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WHATCOM COUNTY COUNCIL
Special Committee of the Whole

January 8, 2019

CALL TO ORDER

Council Chair Rud Browne called the meeting to order at 1:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Rud Browne, Barry Buchanan, Tyler Byrd, Todd Donovan, Carol Frazey, and Satpal Sidhu.

Absent: None.

COMMITTEE DISCUSSION

1. UPDATE ON ENGROSSED SUBSTITUTE SENATE BILL (ESSB) 6091 IN WRIA 1 (AB2018-290A)

Gary Stoyka, Public Works Department, gave a staff report and answered questions on the schedule for the 6091 watershed management plan update process. He presented the plan update, as approved by the Planning Unit. He reported on the Planning Unit's discussions. The Planning Unit recommends they:

- Prepare an index of what has already been done,
- Keep working on an update without regard to the 6091 deadline
- Send a letter to the State Department of Ecology informing them the plan update is not done and the Planning Unit is still working on it
- Send a letter to the local legislative delegation stating the same
- Request that the County use money in the 2019 budget to fund Geneva Consulting through the end of 2019 to continue to facilitate the Planning Unit.

The next Planning Unit meeting is January 10.

The Initiating Governments recommend that they send the following to the State Department of Ecology, and request that Ecology takes over the process:

- The schedule
- All the work completed, including the technical memos, the preliminary draft plan updates, watershed staff team and Planning Unit comments, and the alternative plan
- All the Planning Unit, watershed management team, and Initiating Government policy positions
- Write a summary of the policy positions

The Initiating Government will consider signing a Planning Unit letter to the Department of Ecology that says they couldn't get done in the time allowed, and they want

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1 to continue working. The question before the County Executive is whether to accept the
2 Initiating Governments' recommendation to package up the materials and sign the Planning
3 Unit letter. He described the policy issues in which they could not reach agreement, which
4 include the net ecological benefit determination.
5

6 Jack Louws, County Executive, answered questions.
7

8 Staff and councilmembers discussed the meeting schedule, whether they disagree on
9 the entire plan or on the elements required by the 6091 process, the County Council's role
10 in the process, the Planning Unit's next steps, how much work is necessary to continue
11 consultant services, the different proposed plans from various caucuses, and whether or not
12 the Planning Unit should continue working on or sending it to the Department of Ecology.
13

14 Louws described the history of this work and the decisions made so far. At this
15 point, he recommends allowing the Department of Ecology to move forward with rulemaking
16 to fully implement 6091. There are many other watershed planning issues for the Planning
17 Unit to work on.
18

19 Councilmembers continued to discuss the timeline, costs of metering, the proposed
20 letter to the State Department of Ecology from the Planning Unit, changes by Department of
21 Ecology regardless of whether the work is sent forward with or without consensus, and
22 allowing the Planning Unit to continue to try to reach consensus or approval by the end of
23 January.
24

25 Max Perry, Planning Unit forestry caucus member, spoke about initiating
26 governments on the Planning Unit.
27

28 Perry Eskridge, Planning Unit land use caucus member, spoke about all the groups
29 interacting and working together instead of separately; metering; net ecological benefit; the
30 Council's ability to deal with metering, withdrawal limits, and fees either now or later; and
31 how much of the fee stays in the county.
32

33 Larry Helm, Planning Unit nongovernment water association caucus member, stated
34 he agrees with the comments from Perry Eskridge. He spoke about making sure the well
35 owners' voices are heard and narrowing the focus to the Hirst decision regarding domestic
36 indoor water use.
37

38 Dave Onkels, Planning Unit land use caucus member, referenced materials he sent to
39 the councilmembers and spoke on indoor use and outdoor use exemptions, the approval
40 process, and the initiating governments participating in the Planning Unit processes rather
41 than having a separate vote.
42

43 Dan Eisses, Planning Unit water district member, spoke about whether or not the
44 Planning Unit will meet the deadline, delivering as much input to Ecology as is possible, and
45 moving forward with the most positive impact. He answered questions about Planning Unit
46 consensus versus majority approval.
47

48 Dick Whitmore, Planning Unit forestry caucus, spoke about how everyone should
49 work together, the need for a leader and a vision for the plan, and moving forward to work
50 on the entire watershed.

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2 Skip Richards, Planning Unit nongovernment water systems caucus, spoke about the
3 Council making its final decisions at the end of January, making decisions on best available
4 science instead of politics, metering, and the staff team draft not using best available
5 science.
6

7 Ellen Baker, Planning Unit member, spoke about allowing the Planning Unit to
8 continue to work on the issues and allowing those who are affected to make the decisions.
9

10 Kathy Sabel spoke about whether or not to send a letter, and index, and a catalog of
11 work to the Department of Ecology; and whether they need to address policy.
12

13 Carol Perry spoke about all the meetings she's attended, creating a planning
14 commission for water issues, and the need for a central repository for all water issues.
15

16 Peggy Uppiano spoke about extending the comment limit to five minutes.
17

18 Roger Almskaar, Planning Unit land use caucus member, spoke about creating a
19 central water planning commission and agency, lack of data on what may create adverse
20 impacts to instream flows, and the amount of groundwater impacted by exempt wells.
21

22 Amy Mather, Haven Design Workshop Permit Technician, spoke about the impact of
23 the proposed fees on single family homes.
24

25 Councilmembers spoke about missing leadership and vision, the need for an apex
26 water agency to direct all the other efforts, Supreme Court decisions, and the greater
27 problems with water rights.
28

29 Louws stated he suggests that the staff bring forward action to the County Council at
30 its last meeting in January.
31

32 ***Donovan moved*** to extend the Planning Unit's timeframe, schedule on the Council
33 January 29, and not send a letter to Ecology until after that.
34

35 The motion was seconded.
36

37 Councilmembers and staff discussed notifying Ecology about delaying to the end of
38 the month and getting information from the Planning Unit in time for the Council's packet.
39

40 ***Donovan restated the motion*** to allow the Planning Unit to keep working and the
41 Council will schedule this on January 29, with the hope that the Planning Unit will provide
42 information before the Council meeting date.
43

44 The motion carried by the following vote:

45 **Ayes:** Brenner, Browne, Buchanan, Byrd, Donovan, Frazey, and Sidhu (7)

46 **Nays:** None (0)
47
48

49 **OTHER BUSINESS**
50

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1 There was no other business.

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4 **ADJOURN**

5

6 The meeting adjourned at 3:10 p.m.

7

8 The Council approved these minutes on _____, 2019.

9

10 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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16 _____
Dana Brown-Davis, Council Clerk

Rud Browne, Council Chair

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21 _____
Jill Nixon, Minutes Transcription