

2011

- Oct 2011- Ad Hoc Stakeholder Group Review Changes
- Aug 2011- Ad Hoc Stakeholder Group Recommendations
- Aug 2011- Ad Hoc Stakeholder – Alt. Mitigation
- July 2011- Ad Hoc Stakeholder – LID Technical
- July 2011- Ad Hoc Stakeholder – Policy Group
- June 2011-Ad Hoc Stakeholder Group Meeting
- May 2011- **Planning Commission** Public Hearing
- April 2011-Building Industry Association
- Mar 2011- **Planning Commission** Work Session
- Feb 2011- Birch Bay Public Meeting
- Feb 2011- **BBWARM** Advisory Committee
- Feb 2011- **Planning Commission** February 10, 2011

2010

- Nov 2010- Open House Summary Nov 15, 2010
- Jun 2010- Design Workshop Summary June 24
- Jun 2010- Open House Summary June 1, 2010
- Oct 2010 - **Planning Commission** Work Session
- Jun 2010 – Building Industry Assoc.-Gov't Affairs
- Jun 2010- **BBWARM** – Coordination and Update
- Jun 2010 - Implementation Tools Public Meeting

2009

- Nov 2009 - Open House background Presentation
- Aug 2009 - NR Regulatory Review Ad-Hoc Task Group – BIAWC
- Mar 2009 - Puget Sound Partnership Science Panel Presentation
- Mar 2009- Marine Resource Committee Presentation
- Feb 2009 - **BBWARM** – Project Intro and subzone involvement

Ad Hoc Meeting Summaries

June 16, July 20, July 26, August 10, August 17, October 25, 2011

Date: October 25, 2011
 Time: 2:30 pm- 4:30 pm
 Place: Whatcom County Public Works, Civic Building Garden Level Conference Room

1.	Intro and review of agenda
2.	Overview of Changes
3.	Draft Code and Additional Recommendations
4.	Public Review

MEETING ATTENDANCE

Emily Hirsch – Whatcom Conservation District	Nathan Row – APC Consultants
Wendy Harris - Citizen	Peter Gill – Whatcom County PDS
Colleen Mitchell – 2020 Engineering	Susan Meyer – Dept. of Ecology
Analeise Burns – NW Ecological	Dustin Atchison – CH2M Hill
Darcy Jones – Jones Engineers	Dominique Zervas – Zervas Law
Margaret Clancy - ESA	Keturah Witter – Re Sources
Ingrid Enschede – Whatcom Public Works	

MEETING MATERIALS

- Oct. 21 Drafts of WCC 20.50 and WCC 16.16.900
- Slides: www.co.whatcom.wa.us/pds/naturalresources/specialprojects/pdf/ad-hoc-slides-20111025.pdf

MEETING CONTENTS

1. Review Agenda
2. Overview of the Changes

Staff provided an overview of the changes to the LID and Critical Areas code. Slides that highlighted the most significant changes were presented. Request was made for comments by November 24th.

3. Draft Code and Additional Recommendations

Drafts of the LID and CAO code were only distributed on Oct. 21st so the code was reviewed as a group.

Critical Areas Ordinance review: Margaret Clancy went through the changes to the Critical Areas ordinance.

- There was concern over the ability of the technical administrator to waive the requirement for LID. Wording in .920 needs to be clarified that the flexibility should only be for the use of the Fund, not for the added buffer flexibility.
- Concern was voiced over allowing the Cherry Point Industrial District to use the Fund.
- The relationship to the Shoreline Management Program (SMP) was discussed. Staff stated that LID incentives, HMF, and amended CAO will not apply within Shoreline jurisdiction.

Changes to buffers would need to be approved by the State Department of Ecology if they were to apply to the SMP. Request was made for the area of SMP jurisdiction that is within the watershed.

- A question was asked about the reduced buffer and whether compensatory mitigation would be required from the existing “reduced” buffer or as measured from the standard buffer. Compensatory mitigation would be required from the standard buffer width. It was suggested the term “reduction” should be changed to impact, or similar, in order to provide a distinction from a buffer reduction, since compensatory mitigation is not always required for buffer reduction.
- Impacts on Terrell Creek mainstem need to be mitigated on the mainstem. As written, it would require on-site mitigation if the HMF has not secured a site on the mainstem. If property owner can find a suitable off-site mitigation area on their own, without using the HMF, then they should be allowed to do so.
- The language in .940 seems to go against our premise of the Pilot Study, “mitigation site is located as close as possible to the impact site.” This is confusing. It was clarified that there are three criteria listed in order of preference, and this is intended to come into play only when all site conditions are considered equal.
- Concern over securing high quality habitat sites was discussed. The HMF sponsors should identify mitigation sites up front, and secure them if possible. There is a concern over the issue of temporal loss, if a site has not already been restored prior the off-site impact. How would we ensure no net loss of function? Is hunting and fishing allowed on mitigation sites? These issues were discussed for some time. Ideally the sponsors would have restored a site in order to pre-capitalize the program. Staff expressed that once the program is established it will be much easier to get the capitol funds to start a project prior to impacts.
- One of the tools that will be part of the program is a checklist of habitat features that will be assessed for all impact sites. When these checklists are compared to the performance of the mitigation sites at the end of the pilot program, we will know whether to adjust the program.
- In discussing the proposed avoidance criteria for “development” basins it was noted that in many cases applicants will still need Corps of Engineers, and Department of Ecology approval for any direct wetland impacts.
- Evaluation of the program should include feedback from landowners that have mitigation sites on their property, and that evaluation of sites should include habitat connectivity, and area of mitigation sites.

Low Impact Development Review:

- Review of the LID code included discussion of definitions. Definitions added are consistent with the draft State NPDES definitions and the Water Resource Protection Overlay District. Hard surfaces were added to trigger review and engineering thresholds on LID projects that incorporate the use of pervious pavement and vegetated roofs.
- The group was asked whether the pilot program should be evaluated or expired after the five year trial period. It was stated that some type of action be taken by Council at the end of the evaluation period. This should be the case for both LID and CAO pilots.
- There was relief that the tiered benefit levels were removed and simplified in or out qualification was used.

- There was a question about the setbacks and whether they were building setbacks or setbacks for stormwater facilities. Clarity should be added that these are building setbacks measured from the edge of the road right-of-way. Stormwater BMPs are allowed within the setback. Addition of Special District streets was requested in the benefits section.
- A restated their request was made for additional points improvements made to pre-existing stormwater problems off-site. This would not involve a central stormwater system, but rather help to fix an existing stormwater problem within the basin. The minimum stormwater requirements would be met onsite, and points could be earned off-site. This could be done at the discretion of the technical administrator. The staff/consultant team will work to incorporate into the next draft.

4. Public Review

Changes based on this meeting will be made, and a public review draft will be send out the week of Oct. 31. The Development Handbook and updated Habitat Mitigation Fund, not available at this meeting, will be part of the draft review. Comments on the new drafts will be available until Nov. 24th. Staff stated that there is a BBWARM stormwater meeting on Nov. 16, where a reduced stormwater fee for LID projects will be discussed. A Birch Bay open house will be scheduled in November, and Planning Commission hearing on December 8. Staff encouraged the group to show up at the hearing and let the commissioners know what they think of the proposal.

Date: August 17, 2011
 Time: 9:00 am- 11:30 am
 Place: Whatcom County Public Works, Civic Building, Garden Room

1.	Intro and review of agenda
2.	Changes to the Status-Quo
3.	Stakeholder Recommendations
4.	Next Steps

MEETING ATTENDANCE

George Boggs – Whatcom Conservation District	Nathan Row – APC Consultants
David Galbraith – PSE Engineering	Peter Gill – Whatcom County PDS
Colleen Mitchell – 2020 Engineering	Roxanne Michael – Whatcom County PDS
Tim Kennedy - Building Industry Assoc.	Dustin Atchison – CH2M Hill
Darcy Jones – Jones Engineers	Kathy Berg – Birch Bay Resident
Craig Parkinson – Cascade Engineering Group	Keturah Witter – Re Sources
Ingrid Enschede – Whatcom Public Works	Linda Twitchell – Building Industry Assoc.

MEETING MATERIALS

- Summary of Potential Program Changes
- Slides: www.co.whatcom.wa.us/pds/naturalresources/specialprojects/pdf/ad-hoc-meeting-20110817.pdf

MEETING CONTENTS

1. Review Agenda

There were no additions or changes to the agenda.

2. Changes to the Status Quo

The meeting was started with slides recapping the four Ad hoc meetings that have occurred prior to this meeting. This meeting was intended to summarize the issues that the group has discussed and to measure support for moving forward with changes to the program. The intended benefits to the community and the land owners was highlighted.

3. Stakeholder Recommendations

The issues discussed at the focus meetings were summarized in the slides. Proposed changes to address those issues were summarized in a handout (see Attachment A). In addition to the changes listed in the handout, the following ideas were discussed:

- Off-site mitigation for stormwater impacts
- Special study areas to establish basin specific stormwater volumes and flow capacity

- Provide a customer survey of LID program with permit applicants as part of program evaluation criteria.
- Have an adaptive management program that requires we look at maintaining, adjusting, or eliminating the program after five years.
- Outreach and education on maintenance of private LID stormwater facilities is needed, is this a service that BBWARM could provide?
- PDS should ask existing permit applicants if they are interested in adjusting their proposal to meet LID requirements?
- Should a committee be set up to advise on LID projects? How about using the Public Works Technical Advisory Committee?
- Can projects retroactively apply for LID qualification?
- If project applicant wants to modify a pending project to be LID, can they do so without additional permit fees?

4. Next Steps

Technical review over the past two months has resulted in a number of significant changes related to simplifying the LID program, and tying the critical areas regulations closer to the Birch Bay Watershed Characterization Pilot Study. The group has agreed to review the code when the proposed changes (see Attachment A) have been made, at which time another Ad hoc Stakeholder meeting will be held to get final feedback before getting further input at a Birch Bay town hall meeting and then Planning Commission.

Action Item: Make changes as proposed in the handout and discussed at the meeting. Bring back the changes to code and supporting materials to the Ad Hoc Stakeholder group for feedback.

Summary of Potential Program Changes

Birch Bay Ad Hoc Stakeholders Meeting August 17, 2011

Low Impact Development

- Simplify the LID Point system
 - Remove Open Space and Critical Area categories, add one page checklist
- Point System Should Encourage Redevelopment
 - Retention of existing trees, Reducing impervious, Revegetation, Treatment
- Develop outreach and educational materials on Whatcom County LID standards and costs
- Align with our stormwater standards with NPDES performance requirements
- Define what is “managed” stormwater
- What surfaces count toward stormwater threshold for requiring engineered facilities
- Define what qualifies as an LID BMP
- Develop maintenance requirements to be recorded with the site
- Work on BBWARM fee reduction, tie it to facility maintenance
- Establish evaluation criteria to review program in 5 years

Habitat Mitigation Fund

- Focus off-site mitigation on habitat creation
- Tie “avoidance” criteria to Pilot Study results
- Require LID to minimize impacts to buffers
- Come up with list of candidate sites to prioritize restoration
- Pilot the program with evaluation criteria

Date: August 10, 2011
 Time: 9:00 am- 11:30 am
 Place: Whatcom County Public Works, Civic Building, Water Resource Conference Room

1.	Intro and review of agenda
2.	Need for Watershed-based Mitigation
3.	Examples
4.	Implementation

MEETING ATTENDANCE

Margaret Clancy – ESA	Nathan Row – APC Consultants
Wendy Steffensen - ReSources	Peter Gill – Whatcom County PDS
Analiese Burns – NW Ecological	Wendy Harris
Susan Meyer – Dept. of Ecology	Keturah Witter - ReSources

DOCUMENTS DISTRIBUTED / PRESENTATION

Slide Presentation:
[HTTP://WWW.CO.WHATCOM.WA.US/PDS/NATURALRESOURCES/SPECIALPROJECTS/PDF/AD-HOC-MITIGATION-20110810.PDF](http://www.co.whatcom.wa.us/pds/naturalresources/specialprojects/pdf/ad-hoc-mitigation-20110810.pdf)

MEETING CONTENTS

1. Review Agenda

There were no additions or changes to the agenda.

2. Need for Watershed-based Mitigation

Slides were presented regarding the extensive wetland cover in the Birch Bay watershed. Analysis shows that approximately 25% of the UGA and 35% of Rural zoned areas are wet. There have been 44 approved mitigation plans in the watershed since 2005. One project objective is to accommodate growth and improve watershed processes as we go forward. Current site by site mitigation approach is costly for the county to monitor and onerous for the developer. Does a fee in lieu of mitigation offer an opportunity to improve results of mitigation while simplifying the process? Does the Watershed Characterization Pilot provide the background to try a different approach?

Discussion moved into why Birch Bay was not rezoned according to the Watershed Characterization Pilot Study (Pilot Study). Since we don't plan on rezoning, it was noted that we should make ecological and permitting information more easily accessible to the general public. The group was asked what buffer functions could be mitigated off-site. Response was overwhelmingly that off-site mitigation for buffer impacts should be limited to wildlife habitat. There was general consensus that improved wildlife habitat can be created where population density is low, and habitat is connected through corridors. Mitigation for stormwater flow and water quality functions of buffers cannot and should not be moved off-site. Require LID

measures for these functions. Mitigation sites should be geared toward providing wildlife habitat and monitored accordingly.

The desire to secure a receiving site before impacts was expressed, this would allow us to know what functions can be mitigated. Mukilteo proposal was discussed. It is in front of their Council now. It was allow Mukilteo to purchase properties that could be developed in the future; this is a form of preservation and does not require them to do any ground work to reestablish lost conditions. More information was requested on how mitigation fees were established.

Action Item: Further orient watershed-based plan toward mitigating habitat impacts, including; creating functioning habitat, locating mitigation sites for connectivity, and adequately monitor for habitat creation. Send out wildlife inventory done by Dept. of Fish and Wildlife for the Pilot Study.

3. Examples (hypothetical)

We looked at two potential development scenarios with impacts to wetlands or a stream buffer, one a subdivision in URM6 zone, and a rural R5A example. Each example was discussed in terms of what measures were taken to avoid and minimize their impacts on the wetland or buffer. Most thought that the subdivision development was appropriate, despite the category IV wetlands that were filled, yet most disapproved of the buffer impacts envisioned in the rural example.

The minimization measures taken in the subdivision example: LID stormwater controls, cottage homes, protection and enhancement of higher quality wetlands onsite, urban setting, trees preserved, and wildlife connections, all factored into the idea that avoiding the low functioning wetlands may not always be the first choice in certain circumstances.

On the Rural 5 acre parcel example, the majority felt that the home owner did not take sufficient measures to avoid the buffer as presented and that the house should be moved back or made smaller than 2,800 feet in order to stay out of the buffer. Neither of these examples would be easy to permit, but the rural example would likely happen before the subdivision since there were no direct stream or buffer impacts, only buffer.

Action Item: Provide clarity on when impacts to buffers are allowed, and when they trigger a mitigation plan. Show how recreation planning plays into the locating of mitigation sites. Contact Department of Ecology for their draft "Avoidance" criteria.

4. Implementation

Discussion regarding implementation included how we could maintain the program through times when there is little to no development activity. The Whatcom Conservation District is uniquely suited to weather the ups and downs since they currently have similar programs in CREP and EQUIP that this would link into. They are accustomed to inconsistent funding given their reliance on State and Federal programs. Other questions came down to temporal loss and

how we could recapitalize the program with a project before anyone paid in. Others were concerned with recreational trails how it disturbs or inhibits use by wildlife.

Further policy discussion included; (1) is “avoidance” always the best choice. If not, is there Federal and State legislation that would prevent us from changing this locally. Is there a way to condition avoidance only for areas targeted for “development” through the Pilot Study. State is working on criteria for “avoidance” through the “Mitigation That Works” program and will share it with us. Can we link avoidance and minimization criteria to projects that qualify as Low Impact Development. (2) How is “no net loss” ensured for impacts? There is a list of indices developed for Shoreline Management that may be of use here. (3) Creation of a Pilot to be evaluated in five years time for its effectiveness would provide some comfort moving forward with a new approach to mitigation.

Action Item: Describe policy issues that will be addressed in next of the Habitat Mitigation Fund. Do this in advance of Aug 17 Ad Hoc Meeting.

Date: July 26, 2011
 Time: 9:00 am- 11:30 am
 Place: Whatcom County Public Works, Civic Building, Garden Room

1.	Intro and review of agenda
2.	Low Impact Development Qualification Code
3.	Examples
4.	Technical Specifications

MEETING ATTENDANCE

Roger McCarthy – WC Public Works	Nathan Row – APC Consultants
David Galbraith – PSE Engineering	Peter Gill – Whatcom County PDS
Colleen Mitchell – 2020 Engineering	Michael Kershner – Whatcom County PDS
Tim Kennedy - BIAWC	Dustin Atchison – CH2M Hill
Ken Bell – WC Planning Commission	

DOCUMENTS DISTRIBUTED

- Revised Stormwater Design code 20.50.700
- LID Scoring Checklist
- Draft State LID Requirements On-site Stormwater Management

MEETING CONTENTS

1. Review Agenda

There were no additions or changes to the agenda.

2. Low Impact Development Qualification Code

The intention of this code is to remove barriers to LID and define minimum requirements to qualify as an LID project. We are not providing technical standards on how to build stormwater facilities; this is left up to WC development Standards Section 221 and State LID Technical Manual for Puget Sound.

A hybrid point system that simplifies the seven proposed point categories was reduced down to five. This was accomplished by removing the Open Space points, and requiring clustering according to the particular zone. Clustering provisions are already part of Title 20 so no changes are needed. The other section that was removed was the critical area protection credits. This category was confusing to some. A one page checklist was distributed that includes all the point categories.

Action Item: Continue to simplify point system and checklist.

3. Examples (Existing Sites that have been built)

The revised point system discussed in previous agenda item was applied to several projects that went above and beyond the existing requirements to manage stormwater, minimize impacts to habitat, and provide open space.

- Tides at Birch Bay (Cottages and condos) 42 points out of 74 possible
- Millworks, Bellingham (Single family Residential) 55 points out of 74 possible
- Indian Point, Port Townsend (Commercial Mixed use, Shoreline) 45 points out of 74

During the discussion costs to implement these projects vs. conventional was brought up as the most effective way to make the case. It was suggested that a handout that compares costs should be created as a handout to perspective builders/developers. Even with useful incentives, developers will not go down this road unless it benefits their bottom line.

Mr. Bell noted that developers will be more interested in this approach if it makes their development more marketable, but noted that the general public is not “there” yet. Aesthetics of conventional stormwater ponds and systems versus LID systems were discussed. Forested trails, landscaping, and rain gardens were mentioned as benefits to most people when looking for a place to live.

A LID tour was discussed as a way to reach more of the market and decision makers. This tour should be put on by a neutral group that does not already have a “green” following.

Discussion of the point system included concern over giving points for tree retention for lots that start without trees. This was discussed as a way to encourage infill. A number of people noted that there is nothing to stop someone from cutting down trees and then two years later getting points under this program for retaining “existing” tree cover. Questions included, how were the points calibrated, and are they weighted. The highest potential points are for revegetation, which includes reveg for CAO buffers not associated with mitigation.

Action Item: Look into organizing a LID tour of existing facilities. Evaluate how to improve the point system for tree retention. Create handout comparing economics of LID vs. Conventional stormwater on existing projects.

4. Technical Specifications

Concern over what counts as impervious surface as it relates to small or large project thresholds was discussed. Since both small and large projects will require flow control, detention, and water quality the main difference is whether engineering is required for the stormwater system design. Sounds like different jurisdictions administer the State code differently in terms of meeting thresholds. Smaller road profiles and lot dimensions are part of the incentives for doing LID. We will work to secure letters from other departments that show

understanding of the program and commit to the alternative standards, Fire Marshall for example. Other benefits of LID include buffer reduction without reasonable use provision or mitigation per the CAO.

For technical specifications of how to build LID BMPs we refer to existing County specs in Section 221 or the LID Technical Manual for Puget Sound.

The need to improve the point system to encourage redevelopment was discussed. Better stormwater management from redevelopment could improve the flooding problems, so encouraging infill should be the priority. There is a provision to give full points to a project that results in less impervious than currently onsite, is not enough, we should go further.

Matching up to State performance standards is important if Birch Bay is to ever become a NPDES permitted area. The proposed State LID minimum requirement #5 was distributed. They have very specific requirements for impervious pavement, etc. We do not need to match these as long as we meet their performance measure for stormwater quality, detention, and flow control.

Use of the average annual runoff thresholds as a performance measure of stormwater design was discussed. This seemed to be an acceptable way to afford points, given it is a measurement engineers are accustomed to. It was mentioned that we should add additional emphasis that LID measures (structural or site design) are required to manage a minimum of 91% of the stormwater.

Action Item: Define stormwater “management.” Define what are considered LID BMPs and what surfaces count toward the Large Project/Small project threshold. Reverify that we meet State performance standards with our prerequisite.

Date: July 20, 2011
 Time: 3:00 pm- 5:30 pm
 Place: Whatcom County Public Works, Civic Building, Garden Room

AGENDA

1.	Intro and review of agenda
2.	Low Impact Development
3.	Incentives
4.	Alternative Mitigation Program

MEETING ATTENDANCE

Darcy Jones – Jones Engineers	Nathan Row – APC Consultants
Wendy Harris - Citizen	Peter Gill – Whatcom County PDS
Colleen Mitchell – 2020 Engineering	Michael Kershner – Whatcom County PDS
Tim Kennedy - BIAWC	Adam Merrill - ESA
Keturah Witter - ReSources	Analiese Burns – NW Ecological
Keats Garman – BBWARM Advisory Board	

DOCUMENTS DISTRIBUTED

MEETING CONTENTS

1. **Should Birch Bay LID code be kept together (as an overlay), or spread throughout the entire WCC?**
 - Yes, it should be kept together
 - No, it should be spread throughout. Need to differentiate between structural (e.g., stormwater infrastructure) and non-structural (e.g., preserving open space) LID practices.
 - There might be too many overlays already, which gets confusing
 - LID is a result, not necessarily a practice.
 - Keeping it all together will emphasize its importance. Too many cross-references is confusing
 - Make an “LID” section that’s not specific to Birch Bay. Treat as a pilot project.
2. **Point System**
 - Ran some development examples—point system may discourage participation on small lots/commercial areas. Preserving forest and land set asides is hard to do on smaller lots. No incentive to use LID manual, except for the stormwater management stuff.

- Need to take redevelopment of existing developed parcels into account.
- Maybe we need to just “write off” some areas of the watershed that are already highly impacted, in exchange for protecting other areas
- Need defensible point system
- Point system is a good idea
- Need a simple checklist sheet to show the planning commission. Make it easy to understand
- County should make planning documents and regulations easy to find on website, linked to a parcel map.

3. **Guidebook options**

- Worried about homeowners putting in rain gardens in unsuitable areas, without an engineering review.
- May want to split guidebook into 2 versions, one for single-home developments and one for larger developments
- Should have requirements specific to the different sub-basins
- Make a flow charts, pointing people in the right direction for appropriate practices, depending on development types, site conditions, ect...
- We should advise people to get professional advice

4. **Should we pilot the approach?**

- Yes, should set a date for reviewing the program
- First thing we should look at in the future: are people actually using the program
- Will need to evaluate incentives in the future—are they working?
- How does this program figure in to other LID planning efforts within the County?
- Need to “sell” the public/land owners about the LID plan
- Test water quality in the bay and at different sites, to determine a baseline of water quality. Then, compare the baseline to post-development measurements
- Should do fish and wildlife monitoring and surveys. Get colleges/schools involved

5. **Maintenance of LID stormwater facilities**

- Most jurisdictions don't want to take over maintenance of private stormwater facilities.
- Maintain is critical; education and enforcement is a major issue
- For BBWARM fee reduction, have property owners submit an annual monitoring report

6. **Incentives**

- BBWARM does not want to reduce fees. Should focus on overall cost savings resulting from LID development, as opposed to conventional development
- Should LID suffice for avoidance and minimization criteria in the "development" subwatersheds as described in the Watershed Pilot Study.
- Emphasize overall cost savings.

7. **Incentives**

- Need to factor in no net loss and indirect impacts

Birch Bay Watershed Action Plan:

June 16, 2011 Ad Hoc Stakeholder Workgroup Meeting Summary

Name	Email (if we do not already have)
Dominique Zervas	dominique@zervaslaw.com
Kathy Bay	chairkathy@birchbayinfo.org
Craig Wilson	
Logan M. Carthy	
Colleen Mitchell	colleen@2020engineering.com
Keturah Witter	jhaik@students.wvu.edu
Craig Parkinson	CRAIG@CASADELIFE.COM
Analiene Burns	analiese@nwecological.com
George Zages	
Dong Campbell	dong@apcengineers.com
Nathan Row	nathan@apcengineers.com
Darcy Jones	darcy@jonesengineers.us
Adam Merrill	
Ingrid Enschade	
R. Perry Shridge	
Keats Garman	
DAVID GALBRAITH	
DAVE CONYERS	
Wendy Harris	qwerty@comcast.net
Linda Thirchell	linda@biawc.com

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.