

Whatcom County Council Water Work Session

**COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010**



Minutes - Final

Tuesday, October 15, 2024

10:30 AM

Civic Center Building Conference Room / Hybrid Meeting (322 N.

**HYBRID MEETING - (PARTICIPATE IN-PERSON, SEE REMOTE JOIN
INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL
360.778.5010)**

COUNCILMEMBERS

**Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Kaylee Galloway
Jon Scanlon
Mark Stremler**

CLERK OF THE COUNCIL

Cathy Halka, AICP, CMC

Call To Order

Council Chair Barry Buchanan called the meeting to order at 10:32 a.m. in a hybrid meeting.

Roll Call

Present: 6 - Tyler Byrd, Barry Buchanan, Kaylee Galloway, Todd Donovan, Jon Scanlon, and Mark Stremler

Absent: 1 - Ben Elenbaas

Meeting Materials

AB2024-021 Meeting Materials for Water Work Session October 15, 2024

This agenda item was RECEIVED.

Water Issues Update

Gary Stoyka, Public Works Department, updated on the following:

- **Adjudication:** The Department of Ecology (DOE) is making changes to the claim form and plans to submit it by the end of November, then the court will have a hearing on it. If the court approves it, DOE will plan to mail the forms out to all water users between January and May. The County has some tools available and is still working on developing more. There was an informational event on September 23 in Ferndale for permit exempt well users and the feedback from attendees was positive.
- **Technical studies and projects:** The County will receive a \$2.7 million grant to design implementation of two natural storage projects in the Black Slough area and the Acme floodplain property. He answered questions about how those will work.
- **Lake Whatcom:** They are still addressing the many comments they received on the work plan. They hope to update the plan by mid-November so it can be discussed at the next Lake Whatcom Joint Policy Group meeting on December 4th.
- **Water quality:** They are working on an application for the next National Estuary Program grant that supports the County's PIC program.
- **The next Watershed Management Board meeting** will be focused on updates on development of the next five-year work plan and on the status of recent studies.
- **Climate action:** They will be kicking off the second phase of the sea level rise vulnerability assessment, and are still working on

integrating climate change into the next Comprehensive Plan update.

- River and flood: They are in flood-preparedness mode and are getting ready to do the first round of elevations.

Julie Anderson, Public Works Department, stated there are twelve elevations.

Stoyka spoke about the first round of property acquisitions and the upcoming second round of buyouts and elevations, and he answered questions.

Proposed 2025 Flood Control Zone District Budget

Julie Anderson, Public Works Department, read from the 2025 Flood Program Budget (on file in the meeting packet). She and Gary Stoyka, Public Works Department, answered how the "FEMA acquisition grant (COVID)," (under Lower Nooksack River) for acquisition and demolition of 12 properties, is related to COVID-19 and whether it is separate from Coronavirus Aid, Relief, and Economic Security (CARES) Act funding. Anderson stated it is not just for floods and Stoyka explained how FEMA money is distributed from a disaster. Anderson answered what happens after properties are acquired, and she and Elizabeth Kosa, Public Works Department Director, answered whether the County is relying on the COVID-19 money for other projects in the County (question asked by an unknown speaker).

Gary Stoyka, Public Works Department, read from the Natural Resources budget, and answered what the difference is between the work for salmon recovery and fish passage, and stated they broke out the fish passage because they have specific grants for it. He answered whether they would need to get money from another source if an adjudication settlement process begins and the \$250,000 in grants for adjudication technical assistance and adjudication collaborative process/studies (under water planning operations) has been used up for the studies. He stated that grant money has to be spent by June 30th, and seeing that there is no indication that a collaborative process is going to start anytime soon, they decided to use it for technical studies so they do not lose it. They are asking the State for money to continue that in the next round. He read from the "Flood Control Zone District Proposed 2025 Budget" summary and answered questions about budget lapse and how it plays into the actual projected fund balance, whether they have things in place to measure data to see how we are doing in programs other than Lake Whatcom and the Aquatic Invasive Species (AIS) program, and what the Sheriff is doing with regards to the AIS program.

Elizabeth Kosa, Public Works Department Director, stated she is assuming Council will not need to go over this part of the Public Works Department's budget again at the special budget meeting at the end of October, and Buchanan stated that is OK with him.

Lake Whatcom Down-Zone Discussion

Cathy Craver, Public Works Department Stormwater Division, stated this presentation is a summary of what happened in 2004 and prior years. Previous councils had down-zoned the zoning in the Lake Whatcom watershed to not allow for smaller lots to develop. She spoke about the history and background of that and the development potential each area currently has. She read from a presentation (on file) and answered questions.

Donovan stated there has been some discussion about "de-designating" the Geneva Urban Growth Area (UGA) and asked if it would change any of the underlying zoning.

Elizabeth Kosa, Public Works Department Director, and Craver answered questions about that, and stated they have not heard about it in the Comprehensive Plan update.

Donovan answered where the policy group wants to take this conversation, and stated they are trying to figure out what each council and sewer district wants to be added to the five-year work plan.

Gary Stoyka, Public Works Department, answered whether there is a legal obligation to answer all the comments received on the work plan, and stated he does not know that there is.

WRIA 1 Planning Unit Update

Chris Elder, Public Works Department, stated that at the October planning meeting they will have Robin McPherson from the Department of Ecology come to give them an update on adjudication. He also updated on the proposed land and water integration study and stated he has been working with Planning and Development Services staff to update that assessment based on updated aerial images, permit data, and taxation. They are getting close to having land use change-over-time data ready to go through the Agricultural Advisory Committee, and the Coordinated Water System Plan update is underway and scheduled to wrap up in December of this year. The vision had been to use land use and water-use data to better understand how they interrelate and how they can effectively integrate land and water use.

He spoke about the next meeting of the Planning Unit.

Buchanan asked if anyone from the public wanted to speak but there was no one.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 11:47 a.m.

The County Council approved these minutes on November 6, 2024.


ATTEST:




Cathy Halka, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA


Barry Buchanan, Council Chair


Kristi Felbinger, Minutes Transcription