom.wa.us/pds/naturalresources/specialprojects/actionplan_downloads.jsp#comments

Action Items:

The group discussed the best way to work through concerns. The idea of creating subgroups to focus on certain aspects of the program seemed to resonate with the group. The County agreed to group comments by subject area and ask for participation by attendees in their specialty.