

submitted at 6/20/18  
Advisory Committee meeting

## Lake Whatcom Stormwater Utility Service Area Funding Study Public Comment

Name: Kris Ungern

Address: 2095 N. Shore Rd.

Comments:

The focus appears to be on reducing phosphorus flowing into Lake Whatcom from developed areas. Unfortunately, phosphorus is also conveyed into the lake from the larger undeveloped areas in the form of groundwater, the Middle Fork Nooksack diversion, and runoff from major storm events.

The 50 year goal is to reduce phosphorus entering the lake from developed areas by 87%. Since water tests measure the total phosphorus from both developed and undeveloped areas, how can we tell whether any progress is being made?

Todd Donovan indicated in the June 6 meeting that the committee's job is to come up with a tax or rate schedule but not to determine how much money needs to be collected - how is that even possible?

The annual funding shortfall seems to be about \$600K. What specific stormwater projects are associated with this amount; are they high priority, or are there other measures that can be taken to make real progress in achieving phosphorus reduction goals? My concern is that we're not working on the right problems, or to put it another way, not focused on addressing the right projects. Without more careful planning, we run the risk of doing something, "even if it's wrong" - with little to show for our efforts.

My overall impression is that the train has already left the station without knowing what the proper destination should be.

To date, watershed residents have not been involved in the process, mostly because they have not been properly alerted to activities that could affect their taxes. The local newspaper and County Council, in particular, have done very little to notify citizens about upcoming meetings concerning the Lake Whatcom watershed.

Return to:  
Whatcom County Public Works Natural resources  
Attn: Lake Whatcom Stormwater Utility Funding Comment  
322 N Commercial St., Ste 110  
Bellingham WA 98225

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**From:** bear it <bear\_it999@hotmail.com> *Nate Marino*  
**Sent:** Wednesday, June 20, 2018 12:57 PM  
**To:** LWStormwaterUtility  
**Subject:** Comment Regarding Lake Whatcom Stormwater Utility and Funding Study

Hello,

As a resident of the Lake Whatcom watershed, I find the entire concept of a Stormwater Utility a non-starter unless and until you also eliminate the possibility of building additional homes around the reservoir. The Whatcom County Planning Department is still rubber stamping development projects which disturb sensitive wetland areas in the watershed, if not eliminating them altogether. If there is really a concern about the water quality in the lake, the answers are fairly simple...quit doing things that will only make the problem worse! Then if you want to tax us to handle the problems the existing development is causing, you're on solid ground.

Knowing how local government works, I don't expect they will do the right thing by stopping future development in the watershed. So when it comes to determining a rate structure, our family is opposed to a flat per-household fee because it unequally burdens responsible owners who have taken steps to address the issue of runoff. We instead, support the fee being prorated based on several factors including:

1. Lot size
2. Area of impervious surfaces in relation to total lot size
3. Lawn area
4. Ownership of pets who deposit their waste outdoors, higher fees for multiple pets.
5. Significant savings for households that have already taken measures like French drains or rain gardens to eliminate runoff
6. Significant savings for households who have native plants, with the amount based on a percentage of their lot size

By using these methods for determining the fee, responsible owners are rewarded for their environmental stewardship, and irresponsible owners will pay significantly higher fees for their behavior and the impacts they cause. This method could also aid in discouraging irresponsible future development by teaching people that there is a cost for their laziness when designing and developing their parcels.

Finally, the new parks in the watershed have significantly increased the amount of traffic on local roads. There are more people, more dogs, and, and more horses producing waste that invariably goes into the lake. The County should pay a significant portion of the total funding needed for the Stormwater Utility based on the intensity of the use of the parkland, the number of auto trips they require, and the increased animal waste issue. Our family is not opposed to the County charging a fee for use of these parks if that's what it comes down to, but to charge the local residents, (who may not even use the parks), for these significant impacts is very unfair.

Thank you for your consideration of my comments this matter,

Nate Marino

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**From:** Andrew S. Conn <[asconn@gmail.com](mailto:asconn@gmail.com)>  
**Sent:** Thursday, June 21, 2018 8:25 AM  
**To:** LWStormwaterUtility  
**Subject:** Notification of Storm Water related Meetings, Public Notice and Comment Periods, Statutory Authorities

To Whom it May Concern:

Please advise when I would have been notified about the 6/20 Storm Water / Watershed meeting in Geneva. To my knowledge, I did not receive any notification of such meeting, preceding meetings, future meetings.

Furthermore, I'd like to know Whatcom County's plans for substantiating the specific residential property attribution of "responsibility" for storm water management involving private citizens who own properties at or near Lake Whatcom considering the variability of storm water "systems" on various properties not to mention the septic vs. sewer connection variabilities.

Finally, please advise the name of the legal counsel assigned to this matter by Whatcom County.

Respectfully,

Andrew S. Conn

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[asconn@gmail.com](mailto:asconn@gmail.com)

**This Email is Confidential**

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**From:** Andrew S. Conn <asconn@gmail.com>  
**Sent:** Tuesday, June 26, 2018 10:50 AM  
**To:** LWStormwaterUtility  
**Cc:** Gary Stoyka  
**Subject:** Re: Notification of Storm Water related Meetings, Public Notice and Comment Periods, Statutory Authorities

Hello Ingrid,

Thank you very much for your answers to my initial questions.

For your information and for the record, in my opinion, the media you've identified as being the communication channels for meetings is not exactly the most rigorous method of getting to your audience. I do not read the Herald and my brief association with Nextdoor was wholly unsatisfactory. I don't mean to suggest that the New York Times would be a better choice but I will suggest that you consider using USPS postal mail in a format that is attention getting so that people read the info, or, alternatively, solicit the assistance of the various water districts (I'm in LWWD10) to utilize their mailing lists - nearly everyone pays a water/sewer bill.

I did not see the press release; I presume that release was in the Herald?

As to future meeting notifications, I will sign up via your website for future notifications. My understanding is that out of a "universe" of some 4-6,000 possible local audience, only approx. 20 attended the most recent meeting. That low turnout is well below what I would consider appropriate given the potential of 4-6000 and that at least some significant portion of the impacted audience will be payers of some form of fee or tax, both, I believe, subject to referenda or other approvals.

Thank you again for your response. I look forward to meeting you at the next meeting.

Respectfully,

Andrew S. Conn

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**From:** Nancy Alyanak <bc98229@comcast.net>  
**Sent:** Wednesday, June 27, 2018 7:28 PM  
**To:** LWStormwaterUtility  
**Subject:** Public Comment : Lake Whatcom Stormwater Utility Service Area: Fiscal Policy that isn't

Public Comment  
Lake Whatcom Stormwater Utility Service Area: Fiscal Policy that isn't

The Lake Whatcom Stormwater Utility Service Area is not a separate entity, so the issues presented in FCS "Issue Paper 1: Stormwater Utility -- Fiscal Policies" are not relevant. Issue paper #1 applies to Stormwater Utility Districts, not service areas. Discussing the Lake Whatcom Stormwater Utility Service Area as if it were a utility district is misleading.

FCS defines a Stormwater Utility thusly: "A stormwater utility is a stand-alone entity, usually set up as an enterprise fund, within the governmental structure. It is defined as being financially and organizationally self-sufficient, and can be designed to furnish a limited or comprehensive set of services related to stormwater quantity and quality management."(#1) The Service Area is not a stand-alone entity or self-sufficient. The FCS definition of Stormwater Utility describes a district, rather than a service area.

The FCS definition applies to quasi-municipal corporations such as a Flood Control Zone District Subzone (RCW 86.15.025-170) or to municipal corporations such as a Utility Local Improvement District (RCW 36.89.110, 36.94.220-300). Lake Whatcom Stormwater Utility Service Area is neither of these.

The Lake Whatcom Stormwater Utility Service Area is a RCW 36.89.080 Service Area. County Council could have created a Flood Control Zone District Subzone or a Utility Local Improvement District. Council chose to create a Service Area instead. The Service Area is more limited in what it can do and has no financial independence. Service Area finances are completely controlled by the County. Service Area fiscal policy is already determined by County fiscal policy.

The service area idea started small. In April 2017 a "Special District fee" was proposed to fund a Lake Whatcom Total Maximum Daily Load (TMDL) Response shortfall amounting to \$0.3M. The \$0.3M would go to increasing the scope of the Homeowner Incentives Program (HIP) according to Lake Whatcom Management Plan (LWMP) 5-Year Plan (#2). Somehow, a way to get a little extra money for HIP is being transformed into a multi-million dollar behemoth requiring capital reserves and debt management.

Nancy Alyanak  
June 27, 2018  
[bc98229@comcast.net](mailto:bc98229@comcast.net)

References:

(#1) Stormwater 101 Guide - Washington State Legislature

[http://leg.wa.gov/JTC/Documents/Studies/Stormwater/FinStormwater101Guide\\_091511.pdf](http://leg.wa.gov/JTC/Documents/Studies/Stormwater/FinStormwater101Guide_091511.pdf)  
John Ghilarducci, FCS

(#2) WATER RESOURCE LEVEL-Of-SERVICE AND FUNDING OPTIONS, Surface Water Work  
Session Handout, 4/11/2017



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**From:** Nancy Alyanak <bc98229@comcast.net>  
**Sent:** Monday, July 23, 2018 10:01 AM  
**To:** LWStormwaterUtility  
**Subject:** Public Comment: A Simple, Phosphorus-Based Rate Structure for Lake Whatcom Stormwater Utility Service Area

The Lake Whatcom Stormwater Utility Service Area advisory committee has an unenviable task: selecting "appropriate rate structure alternatives given (1) the emphasis of the program on phosphorus loadings and other water quality impacts.."(Issue Paper2). The Service Area was created "to reduce phosphorus-laden runoff entering the Lake (in order) to fulfill the requirements in the TMDL\* implementation plan" (ORD 2017-076).

Unfortunately, the rate structure choices in Issue Paper #2 are written for an urban watershed with typical urban stormwater issues. The Lake Whatcom watershed is not urban. 87% of the watershed acreage is forest and wetland (TMDL v.2). The issue paper's suggested rate structures promote impervious surface fees. Impervious surface is only 2% of the Service Area (TMDL v.2). An impervious surface based fee asks property owners of the 2% to subsidize the remaining 98%.

Phosphorus enters the lake attached to sediment carried by stormwater runoff. Reducing the sediment carried by stormwater reduces the phosphorus. Topography plays a major role in the volume of sediment transported in runoff. Steep slopes promote runoff. The topography of Lake Whatcom watershed is mountainous, with steep slopes, deep ravines and swift creeks. The sediment volume produced from steep slopes is greater than sediment volumes produced in the mostly flat terrain typically found in urban areas. Of the urban stormwater fee areas discussed in the NRDC study, the mountainous topography of Boulder, CO is most like the Lake Whatcom topography. The City of Boulder uses a fee structure based on parcel size.

Parcel size is also the most appropriate fee structure for Lake Whatcom. Although 87% of the watershed acreage is forest & wetland, it accounts for over half (52%) of the phosphorus load.(TMDL v.2) Effective Developed Acres\*\* contribute the remaining 48%. A phosphorus-based rate structure could impose a proportionately larger per acre fee on developed land than on forested land. "Fees should apply on the basis of contribution to the problem regardless of other factors."(NRDC 1999). Both developed and undeveloped parcels contribute to lake phosphorous load so both pay a fee.

A fee based on parcel size has another advantage: no added, expensive third party data collection is necessary. A database with parcel size, parcel owner and parcel development already exists in the county assessors office.

In the future, the forested acreage will become an ever greater source of sediment runoff due to development of two large county parks. Approximately 7,000 acres of these new park lands are located within the watershed. Annual projected use of the two parks is 200,000 visits (Park Plan). Even with the most careful development, traffic from cars, bicycles, horses and hikers can only increase stormwater runoff. More people will visit the park land annually than live in the Service Area. Service Area homeowners should not be expected to cover the stormwater costs of the county's new public attraction.

Nancy Alyanak  
July 23, 2018  
[bc98229@comcast.net](mailto:bc98229@comcast.net)

Notes:

\* TMDL: Total Maximum Daily Load

\*\* Effective Developed Acres: Acres developed and discharging phosphorus consistent with development regulations at the time of calibration. Developed acres that have stormwater dispersed into large tracts of native vegetation or which fully infiltrate stormwater are not effective developed acres (TMDL v.2).

References Cited:

Issue Paper2: Whatcom County Stormwater Issue Paper #2(draft), Rate Structure Alternatives, FCS Group, June 2018. p.1

ORD 2017-076: Ordinance Establishing The Lake Whatcom Stormwater Utility Service Area, Dec. 2017. p.1

NRDC 1999: STORMWATER STRATEGIES Community Responses to Runoff Pollution, Natural Resources Defense Council, May 1999. p.53, 55

TMDL v2: Lake Whatcom Watershed Total Phosphorus and Bacteria Total Maximum Daily Loads, Volume 2. WA DOE Pub. 13-10-012, Nov. 2014. tables 5, 3, p. A-55

Park Plan: Lookout Mountain Forest Preserve and Lake Whatcom Park Recreational Trail Plan, Whatcom Co. Parks & Recreation, June 2016. p. 2, 8



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**From:** Mike Allsop <mike.allsop@allsop.com>  
**Sent:** Monday, July 23, 2018 2:50 PM  
**To:** LWStormwaterUtility  
**Cc:** Council; ccmil@cob.org  
**Subject:** Response to WC Storm Water District Rate Structure Proposal  
**Attachments:** WC storm water Districts rate structure proposal - July 2018.pdf

Please see attached letter.....

-- Michael G. Allsop



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# Michael & Marianne Allsop

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*Sent via email – [LWStormwaterUtility@co.whatcom.wa.us](mailto:LWStormwaterUtility@co.whatcom.wa.us)*

July 23, 2018

Whatcom County Public Works Stormwater & Natural Resources  
322 N. Commercial Street  
Bellingham, WA 98225

Dear Sirs,

I am writing to respond to the Whatcom County storm water district's rate structure proposal that is currently being developed by the FCS group and the advisory committee. I have been a resident of Lake Whatcom for 73 years. In order for the tax rate structure to be implemented some understanding of the history of the lake must be taken into consideration. I maintain that the current residents of the lake should **not** shoulder the costs of cleanup. The impact of lake residents is miniscule compared to the majority of other reasons for the levels of pollutants in the lake.

Neither the current city council members nor the DOE, nor the advisory committee seem to be aware of the history of the lake. For example, when I was growing up on North Shore Road the railroad routinely sprayed DDT and other herbicides along the tracks to control the blackberries. The rail ties and trestles were also heavily creosoted. Due, I am sure, to the DDT, there were no eagles on the lake. Today, the eagles, osprey and great blue heron are thriving. So are the geese. In fact, I can count 30 or more geese inhabiting the area in front of my home. It is estimated that if 1000 geese poop three pounds each day for 365 days a year the total exceeds one million pounds of excrement.

There are other contributing factors which result in pollutants entering the lake from the watershed during storm events. We must also obtain the testing results from Mirror Lake and the south end of Lake Whatcom outfall. The issue of nonresident boaters on Lake Whatcom is also important. We witness many boaters using the lake as their toilet rather than going back to the park to use the facilities.

Furthermore, the Y road was home to two community dumps sites which have been leaching into the ground water for over 50 years

The cone farm, also on the Y Road, is also sprayed, in fact, there is a tank containing herbicides and/or pesticides on the cone farm site. As recently as the summer of 2017, the extensive growth of Scotch Broom was sprayed. I will make a FOIA request to make public the spraying records from the county, the city, the PSE, the railroad and all other entities that have sprayed in the watershed.

Another huge factor that impacts the phosphorous content of the lake is the Nooksack River diversion. A geologist explained that the glacial melt from Mt. Baker is full of phosphorous which then enters the lake via the Nooksack diversion. The traffic around the lake is greatly increased due to the various parks that have been built which attract hikers, mountain bikers and walkers. The trail at the end of the lake has an impervious surface, as does the parking lot.

All of the aforementioned need to be considered before any Lake Whatcom property owners are taxed. Obviously, other factors are the major contributors to the lake pollution.

**18 million dollars** was recently spent to upgrade the water treatment facility. All Whatcom County residents who consume water from the lake should foot the bill for an even more state of the art facility if it is deemed necessary. Many communities in Europe purify gray water for their personal consumption. There is a saying in London that every glass of water has passed through nine (9) bodies!

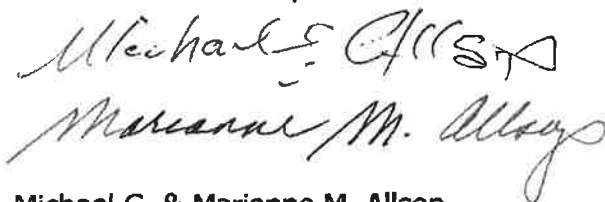
The city and the county as well as the logging companies have the most culpability as **legacy** owners. The flood of 1983 introduced massive amounts of minerals, phosphorous and other contaminants into the lake.

The Sudden Valley Golf course is another source of pollutants. The small park just past the Britton Road, which has no toilet facilities, is also a problem. Residents of the lake have a sewer which Dan Robbins engineered and Dutch Hawley and I helped develop. The upland residents were also invited to participate in the Sewer plan but they declined the offer.

In another matter, the county needs to produce a logging plan and place that property on the tax rolls. Currently the 9,000 acres are listed as forestry and, as such, there needs to be a logging plan to produce a tax base or declare it a park with all the attendant LEGACY issues.

In closing, I would expect any proposed Lake Whatcom taxing area to be hotly opposed by the property owners. It is questionable whether or not this taxing plan is even legal given that problem arises mostly as the result of county, city, PSE, non-residents or natural activities rather than the practices of most of the residents of the lake.

With utmost concern,

The image shows two handwritten signatures in cursive. The first signature is "Michael G. Allsop" and the second is "Marianne M. Allsop".

Michael G. & Marianne M. Allsop

cc Whatcom County Council – [council@co.whatcom.wa.us](mailto:council@co.whatcom.wa.us)  
Bellingham City Council – [ccmail@cob.org](mailto:ccmail@cob.org)