



# Lake Whatcom Policy Group

## April 24, 2024 Meeting

### Brief Digest of Presentations and Discussion

**Policy Group members in attendance:** Hannah Stone, Skip Williams (Bellingham City Council); Todd Donovan (Whatcom County Council); Bruce Ford (Lake Whatcom Water and Sewer District Commission); Nancy Alyanak (Sudden Valley Community Association).

#### 1. Overview of Past 5-year Work Plans and Introduction to Staff Concepts for the 2024-2029 Work Plan (Gary Stoyka)

- Review of 10 program areas; Climate Action and Forest Management are proposed as new additions, we are asking for Policy Group input.
- Green boxes reflect actions the Policy Group is planning to continue, Blue boxes indicate new and/or improved actions suggested by staff/Policy Group.

#### 2. Policy Group Members Share Their Concepts for the 2024-2029 Work Plan (Jason Porter)

After we receive ideas, we will do resource evaluation and come back in June with a draft work plan. There will be a window after this meeting to email your ideas to ICT staff (target is by the end of next week).

Listed below are comments made by LWPG members/staff.

#### #1 Land Preservation – How can jurisdictions partner to increase the rate of parcels acquired / acres protected / development units reduced?

- What is the County's role in acquiring acres compared to the City? How can the county "up its game" on property acquisition in the watershed? Looking at funding sources, how does the City vs County acquire property and what capacity do we have that we are not using?
- The barrier seems to be landowners as opposed to funds.
- Can we increase the funding on the County side for acquisition?
- There was a previous program where the City/County/District participated in assisting in purchasing lots in Sudden Valley. Would it be worth exploring again?
- The County is seeking an analysis of what options are available to them.
- Could we apply the conservation easement on the County side?
- The real barriers are willing sellers – are there other program areas in which the county can make contributions?
- The County has other mechanisms for reducing units than purchasing parcels.
- How much of the County's budget is devoted to this? Is it a high priority? Is there a priority for staff time to pursue it? Where are the roadblocks for equalizing the playing field. Can we examine the county's approach and determine if it is adequate?
- The City both approaches potential sellers and is also approached by them. When City staff are working on properties they interact with neighbors, they also directly target certain properties for outreach.
- Is there a way to apply resources other than property acquisition that removes development units from the watershed?

#### #2 Stormwater

- The District was formed to replace septic tanks around the lake, but the work wasn't finished – we only serve part of the lake homes with sewer – the others have septic tanks. These are much more polluting than people are aware. The District hopes to look at the contribution to the pollution in the lake from the underperforming septic tanks which are grandfathered in within a boundary of control.
- The District has done work with City/County and previously recommended next steps which have not been taken yet. A change in the appraisal of this area by the County Health Department will be necessary to prove the existing septic tanks are a detriment to health and the environment.
- The evaluation of Stormwater facility performance, can we tie this kind of goal to a report out to this body to report findings or address them? The City did an effective evaluation of how our BMPs work and can share that out. PBOOM will expand on this, but we will not have results for 18 months.
- Which metrics are best for us to analyze? Pounds per phosphorous reduced per year doesn't seem to be consistently recorded as a metric, as it is not only based on the concentration but also the flow rate, and in a major stormwater event some stormwater will by-pass treatment.
- There was a mandate to complete this work that was never done, and there were areas of concern where the groundwater could rise and overflow into the lake. This depends on the level of the storm and the threshold where the volume of the water is too great to treat.
- The Department of Ecology approves BMPs (filters) the City/County install – in order to approve it, they test it and determine its removal efficiencies. This is what we use generally to identify the phosphorous reduction numbers.
- How are we articulating these goals into actionable, specific, measurable ways?
- With the HIP program the City is very proactive, contracting with Whatcom Conservation District, and we do targeted outreach to generate interest in the program.
- Current regulations require phosphorous filters – however, most of the developments that have incorporated these measures haven't been there very long.
- Many of the developments in the County are old and don't require inspections. Although we do outreach, have videos on our website, have hosted workshops, and hired firms to evaluate – it's all voluntary. Our goal is to get these older developments to at least recreate what they had originally.

### **#3 Land Use**

- How can the effects of land use regulations be compared and reported across jurisdictions, in acres protected and with analysis of phosphorus prevented?
- Can Lake Whatcom Management Plan research characterize the regulatory effectiveness of the DNR Lake Whatcom Landscape Plan?
- The Policy Group might possibly need an hour to cover the Whatcom Landscape Plan. We need to find a way to do a deep dive into this stuff beyond the current scheduled meetings.
- Part of the challenge with that conversation is that it is regulated by the Department of Natural Resources, neither the City nor County have control over it.
- Request for a budget revisal from DNR – the landscape plan is 20 years old and there is new science that could update the plan – we need to push DNR harder.
- Two years ago, we did a tour with DNR on several cuts, we could get representatives

from DNR to join us to update current members.

#### **#4 Monitoring and Data**

- How can water quality monitoring activities be applied to working forestlands?
- Many of the new studies come from the Lake Whatcom Data Studies group.
- It would be useful to hear from someone from Brown and Caldwell about their Lake Whatcom TMDL assessment – this is scheduled for some time in June.
- Brown and Caldwell had originally done a study of major polluting factors to the lake - and septic tanks were identified as #1 – but now they are not on the list. Would like to see an analysis of why that is.
- There is inconsistency in the data being reported out – for some was no data, other indicated City only, but reporting metrics should be consistent across jurisdictions and measurable. We need to be able to demonstrate that what we are doing is working – the plan doesn't feel like it currently contains all the data we want it to. Similar feedback was given at the LWJCC.

#### **#5 Hazardous Materials**

- The City will update the Low-Phosphorous Materials List. (note: phosphorus is not considered a hazardous material).

#### **#6 Recreation**

- The County requests an expansion of restrooms at high-use locations.
- County is considering ways to tie in AIS, recreation, education, and visitors to this area – for example, a bass tournament being brought to Lake Whatcom – are there ways to tie in existing programs with tourism/events that circle round to recreation.
- Sudden Valley is a hotbed for short-term vacation rentals, where people show up for a few days with cars and water toys, then leave. Is the County looking at any regulations for short-term rentals in the watershed? Yes, the County is waiting for Ecology to update the Shoreline Management Plan, it is in progress.
- When the County retires existing trails with new trails that are expanding, are we doing a good job on monitoring the phosphorous impact?
- Could we possibly provide renters with notices about requirements and policies?

#### **#7 Aquatic Invasive Species**

- How can we decrease risk? What about monitoring boat ramps after hours and in the off season?
- Boat launches are controlled by different entities, it is a big conversation to coordinate between the City, Sudden Valley, and Department of Fish and Wildlife.
- For the Bloedel boat launch, the City has cameras and inspectors year-round that monitor use and reach out to boaters that use the launches when staff aren't present. The majority of boats are permitted.

#### **#8 Utilities and Transportation**

- Request prioritizing bike/bus access to parks and trailheads.
- Could the Department of Transportation provide a traffic impact analysis for the County?

#### **#9 Education and Engagement**

- Do we have an interjurisdictional emergency response plan in place should there be a wildfire? We have a Natural Hazard Mitigation plan; Gary Stoyka will check with the Department of Emergency Management.
- If they are using fire suppressant, what is the effect of the runoff from that? What happens if we have a contaminated drinking water source because of firefighting?

#### **#10 Administration**

- The County council would like more regular updates and joint sessions.
- Joint Council meetings seems to always run out of time!
- Request for more policy support – “let’s amend this part of code” – level of policy action items. Does the County have phosphorous development codes, for example?
- Instead of a report out – staff could facilitate a work session in addition to the presentations.

#### **#11 Climate Action**

- Climate action is embedded in every one of these areas of focus. How do our current programs and management strategies adapt to increasing air and water temperatures? Do agency-wide actions need special attention in LW context? How does Climate Vulnerability Assessment inform future (2030+) Work Plans?
- How do we integrate this climate resilience element into the County comprehensive plan?

#### **#12 Forest Management**

- Do agency-wide actions for land management need special attention in the Lake Whatcom context?
- How does the Lake Whatcom Forest Management Plan inform future (2030+) Work Plans?
- Do we consider electric bike use in forests as part of wildfire preparedness? That would fall under recreation – they are currently technically prohibited on trails in the watershed.
- County is looking to increase its forest resilience task force.

Staff will come back in June with an updated draft - this meeting has provided good input to develop the work plan. There is still time for Policy Group members to go back to various councils for more input and still be on track for the June 5<sup>th</sup> Policy Group meeting.

### **3. Updates: City LW Multi-family Development Moratorium (Renee LaCroix)**

Steve Sundin (COB) update: with the existing moratorium, we are not accepting new applications for multi-family projects. This expires July 10<sup>th</sup>, we are studying low and medium densities for multifamily development in the Lake Whatcom watershed. We have issued the moratorium and are examining the density options. On March 21<sup>st</sup> we had a public hearing with the Planning Committee: we recommended medium density as opposed to low, and proposed changes to the Stormwater code to increase their effectiveness. The Planning Commission resulted in a “no” recommendation on the density – at a public hearing on May 20<sup>th</sup> we will go to Council and maintain our medium density recommendation and pass the Stormwater rules. We anticipate a work session on June 3<sup>rd</sup>.

- Question: How are we offsetting the loss of housing density potential? We are

struggling to accommodate growth. The answer is between the two densities we captured the difference, the majority do not have much more potential, so we captured a uniform medium density. We discussed the Old Mill Village site specifically, it's vast and has no Stormwater treatment. There is the ability to remove effectively developed acres at that site. The medium density would allow that property to realize some medium development, which would allow for Stormwater site development. There are also economic factors - with low density, the owners state they would have difficulty meeting the economic reality.

- More stringent regulations help Lake Whatcom but is a big lift with the associated costs.

#### **4. Topics for Next Policy Group Meeting**

- Lake Whatcom Management 2025-2029 Work Plan Draft.
- DNR overview of Landscape Plan, including Forest Practices Review.
- County will introduce Consultant for Landscape Plan (if ready).
- Vacation rental regulations in the watershed.
- Brown & Caldwell discussion of TMDL, depending on when revised report is received, expected to be out in June.

Adjourned 4:39 PM

The next Policy Group meeting is scheduled for June 5, 2024, at 3:00 PM.