

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

1

November 17, 2011

Regular Meeting

1 **Call To Order:** The meeting was called to order, by Whatcom County Planning
2 Commission Chair, Michelle Luke, in the County Council Chambers at 6:30 p.m.

3
4 **Roll Call**
5 Present: Michelle Luke, John Belisle, Ken Bell, Rod Erickson, Gary Honcoop, David Onkels,
6 Jeff Rainey, Mary Beth Teigrob
7 Absent: John Lesow

8
9 **Staff Present:** Roxanne Michael, Cathy Craver, Joshua Fleischmann, Becky Boxx

10
11 **Department Update**

12
13 There was no department update.

14
15 **Open Session for Public Comment**

16
17 There was no public comment.

18
19 **Commissioner Comments**

20
21 There were no Commissioner comments.

22
23 **Approval of Minutes**

24
25 October 13, 2011

26
27 Commissioner Teigrob moved to approve the minutes as written. Commissioner Onkels
28 seconded. The motion carried.

29
30 October 27, 2011

31
32 Commissioner Honcoop moved to approve the minutes as written. Commissioner Onkels
33 seconded. The motion carried.

34
35 **Presentation**

36
37 Nick Hartrich, from Sustainable Connections, gave a presentation. They are a business
38 organization in Whatcom County with a staff of 14. They work with farmers, grocery
39 stores, retail and manufacturing. They work to educate these businesses and the
40 community on a full range of sustainable business practices.

41
42 **Work Session**

43
44 Adoption of revised findings for File #PLN2011-00010-MRL Removal Aldrich Road.

45
46 **Commissioner Bell moved to approval the revised findings. Commissioner Belisle**
47 **seconded. The motion carried.**

48

Regular Meeting

1 **Public Hearing**

2
3 File #PLN2011-00015: Amendments to Whatcom County Code Title 20 to address new
4 development within the Lake Whatcom watershed. The proposal provides specific criteria
5 for stormwater management and land use activities for new development to achieve no
6 additional loading of phosphorus into Lake Whatcom set forth by the Washington State
7 Department of Ecology's (DOE) Lake Whatcom Total Maximum Daily Load Findings.
8

9 Cathy Craver presented the staff report.

- 10
11 • Lake Whatcom is listed as an impaired water body, in the State of Washington, for
12 low dissolved oxygen. Development is one of the main contributors to this.
13 • Since 2002 there have been regulations in place regarding stormwater treatment,
14 seasonal clearing, impervious surface, native vegetation retention and erosion and
15 sediment control.
16 • The potential units that can be built on vacant land is 1,838.
17 • The goal given to the County from the DOE is no more additional loading of
18 phosphorus from new development than there would be from native vegetation.
19 • For review is a combination of three different codes in Title 20 that have been
20 combined into a new chapter, which includes the criteria that needs to be met.
21 • The code addresses new development and redevelopment actions. There are
22 thresholds that will trigger stormwater review. They are:
23 ○ Adding 200 sq. ft. of new, replaced, or new + replaced impervious surface
24 ○ Land disturbing activity of more than 5,000 sq. ft. between June 1st and
25 September 30th
26 ○ Creation of a subdivision or short subdivision
27 • The options for stormwater treatment are full dispersion, full infiltration or fully
28 engineered.
29

30 The hearing was opened to the public.

31
32 Darcy Jones, Whatcom County: These regulations will not fix any existing problems. There
33 needs to be flexibility in the regulations. An option may be off site mitigation.
34

35 Linda Twitchell, Whatcom County, BIAWC representative: Many of their members were
36 unaware that these issues were coming up for discussion. Would like to see the public
37 hearing extended.
38

39 Wendy Harris, Whatcom County: Spoke against the attempt to improperly manipulate the
40 TMDL process to achieve unrelated political goals. The goal of the TMDL is to restore Lake
41 Whatcom's water quality so that it meets state standards. The stormwater regulation
42 goals are to ensure that the DOE will not prohibit additional water withdrawal from the
43 lake as requested by the City of Bellingham. The proposed regulations are the result of
44 negotiations with the DOE in which the County attempted to do as little as possible while
45 satisfying the state. The proposed revisions will not restore water quality. It will result in
46 more watershed development. Why are these proposals only applicable to Lake Whatcom
47 rather than the entire county? There are other impaired watersheds that are entitled to
48 the same protections. There is also the problem of vesting and how it interacts with the

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1 regulations. The County has no idea how many lots this applies to. Without this
2 information there is no basis to assume the regulations will help. The County should
3 extinguish its vesting rights.

4
5 Doug Campbell, Whatcom County: These regulations need additional time for review and
6 need more work done on them. Some sections are unclear and very difficult to
7 understand. Recommended the record be left open.

8
9 CJ Hutchings, Whatcom County: Board member of the Geneva Neighborhood Association.
10 All the points of phosphorus pollution should be addressed. New development is not the
11 only source. Leaves breaking down are a source. There should be incentives and
12 education.

13
14 Eli Mackiewicz, City of Bellingham Stormwater Utility: Stated he is very familiar with the
15 codes and is available for any questions. The City has identified lawns, landscaping and
16 impervious surfaces as sources of phosphorus.

17
18 Kim Sange, Whatcom County: Has a home on the lake in the City limits. Was a difficult
19 process to build. The landscaping requirements are an issue. His neighbors are impacted
20 by the requirements also. Work still needs to be done on the regulations.

21
22 The hearing was closed to the public.

23
24 Teigrob moved to leave the hearing open to the public for both oral and written comment
25 to December 8, 2011. Honcoop seconded. The motion carried.

26
27 **Other Business**

28
29 Commissioner Bell distributed a cost benefit study, provided by the City of Bellingham,
30 which shows information on phosphorus loading in Lake Whatcom. His thoughts on it are
31 that it does not take into consideration of any private sector costs, it is a static picture, it
32 doesn't look at any tax reductions or ramifications and it doesn't have a cost over time
33 analysis.

34
35 The meeting was adjourned at 8:35 p.m.

36
37 Minutes prepared by B. Boxx.

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39
40 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

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45 _____
46 Michelle Luke, Chair

45 _____
46 J.E. "Sam" Ryan, Secretary

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