



# City Council Agenda Bill

20346  
Bill Number

Subject: Report from the March 3, 2014 Lake Whatcom Policy Group Meeting

**Summary Statement:** The Lake Whatcom Policy Group, consisting of representatives from the Lake Whatcom Water and Sewer District, the Whatcom County Council, and the Bellingham City Council, meets regularly to discuss policy issues regarding Lake Whatcom. The Lake Whatcom and Natural Resources Committee chair will provide a briefing on the discussion and recommendations from the March 3, 2014 Policy Group Meeting.

Previous Council Action: n/a

Fiscal Impact: none

Funding Source: n/a

Attachments: LW Policy Group Mar 3 2014 Report Out

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Committee Briefing Information Only	3/10/2014	Information Only	Pinky Vargas	3 minutes

Recommended Motion: .

Council Committee:	<b>Agenda Bill Contact:</b> Mark Gardner, 778-8204		
	<b>Reviewed By</b>	<b>Department</b>	<b>Date</b>
	<i>Cathy Lehman</i>	Council President	03/05/2014
	<i>Pinky Vargas</i>	LW Nat. Resource. Cmte	03/05/2014
	<i>Kelli Linville</i>	Executive	03/05/2014



## Lake Whatcom Policy Group

### March 3, 2014 Meeting

### Brief Digest of Presentations and Discussion

**Policy Group members in attendance:** Carl Weimer, Barry Buchanan (Whatcom County Council); Pinky Vargas, Roxanne Murphy (City of Bellingham Council); Leslie McRoberts (Lake Whatcom Water and Sewer District Board). Other legislative or board members present: Jack Weiss (City of Bellingham Council); Larry Brown (Sudden Valley Board); Rud Browne (Whatcom County Council).

#### 1. Annual Lake Whatcom Build-out report

The annual build-out report is designed to track development trends over time and has been produced annually since 2005. The study is designed to be repeatable and to capture the big picture. The analysis is based on parcel data from the County Assessor and the zoning maps. Annexations and rezones may affect capacity from year to year. The report does not take into account conditions that may affect development potential such as critical areas, possible lot line revisions, current building permits, etc. Properties with under \$10,000 of building valuation are considered to be undeveloped. Public lands and protected parcels are removed from the analysis, as are Sudden Valley lands that are owned by the association. Only lands with some residential potential are included. This includes some rural forestry lands where one unit could be built per 20 acres. Commercial forestry lands are excluded.

The data indicate 6,877 developed residential units in the watershed, with another 1,811 units possibly available for development. Most of these developable lots are in Sudden Valley or the rural watershed. The available Sudden Valley lots are small lots under the County's RR3 zoning, and the rural lots are in the R5A zoning with a minimum of size of 5 acres.

Looking over time, development peaked in 2005-06 and trended steadily downward through 2009-10, remaining low since then with the exception of a slight uptick in the rural watershed in 2012-13. One unexpected occurrence in the last year was the conversion of RV pads in Wildwood Acres to building sites, resulting in about 60 new permanent units being constructed, with another 30 units possible. The units are legally condos with covenants restricting occupancy by the owner to no more than 180 days per year, although they can be rented out at other times.

#### 2. Land acquisition, preservation, and restoration: activities and goals

Review of Acquisition Program. One parcel was acquired in 2013 near the former Polygon property that was acquired in 2012. Two land management initiatives are planned for 2014. The City, County and Whatcom Land Trust own and manage land subject to conditions of Bonneville Power Administration (BPA) easements for the power lines that run through the watershed. The three entities intend to renegotiate the easement conditions to bring them more in line with current management practices that protect lake water quality. Changes would focus on vegetation management and maintenance of access roads to reduce erosion. A BPA agreement with Seattle Public Utilities provides the model for the proposed changes. About 100 private properties also have easements with BPA and may be able to join the discussions. The intent would be to have standardized easement conditions throughout the watershed.

The City of Bellingham is working on a forest management plan for its larger parcels. Forest

management practices will focus on water quality protection and restoring the functions of a mature forest. Actions will include planting, thinning of too dense stands, road abandonment/ maintenance and habitat restoration.

An example of elements of current land management plans elicited a query on the fate of buildings on purchased properties. With one exception the City has removed buildings on acquired properties. Regarding recreational use of acquisition properties, social trails are acceptable if they do not promote erosion or degrade properties. If trails present a problem they are closed. The overriding policy for these lands is to protect the watershed and prevent erosion.

Briefing on planning for parks on former DNR Lands. The County closed on the parcels reconveyed from Department of Natural Resources (DNR) in January 2014. The final total is 8,844 acres. The County is still inventorying the property and will start planning for future uses in the spring. Right now they are examining easements and the condition of trails and roads. Some trails will be closed because of erosion or public safety concerns. For example, some mountain biking trails go straight downhill and can cause problems. Also, at present there are a lot of keys issued to the access roads, and the locks are being changed to ensure that only authorized people have access. The leases to the cell phone towers will also be examined and may be renegotiated.

Two work groups will be formed to assist in the planning: one for recreation and one for habitat and environmental restoration. Some agreed-upon ground rules will guide both groups and a balance will need to be struck. There will be a forest management plan as well as a trail system plan. The long-term plan is to restore the forest to an old growth condition. Some thinning and other management efforts will be needed in the short term. These will conform to Lake Whatcom Landscape Management Plan requirements. For recreation the focus will be on non-motorized activities. There are a wide variety of recreational users: hikers, bikers, horseback riders, etc. Some roads will need to be upgraded while others may be decommissioned. The final plan will be reviewed by the County Council and the plan can also be reviewed by the Policy Group.

Role of Whatcom Land Trust in preserving/restoring land. The purpose of the Whatcom Land Trust is to protect and preserve land via ownership, easements, stewardship, and education. The land trust works countywide and its goals include preservation of agricultural lands, watershed protection, salmon recovery, and shoreline protection. The Trust has an interest in about 20,000 acres countywide at the moment. With conservation easements owners sell or donate some of their development rights and agree to certain stewardship practices. The Whatcom Land Trust owns 5 properties encompassing 365 acres in the watershed. In addition, there are 11 conservation easements across 1,523 acres. Some properties with easements are public and others are private. Properties under ownership include the Stimson Reserve, Anderson Lake, and Ladies of the Lake. A few parcels are actively farmed. An easement is tied to the deed and the current owners have the greatest responsibility for protection. Appropriate stewardship practices are decided upon during the creation of the easement. Legal enforcement of the conservation rights are a last resort for the trust. The Land Trust has a stewardship staff and actively encourages public education and engagement. Most common forms of involvement include volunteer projects for restoration, control of invasive plant species, etc. School groups may also visit trust lands for education purposes or to help with projects. Long-term management goals of Trust forest lands include restoring old growth conditions.

### 3. Update on forestry activities in the watershed

The Policy Group received an update from the Interjurisdictional Review Committee (IJC), which was formed to monitor the implementation of the 2004 Lake Whatcom Landscape Plan on state DNR lands. The group includes representatives from Whatcom County, the City of Bellingham, the Water District, and the forestry industry. The group reviews the plans, with a focus on maintaining water resources and ecological protection but does not audit or monitor specific activities. Proposals are judged against the criteria in the Landscape Plan. Part of the plan includes a commitment by DNR to upgrade or otherwise manage existing roads.

The landscape plan is another layer of protection for the watershed. Other layers of regulation include the basic DNR forest practice rules and habitat conservation plans, and are informed by a Lake Whatcom watershed analysis from the 1990s, which details things such as landslide risks. The rules default to the most protective set for each application. For example, with the Landscape Plan projects are required to have larger buffers around streams. The IJC does not review projects on private lands but these projects must conform to the basic DNR forest practice rules. The IJC may have some continued role with the reconveyed lands since there may be some forest practices on those lands, such as tree thinning. Since the IJC was formed 7 or 8 harvesting plans have been reviewed and approved, some with modifications.

The following 2013 activities were reviewed and approved:

- Logging. A 78 acre "Turkey Tail" logging project occurred on the north side of the lake. The project area contained some unstable slopes. The IJC completed a field visit during the review.
- Power line maintenance. The BPA applied for a tree removal permit on 4 acres to prevent trees from encroaching on the transmission wires.
- Road abandonment. The DNR applied to decommission a road built on unstable slopes.

### 4. Upcoming meetings and other business

The Policy Group reviewed the March 26 Annual Joint Councils/Commission meeting agenda, and proposed resolutions, and set the times for the remaining Policy Group meetings for 2014.

Upcoming meetings or activities include:

- **March 15:** Lake Whatcom Solutions Workshop, 10:00 AM to 3:00 PM.
- **March 26:** Annual Lake Whatcom Joint Councils and Commissions Meeting, 6:30 PM, Bellingham City Council Chambers.
- **March 27:** Boat inspection Open House at Bloedel-Donovan Park gym.
- **April 14:** Lake Whatcom Policy Group, 1:30 PM, Garden Room, Whatcom County Civic Building.