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Whatcom County Planning Commission  
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RE: Proposed Chapter 20.51: Lake Whatcom Watershed Overlay District

Dear Planning Commission Members:

The North Sound Baykeeper Team is a project of RE Sources. Our goal is to safeguard the waters and habitats in Whatcom and Skagit Counties. RE Sources has approximately 800 members, the majority of whom live and recreate in Whatcom County. On their behalf, we submit these comments on proposed Chapter 20.51: Lake Whatcom Watershed Overlay District.

Lake Whatcom is in dire trouble. We are pleased that Whatcom County is taking steps to prevent its further decline. For this, we applaud your efforts. We do offer some thoughts to consider and some suggestions to make the code more effective

To recover Lake Whatcom, we must not only prevent additional phosphorus loading to the lake, but we must reverse its loading. To do this we must ensure that any new development does not add phosphorus, but mimics forested conditions. Additionally, we must ensure that we work to reverse phosphorus inputs from existing development. We note that the staff report acknowledges that, "Whatcom County still has a responsibility to address loading allocations from existing development and redevelopment in the watershed as part of the TMDL, and that the proposed regulations would be a first step towards achieving those goals of the TMDL." The importance of addressing existing development and redevelopment cannot be underestimated; the timeline to address these inputs must occur expeditiously.

An input that has not been noted in the proposed code or staff report is that from existing traffic and the increase in roads and traffic which will come from future development. Effort must be put into addressing pollutant/ phosphorus runoff from existing roads and from existing and future traffic through retrofits or stormwater treatment.

Proposed section 20.51.420 allows full infiltration and dispersion as a Best Management Practice to offset the newly developed impervious, pervious, and porous or paver areas. There is no assurance, however, that this will prevent new development from adding to the phosphorus load into Lake Whatcom, over and above that seen under forested conditions. We have not found any documentation to show that phosphorus loading from full infiltration or full dispersion stormwater treatment methods is equivalent to that from forested conditions. In the absence of anything better, these methods do seem to be the best solution to control phosphorus. We would like the County to adopt technologies or standards which better mimic forested conditions as they come online.

Exemptions for land disturbing projects less than 5000 sq ft and placement of new surfaces less than 200 sq ft seem to be de minimus. Cumulatively these impacts will add up, however. It seems that a fee could be charged for these projects such that some additional land could be set aside to mitigate their impact.

The Protected Native Growth Area (PNGA) is an essential component of stormwater treatment that includes dispersion. As such, we believe that additional safeguards to memorialize and protect PNGAs should be included. In addition to the covenant, the PNGA should be recorded on the Title to the property. Additionally, annual notices should be sent to current home and property owners to remind them that there is a PNGA on their property and of their responsibility to maintain it. Annual assessments of open spaces and PNGA should also be made by Whatcom County staff to ensure that these areas have not been compromised or encroached upon.

For the dispersion methodology to work adequately in offsetting phosphorus inputs, we find that the City of Olympia has useful code. We ask that this code also be adopted by Whatcom County:

- All dispersion areas must be permanently protected from development or conversion to incompatible uses in a manner acceptable to the local permitting authority, and be maintained by their owners in such a manner as to preserve the hydrologic characteristics of the design or native condition. Passive uses are allowed, provided they do not interfere with the goals of soil and vegetation protection and preservation.
- Dispersed runoff from one threshold discharge area may not overlap with dispersed runoff from any other threshold discharge area. Each threshold discharge area shall have its own dedicated dispersion area.

(Volume V – Stormwater Treatment BMPs, 2009 Drainage Design and Erosion Control Manual for Olympia, page 5-13, [http://olympiawa.gov/en/city-utilities/storm-and-surface-water/policies-and-regulations/~media/Files/PublicWorks/Water-Resources/2009\\_Volume\\_V\\_DrainageDesignManual\\_Updated.ashx](http://olympiawa.gov/en/city-utilities/storm-and-surface-water/policies-and-regulations/~media/Files/PublicWorks/Water-Resources/2009_Volume_V_DrainageDesignManual_Updated.ashx)).

Thank-you for considering our comments. Please include the North Sound Baykeeper as a party of record in any decisions made in this matter.

Sincerely,

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