



Lake Whatcom Policy Group

September 30, 2019 Meeting

Brief Digest of Presentations and Discussion

Policy Group members in attendance: Todd Donovan (Whatcom County Council); Gene Knutson (Bellingham City Council); Bruce Ford (Lake Whatcom Water and Sewer District Board); Larry Brown (Sudden Valley Community Association). Other legislative members present: April Barker, Bellingham City Council; Todd Citron, Lake Whatcom Water and Sewer District Board.

1. Administration: Lake Whatcom Management Program 2020-2024 Work Plan-- Process, status, content

The Lake Whatcom Management Program 2020-24 Work Plan is being written. The plan will be reviewed in front of the City and County Councils and the Water and Sewer District Board in February, and brought back to the Annual Joint Councils/Commission meeting for approval in March 2020. The plan has the same general structure as prior plans but some work areas have been deleted as these have been completed, and others carry forward as ongoing activities. A few new activities have been added. Staff have been working to revise performance measures in the report. Some of these track progress in various activities and others are for monitoring purposes. For example, the number of potential development units retired as a result of land acquisition will continue to be monitored, and a new measure has been added to track the restoration of forests.

The Stormwater program will continue to focus on infrastructure and homeowner programs to remove phosphorus from stormwater, and neighborhood stormwater management plans will be created to improve control in specific areas. Staff are also working on the TMDL-required retrofit plan for upgrading existing treatment systems. Existing stormwater systems will also be tested for performance in order to improve nutrient control. Other program areas with new activities include Land Use, where staff will work with the State Department of Natural Resources to create maps of logging and other forest practice activities. In the Administration program area, a TMDL Implementation Plan Update will be written and submitted to the State Department of Ecology.

There is an education program area, but many education items are cross-listed with other programs, such as Stormwater. The Recreation program area will continue to include an emphasis on improving recreation facilities in the watershed, but with a priority focus on techniques that improve stormwater control and mitigate impact of human activities. For additional details on what will be included in the next five year plan, see the following presentation:
<https://www.cob.org/Documents/council/Web%20Files/Lake%20Whatcom/LWMP%20work%20plan%20update%209.30.19%20JPGv2.pdf>.

2. Land Use: Process for revising the City of Bellingham's Lake Whatcom Regulatory Chapter

The City is in the process of reviewing and updating the section of its municipal code that includes land use regulations for the watershed –referred to as the Lake Whatcom

Regulatory Chapter, or as the Silver Beach Ordinance. This section of code was adopted in 2000 and was substantially overhauled in 2009. In 2017, smaller revisions occurred such as the inclusion of Low Impact Development (LID) standards.

The chapter is working well. The current review will create some additional minor changes, including clarifying and adding definitions, and adding language to reflect the practices that are part of the Homeowner Incentive Program (HIP). Changes may be made to allow very small land disturbances to occur during the seasonal restrictions to provide more flexibility for activities with a low risk of phosphorus impacts. For example, right now you cannot dig a hole for a fencepost. Changes may be made in the rules that govern when a project hits thresholds to require retrofits to current development standards. Revisions will also be made to clarify subdivision rules. Amendments to the chapter are expected to be back before the City Council in 2020.

3. Land Use: Shoreline Master Plans Process Overview

A process to update the City's shorelines regulations is underway and is due by June 2020. The City has worked with the Department of Ecology to scope out the likely changes and most changes have been identified. The Lake Whatcom Regulatory Chapter (Silver Beach Ordinance) also governs development, and large changes to what can occur around the lake are not expected. A 100-foot buffer is required around the lake. Many of the homes are non-conforming and this restricts additional encroachment that could otherwise occur. If additional development is allowable native vegetation must be planted in the required buffer areas. The rules have resulted in some hardened shorelines being removed and restored into beaches. Some of the expected changes include looking at the rules governing how non-confirming uses are treated, such as a covered area over a deck. Rules surrounding small changes may be loosened knowing that the Silver Beach Ordinance regulates any impervious surfaces that could be created. Also, right now buffers around Bloedel-Donovan Park are 200 feet and restrict some uses that would not harm the lake, such as allowing a boathouse to be closer to the water.

The County is also in the process of revising its rules. The County Council recently approved a scope of work. Revisions will simplify the rules and pull the elements that are policy statements into the Comprehensive Plan, and will focus on elements that support codifications of the regulations. Elements will be added about climate change and sea level rise. The Plan will strengthen standards for ecological connectivity and wildlife corridors. Standards for non-conforming structures such as over-water structures will be changed from a prescriptive approach that sometimes results in things being where they shouldn't be, to a performance-based standard. There will also be regulations for live-aboard boats. The shoreline standards will include language and policies about the importance of Lake Whatcom in the County's drinking water supply. The hope is to have this ready for adoption by mid-2020.

4. Land Use: Land Acquisition Program Annual Review

The watershed acquisition program has negotiated with dozens of private property owners to acquire their properties. To date about 2,200 acres have been acquired at a cost of \$32 million. Currently properties totaling about 130 acres are in negotiation. There is a lot of interest in the program. Sometime people will inherit land and don't know what to do with it, and in other cases certain properties may be hard to develop. The program also includes maintenance and restoration, including planting trees and

removing hazardous trees, and making trail connections when warranted. The primary goal of these activities is protection of water quality. The program has about \$5 million for the next 5 years.

5. Monitoring and Data: Scope of Work and Interlocal Agreement for on-site Septic Impact Assessment

The Water District hired an environmental consultant to look at septic issues and possible water quality issues around the lake along Northshore Drive. There is a desire to fill data gaps, and the City, County, and District have discussed a scope of work for additional monitoring to occur this winter. An interlocal agreement will be developed to define how the funding is shared between the entities. One goal will be to broaden the study to gather and analyze some water samples in areas with sewer systems to see how these compare with those with septic. The district has set aside \$30,000 for this, and the County will set aside some dollars for 2020. Work can start this year.

6. Administration: Discussion of Future Meeting Topics

At the beginning of this year there were about a dozen or so topics identified that were worthy of inclusion for this year's Policy Group agenda. We have covered all of those topics with the exception of the Aquatic Invasive Species (AIS) annual program review. This year, policy-level revisions in the AIS program are not anticipated. The reporting can be done at the Council level if warranted, and 2019 program activities will also be included in the annual review to be presented at the Joint Legislative meeting in March 2020. Because of this, staff recommend that the November meeting be cancelled.

Topics that may be considered for next year include a discussion of issues brought forth by Sudden Valley's anticipated growth. Approximately 500 additional units could be developed, with expected negative impacts on traffic. Traffic is made worse by the fact that there are almost no services in the valley, ensuring that most residents must drive out for services. The funds of the neighborhood association are low and things such as road improvements and capital projects for stormwater are not likely to be funded. There is also a concern that builders have been cutting down trees under County rules, and many areas have not been replanted, resulting in a loss of tree cover.

Other topics include alternative fuels for boats that would be less polluting, and a further discussion of septic issues around the lake.

Upcoming Meetings:

- The Lake Whatcom Policy Group meeting originally scheduled for November 25, 2019 is cancelled. The next meeting of the Lake Whatcom Policy Group will occur in February 2020, date and time to be determined.
- The annual Lake Whatcom Joint Councils and Commission meeting will occur in March 2020; date and time to be determined.