

Lake Whatcom Stormwater Utility Funding Study Questions and Comments Received April 2018 – March 2019

Whatcom County Public Works worked with a citizen advisory committee and consultants to complete a funding study for the new Lake Whatcom Stormwater Utility between June 2018 and March 2019. A funding study kick off public meeting was held in April 2018 to share information about the new utility and funding study process. Questions and comments received at the initial public meeting and subsequent advisory committee meetings are logged in the table below with a brief staff response. Please note some questions and comments received are outside of the scope of the funding study.

Date Received	Form	Question/Comment	Response
4/18/2018 Public Meeting	Verbal	Request to make it clear early on in the process who will pay the new stormwater utility fee.	Discussion and analysis of which properties within the Lake Whatcom Stormwater Utility Service Area will be charged a fee will be part of the funding study. A recommendation on which properties will pay will be part of the final study outcome. This information is not known at the beginning of the funding study process. Generally, a stormwater fee can be charged to properties that benefit from services provided. Read Issue Paper #2 on Rate Structure Alternatives for a detailed discussion on this topic.
4/18/2018 Public Meeting	Verbal	What assurance is there that current sources of funding will be maintained and the additional service charge will supplement and not be a replacement?	When establishing the Lake Whatcom Stormwater Utility in 2017, the County Council indicated their intention to continue existing funding levels and to use any new funding from the stormwater utility for anticipated new future costs and specific services. However, it is within the County Council's authority to change funding levels in the future.
4/18/2018 Public Meeting	Verbal	Comment that there is limited potential for fee revenue from new development.	This is true; however, providing a mechanism to charge for new development is a fairness issue.
4/18/2018 Public Meeting	Verbal	How many properties will pay the new fee?	This has not yet been determined and will part of the funding study.
4/18/2018 Public Meeting	Verbal	About how much will the fee be? Statement that rumors are going around that the fee will be very high.	Fee rates have not been determined. The advisory committee will evaluate alternatives through the funding study and provide a recommendation to the County Council. The County Council will make the final decision on fee rates.

4/18/2018 Public Meeting	Verbal	Comment that it is premature to estimate what the rate will be. That is the purpose of the funding study and task force/advisory committee.	See above
4/18/2018 Public Meeting	Verbal	How will the new utility will function? Will it be an independent organization? Will consultants be hired? Will the county hire new staff? Who will be in charge?	Whatcom County's Lake Whatcom Stormwater Program is managed by the Stormwater Division within the Public Works Department. The Lake Whatcom Stormwater Utility is merely a mechanism for Whatcom County to generate revenue to fund stormwater needs in the Lake Whatcom watershed. Portions of the Lake Whatcom program will be managed as a utility, meaning there will be a fee that is proportional to the service provided, rather than a tax on property valuation. The creation of the utility and the funding mechanism that it provides will have no impact on the way Whatcom County manages stormwater program activities. These activities will still be managed by county staff within the Public Works Department, which is part of Whatcom County government.
4/18/2018 Public Meeting	Verbal	Will funds collected be used outside of the Lake Whatcom watershed/service area?	No, funds collected will only be used for Lake Whatcom Stormwater Program activities related to water quality protection.
4/18/2018 Public Meeting	Verbal	Will the issue of homes along Northshore that are not on water/sewer be part of this effort?	Outside Scope of Funding Study - Whether or not a property is connected to sewer or on a septic system does not affect stormwater runoff and therefore is outside of the scope of what the stormwater utility can base rates on under state law (RCW 36.89). Using stormwater utility fees to provide sewer service is not one of the stormwater program areas identified by County Council for consideration in the funding study.
4/18/2018 Public Meeting	Verbal	Will landowners get a credit for already having built a phosphorus treatment facility?	This has not yet been determined. This issue will be part of the funding study and considered in the Stormwater Rate Credits and Adjustments Issue Paper.

4/18/2018 Public Meeting	Verbal	What percentage of the Lake Whatcom watershed population is in the City of Bellingham vs. Whatcom County?	Approximately 23% of the Lake Whatcom watershed population is within the City of Bellingham and 77% is in unincorporated Whatcom County (estimate based on the number of dwelling units in the 2018 Lake Whatcom Watershed Annual Build-out Analysis Report multiplied by the countywide average of 2.56 people/household).
4/18/2018 Public Meeting	Verbal	What is the population of the new Lake Whatcom Stormwater Utility service area?	The approximate population of the new service area is 14,000 people (estimate based on the number of dwelling units in the 2018 Lake Whatcom Watershed Annual Build-out Analysis Report multiplied by the countywide average of 2.56 people/household).
4/18/2018 Public Meeting	Verbal	How many parcels are in the service area?	There are about 7,900 parcels in the service area. Not all parcels are eligible to be charged a stormwater utility fee. Parcels defined as forestland cannot be charged according to state law (RCW 36.89.080).
4/18/2018 Public Meeting	Verbal	What percentage of the service area parcels are in tax-exempt status?	There are about 500 parcels within the service area with some form of tax-exempt status; however, parcels with tax-exempt status can still be charged fees. This will be determined through the funding study process.
4/18/2018 Public Meeting	Verbal	What do city water users pay for Lake Whatcom watershed protection? How does this compare to County residents? (multiple questions/statements about what city and county residents pay)	Residents within the Bellingham City Limits currently pay three fees that provide funding for Lake Whatcom stormwater-related expenses: the stormwater utility fee, Lake Whatcom watershed charge, and the Flood Control Zone District tax. Whatcom County residents currently pay the Flood Control Zone District tax, which provides funding for Lake Whatcom programs. For a home valued at \$400,000, the annual cost/year is \$359.35 in the City of Bellingham and \$66.37 in unincorporated Whatcom County.
4/18/2018 Public Meeting	Verbal	Comment that city residents are not paying their fair share and/or not very much for watershed protection.	See above. For a house valued at \$400,000, a city homeowner pays more than five times more than a homeowner in unincorporated Whatcom County.

4/18/2018 Public Meeting	Verbal	Comment that city stormwater utility revenue is not being spent on stormwater-related expenditures.	Outside Scope of Funding Study -The City of Bellingham stormwater fees pay for: maintenance and operation of the City's stormwater system; replacement of existing facilities and construction of new facilities; flood control, improved water quality, and enhanced fish habitat; compliance with state and federal water resource regulations. For additional information contact the City of Bellingham Public Works Stormwater Section (360) 778-7800.
4/18/2018 Public Meeting	Verbal	What types of expenditures go into the administrative category? Concern that the percentage is too high.	The administrative cost covers departmental and county overhead expenses, annual fee roll development, and other expenses such as vehicle usage, postage, and office supplies. County overhead expenses include management oversight, accounting, treasurer, and legal services. The rate for these expenses will be based on actual use of these services by the utility.
4/18/2018 Public Meeting	Verbal	Will the new revenue generated by the stormwater utility affect the ability to receive grant funds?	Grants have been increasingly less reliable for funding stormwater related projects over the past few years. The Washington State Legislature has experienced delayed budget approvals that have resulted in years-long delays in the Department of Ecology award process. The existence of a utility is not part of the criteria for rating projects and should not directly affect the awarding of grant funds for a Lake Whatcom water quality improvement project. Having a local funding source may help provide required match for potential future grant awards.
4/18/2018 Public Meeting	Verbal	Request to put the April 18 public meeting presentation available online.	All meeting materials are available at http://whatcomcounty.us/2830/Lake-Whatcom-Stormwater-Utility .
4/18/2018 Public Meeting	Verbal	Request to use Nextdoor to share information about comments/questions and responses.	Whatcom County staff will periodically post updates on the funding study through our Nextdoor account. These posts will direct interested residents to visit our website page where a question/response document will be available.
4/18/2018 Public Meeting	Verbal	What kinds of qualifications are required to be considered for the citizen advisory committee?	Any registered voter who lives in the service area is eligible to serve on the advisory committee.

4/18/2018 Public Meeting	Verbal	Who will decide who the Sudden Valley Community Association representative on the citizen advisory committee will be?	Whatcom County Council will appoint the Sudden Valley representative.
4/18/2018 Public Meeting	Verbal	Comment that an advisory committee of five is not enough. There should be more members to be representative.	The size and structure of the advisory committee was modeled on other Whatcom County advisory committees and was set by the County Council.
4/18/2018 Public Meeting	Verbal	Suggestion to have smaller neighborhood scale meetings to gather input.	Whatcom County typically uses advisory committees to help guide these types of public processes, and County Council chose this method to gather stakeholder input on this funding study. All advisory committee meetings are open to everyone who wants to attend and provide comments. Furthermore, members of the public can provide written comments on specific issues as the committee is developing their recommendations. Another public meeting will be held after the advisory committee develops their preliminary recommendations, and a public hearing will be held before the council makes any decisions.
4/18/2018 Public Meeting	Verbal	Why are other ways to increase dissolved oxygen beside phosphorus reduction not being considered?	Outside Scope of Funding Study -The Washington State Department of Ecology (Ecology) conducted a Lake Whatcom water quality Total Maximum Daily Load (TMDL) study from 2002 to 2008. Findings from this study found that excess phosphorus in the lake is the main cause of declining oxygen levels. Based on these findings, Ecology is requiring Whatcom County and the City of Bellingham to reduce phosphorus levels in the lake to meet dissolved oxygen water quality standards through their municipal stormwater permits. For more detailed information visit http://whatcomcounty.us/2923/Background-Information .

4/18/2018 Public Meeting	Verbal	Comment that more flow is needed in the lake to increase dissolved oxygen levels.	<p>Outside Scope of Funding Study -There is no direct correlation between the amount of water that was used by Georgia Pacific, the City of Bellingham’s Nooksack Diversion, and low dissolved oxygen levels. It can be several years from the introduction of phosphorus into the lake to see lowering dissolved oxygen levels, and is quite difficult to determine when the lake exhibits effects from historic phosphorus loads. The city has not diverted water from the Middle Fork Nooksack for almost four years. Studies show that the amount of water diverted at that time of Georgia Pacific do not create a “flushing” of the lake and do not have a significant effect of ridding the lake of phosphorus that contributes to low dissolved oxygen levels.</p>
4/18/2018 Public Meeting	Verbal	Comment that sediment inputs from the Middle Fork Nooksack River diversion and Mirror Lake should be considered as a source of phosphorus.	<p>Outside Scope of Funding Study -Since the diverted water from the Nooksack does not contribute to surface water subject to stormwater facility control it is not subject to a stormwater utility fee under RCW 36.89. The City of Bellingham has recognized the need to address the Middle Fork Nooksack River diversion’s contribution to phosphorus loading in Lake Whatcom. The city completed a study to determine the amount and seasonality of the phosphorus load in the Middle Fork Nooksack River, the diversion pipeline, Mirror Lake and in Anderson Creek. The study’s data were used to identify the periods of low phosphorus load in the river and to then provide guidance for operating the diversion with the least impact on Lake Whatcom. The city has also contracted a study of Anderson Creek to identify opportunities for habitat and water quality improvements such as channel stabilization that will decrease erosion of the stream channel and lessen sediment deposition in Lake Whatcom. This is in addition to property acquisition and restoration planting of the Anderson Creek stream corridor. <i>Revised 7/27/18</i></p>

4/18/2018 Public Meeting	Verbal	Comment that boats contribute to phosphorus loading in the lake.	Outside Scope of Funding Study -Phosphorus inputs from motor boats were not considered in the Washington State Department of Ecology's Total Maximum Daily Load (TMDL) water quality study and model. The ban of two-stroke carbureted engines on Lake Whatcom in 2006 (City of Bellingham) and 2009 (Whatcom County) limit the amount of unburned fuel, and any phosphorus it contains, from entering the lake. Sediment already in the lake does not change with motor boat activity. Wakes from motor boats could cause shoreline erosion, increasing sediment and phosphorus inputs into the lake; however, no data are available to quantify this source.
4/18/2018 Public Meeting	Verbal	Comment that Lake Whatcom water quality monitoring and the Total Maximum Daily Load (TMDL) study and implementation plan process have been going on for decades. There are other ways to get involved on this subject.	Outside Scope of Funding Study -Citizens interested in learning more about the science behind phosphorus regulation in Lake Whatcom can visit https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Total-Maximum-Daily-Load-process/Directory-of-improvement-projects/Lake-Whatcom-Watershed-multi-parameter-TMDL . To learn more about Lake Whatcom management policy, interested citizens may attend the Lake Whatcom Policy Group meetings. Information on these meetings is available at https://www.cob.org/gov/council/lwpg .
4/18/2018 Public Meeting	Verbal	Comment that impervious surface is not the cause of the problem.	Impervious surfaces are an indirect cause of excess phosphorus loading in Lake Whatcom. Sources of phosphorus like sediment, pollen, and animal waste collect on these surfaces and are washed into the lake during rainstorms. In a forest, phosphorus sources soak into the ground and the soil and plants act as a natural filter. Read the Rate Structure Alternatives Issue Paper for additional discussion of this topic.

4/18/2018 Public Meeting	Verbal	Too many deer in the watershed are causing the problem with bacteria.	Outside Scope of Funding Study -Fecal coliform bacteria live in the waste of all warm-blooded animals. Sources of fecal coliform in the Lake Whatcom watershed include wildlife, domestic animals (dogs and other pets), livestock, and human waste from failing on-site sewage systems (septic systems) or sewer system failures. Our current bacteria reduction programs focus on strategies to address all of these sources. While newer technologies are emerging that may help identify specific sources of bacteria, there is not currently a cost-effective and reliable way to quantify the amount of fecal coliform in a water body coming from any specific animal. These technologies will be incorporated into current pollution identification and correction programs as another tool for source tracking as they become available. In areas around the county where bacteria reduction efforts have been successful, we have found that by addressing human sources of bacteria (e.g., septic systems, pet waste, and farm practices) we can improve water quality and meet our water quality goals, even when wildlife are still present.
4/18/2018 Public Meeting	Verbal	Comment that county parklands and increased park use have an impact on water quality.	Outside Scope of Funding Study -Increased recreational use of county parks does affect lake water quality. As the property owner, Whatcom County will be subject to pay the stormwater fee for park property like all other property owners according to the final rate structure.
5/31/2018	Written	Comments received from Nancy Alyanak regarding phosphorus loading into Lake Whatcom from the City of Bellingham's Middle Fork Nooksack River diversion.	Outside Scope of Funding Study - See response dated 4/18/2018 above on this topic.

6/14/2018	Written	Questions received from Lawrence Quinlivan: (1) Why not use other Whatcom County funds for stormwater?(2) Is everyone on the board [Advisory Committee] a property tax payer and live in the watershed? (3) Is input from citizens going to have any impact on the final decision or is it already a settled matter?	Forwarded to the Advisory Committee for consideration. (1) Comment noted. (2) Advisory Committee members must maintain a primary residence within the service area, which is the portion of the Lake Whatcom watershed outside of city limits. (3) Whatcom County Council created the Lake Whatcom Stormwater Utility Service Area (authorized by state code RCW 36.89) in December 2017 for the purpose of creating a special funding source dedicated to Lake Whatcom stormwater management. That decision has been made. No decision has been made regarding the stormwater utility rates and rate structure. Citizen input to the Advisory Committee will be considered, and the Advisory Committee will make a recommendation to County Council at the end of the funding study. County Council will make the final decision on rates and rate structure.
6/14/2018	Written	Comments received from Nancy Alyanak regarding the new stormwater utility fee should not be used to the fund Aquatic Invasive Species program.	Forwarded to the Advisory Committee for consideration. The stormwater program areas identified by County Council for consideration in the funding study include capital project construction and maintenance, enhanced outreach and education, Homeowner Incentive Program/residential retrofits, and monitoring. The Aquatic Invasive Species (AIS) program has funding from other sources.
6/20/2018	Written & Verbal	Comments provided by Kris Ungern at the June 20, 2018 Advisory Committee meeting regarding: (1) phosphorus inputs from groundwater, the Middle Fork Nooksack diversion, and storm runoff; (2) how progress toward water quality goals is measured; (3) the need to include how much money is needed as part of the funding study; (4) the need to address the right problems; and (5) notification of citizens regarding this process.	Written statement read at the meeting; forwarded to the Advisory Committee for consideration. (1) See response dated 4/18/18 on the topic of the Middle Fork diversion. (2) Comments noted. (3) An estimate of annual revenue needs to supplement the Lake Whatcom stormwater program areas identified will be a part of the funding study. (4) Comments noted. (5) See response dated 6/21/18 regarding notification actions taken to date.
6/20/2018	Written	Comments received from Nate Marino regarding: (1) new development in the Lake Whatcom watershed, (2) rate structure should be based on lot-specific factors that give credit to responsible owners for environmental stewardship, and (3) impacts from new parks.	Forwarded to the Advisory Committee for consideration. (1) Comments noted. (2) Read the Stormwater Rate Credits and Adjustments Issue Paper for discussion of this topic. (3) See response dated 4/18/18 regarding impacts from park use.

6/21/2018	Written	Questions received from Andrew Conn: (1) What notification was provided for the June 20 Advisory Committee meeting? (2) What are the plans for substantiating the specific residential property attribution of responsibility for stormwater management? (3) What is the name of the county's legal counsel assigned to this matter?	Forwarded to the Advisory Committee for consideration. (1) Notification of the funding study, including information on how to receive meeting notices, was provided through two press releases, the April 18 public meeting, and postings to the Whatcom County and Lake Whatcom Management Program websites, Facebook, Nextdoor, and Twitter. (2) The funding study will address options for setting rates that include lot-specific factors; read the Rate Structure Alternatives and Stormwater Rate Credits Issue Papers for discussion of these topics. (3) Legal counsel is provided by the Whatcom County Prosecuting Attorney's Office, Civil Division.
6/26/2018	Written	Comments received from Andrew Conn regarding increased public notifications through mailers and/or utility bill inserts.	Forwarded to the Advisory Committee for consideration. Whatcom County Public Works is researching cost and options to send a mailer for the next general public meeting.
6/28/2018	Written	Comments received from Nancy Alyanak regarding fiscal policy.	Forwarded to the Advisory Committee for consideration.
6/20/2018	Verbal	Comments received from Rick Kiene: (1) concern that administrative costs are too high and data acquisition costs are too low, (2) property owners that properly maintain their stormwater ponds should be given a credit in the new rate structure, (3) properties that were built according to the requirements at the time of their permit should not be penalized because they don't have pervious soil (i.e., meet current stormwater code), (4) request to see a list of proposed capital projects and detailed revenue needs for the funding study, (5) County Council should have provided more guidance to Public Works and the committee, (6) Committee members can be better prepared, (7) look at the RCW that dictates reserves required and be able to justify any reserves calculated into the rate structure.	Heard by the Advisory Committee for consideration. (1) Estimated administrative costs for the utility will be presented at the August 1 meeting. (2) & (3) Read the Stormwater Rate Credits & Adjustments Issue Papers for discussion of considerations regarding credits for private stormwater facility maintenance and credits for performance against current standards. (4) See the 2017 Final Lake Whatcom Capital Project Plan available at http://whatcomcounty.us/1022/Lake-Whatcom-Comprehensive-Stormwater-PI for a list of proposed stormwater projects. Additional detail on projected costs for Lake Whatcom stormwater capital projects and other stormwater program revenue needs will be provided at the August 1 advisory committee meeting. (5) & (6) Comments noted. (7) Additional information on required and available reserves applicable to Whatcom County stormwater program funding sources will be provided at the August 1 advisory committee meeting.

6/20/2018	Verbal	<p>Questions and comments received from Lawrence Quinlivan:</p> <p>(1) Per capita, Whatcom County is one of the richest counties. Can county funds be reappropriated to pay for stormwater?</p> <p>(2) Is citizen input going to have an impact or is the stormwater fee already decided? (3) There should not be any septic systems around the Lake. Is some of the new stormwater fee going to be spent to provide sewer service?</p>	<p>Heard by the Advisory Committee for consideration.</p> <p>(1) Currently, the County's entire Lake Whatcom Program is paid for with Flood, Road, and Real Estate Excise taxes. The County Council has decided that future additional costs should be borne by residents in the watershed since they have a bigger impact on lake water quality than people living outside the watershed. (2) See response dated 6/14/18 regarding impact of citizen input on the new stormwater fee. (3) See response dated 4/18/18 regarding considering sewer vs. septic in the stormwater utility rate structure. <i>Revised 8/13/18</i></p>
6/20/2018	Verbal	<p>Comments received from Jean Quinlivan: (1) Watershed properties only contribute 15% of the phosphorus in the lake compared to 85% from the Nooksack River diversion yet property owners are the ones being taxed. This is not equitable. (2) Expressed suspicions due to history of Water District 10 requirements when building their home.</p>	<p>Heard by the Advisory Committee for consideration.</p> <p>(1) See response dated 4/18/18 regarding the Middle Fork diversion. (2) Outside Scope of Funding Study</p>
6/20/2018	Verbal	<p>Question from Nancy Alyanak: Did County Council direct that the fee only be on developed properties? Can the funding study include analysis of impacts from undeveloped land?</p>	<p>Answered at the meeting. No, County Council did not limit the scope of the fee to only developed properties. The funding study will include discussion and analysis of stormwater runoff impacts from both developed and undeveloped land.</p>
6/20/2018	Verbal	<p>Comment received from Nancy Alyanak: Because the middle fork diversion handles water from one watershed to another, Ecology cannot regulate the diversion through the Total Maximum Daily Load (TMDL). Whatcom County and the stormwater utility do not have this same limitation.</p>	<p>Heard by the Advisory Committee for consideration.</p>

6/20/2018	Verbal	Comments received from Kris Halterman requesting that the committee include analysis of best possible solution to Lake Whatcom water quality problems as part of the funding study and recommendation to consider options to treat water quality in the lake instead of reducing phosphorus in runoff entering the lake.	Outside Scope of Funding Study -Heard by the Advisory Committee. See response dated 4/18/18 regarding the Lake Whatcom Total Maximum Daily Load (TMDL) requirements and the Rate Structure Alternatives Issue Paper page 3. Whatcom County is required to meet the TMDL requirements to reduce phosphorus. The City and the County continually evaluate the best methods for removing phosphorus from the lake including a recent proposal to implement hypolimnetic oxygenation. A reevaluation of the science behind the TMDL study and alternative solutions to increase dissolved oxygen in Lake Whatcom are beyond the scope of the Lake Whatcom Stormwater Utility Funding study.
6/20/2018	Verbal	Comments received from Joe O'Keefe regarding concerns about effects of natural disasters and environmental factors impacting the lake.	Outside Scope of Funding Study -Heard by the Advisory Committee.
6/20/2018	Verbal	Comment and request received from Wendy Eickmeyer: Increased use of Whatcom County parks in the service area has an impact on water quality. Research whether or not a parking fee for Whatcom County parks can be included as part of the stormwater utility to offset impacts from additional vehicle trips in the watershed.	Heard by the Advisory Committee for consideration. See response dated 4/18/18 regarding impacts from increased park usage. As property owner, Whatcom County is responsible for paying any applicable stormwater utility fee, not park users. Whatcom County Parks and Recreation may choose to recover those costs through user fees; however, the department has considered user fees in the past and decided against them. If fees are charged for recreational use, the county will lose liability immunity granted under RCW 4.24.210. The public can provide comments regarding park user fees or other park management concerns to Whatcom County Parks and Recreation directly or through an online survey available at http://whatcomcounty.us/1787/Parks-Recreation .
7/23/2018	Written	Comments received from Nancy Alyanak regarding the new stormwater utility fee rate structure with recommendation to base the rate on parcel size.	Forwarded to the Advisory Committee for consideration.

7/23/2018	Written	Comments received from Michael and Marianne Allsop regarding the history of water quality impacts to Lake Whatcom and equitable allocation to pay for the cost of cleanup.	Forwarded to the Advisory Committee for consideration. See response dated 4/18/18 regarding the Lake Whatcom Total Maximum Daily Load (TMDL) requirements and the Rate Structure Alternatives Issue Paper page 3. Whatcom County is required to meet the TMDL requirements to reduce phosphorus and has created the stormwater utility as a means to fill the funding gap required to this state mandates. Addressing impacts from other pollutants, including historic impacts from past practices, is beyond the scope of the stormwater utility although many of the measures being taken to address phosphorus runoff address other pollutants as well. See ordinance 2017-076 Establishing the Lake Whatcom Stormwater Utility Service Area.
7/26/2018	Written	Comment received from Nancy Alyanak regarding the ownership map provided at the August 1 advisory committee meeting. The map shows parcels zoned as commercial forestry as an overlay. Comment made that RCW 36.89.080 exempts forest/timberland devoted primarily to growing and harvesting timber. Whatcom County park land zoned as commercial forestry does not meet that criteria.	Forwarded to the Advisory Committee for consideration. Whatcom County staff has reviewed the applicable RCWs and concurs with Ms. Alyanak that forestry land must be devoted to both growing and harvesting timber in order to qualify for the stormwater utility rate exemption.
8/1/2018	Written & Verbal	Comments provided by Nancy Alyanak at the August 1 Advisory Committee meeting with a recommendation to base the stormwater fee on parcel size instead of impervious surfaces.	Forwarded to the Advisory Committee for consideration.

8/1/2018	Verbal	Question from Jeremy Knight: Why do watershed property owners have to bear all of the costs of the mitigation?	Heard by the Advisory Committee. Lake Whatcom watershed property owners are not being asked to pay all of the costs to meet phosphorus reduction requirements. The new stormwater utility will charge property owners in the service area (unincorporated area of the watershed outside of the City of Bellingham) to fill a funding gap for stormwater program services not covered by existing funding sources. Existing funding includes contributions from all City of Bellingham property owners from the city stormwater utility fee and the Lake Whatcom Watershed Land Acquisition and Preservation Program fee. All Whatcom County property owners contribute via the Flood Control Zone District tax. See response dated 4/18/2018 regarding how much city and county residents pay for Lake Whatcom watershed protection.
8/1/2018	Verbal	Comment received from Peg Wendling: Watershed properties that already have land set aside for the sole intent of treating stormwater should be considered for a rate credit.	Heard by the Advisory Committee. Read the Stormwater Rate Credits and Adjustment Issue Paper for more information on this topic.
8/1/2018	Verbal	Comment received by Randy: Would like to see examples of similar situations [stormwater utility charges?] within the state.	Heard by the Advisory Committee. The Municipal Research and Services Center (MRSC) provides examples of different city and county storm and surface water drainage utilities throughout the State of Washington here http://mrsc.org/Home/Explore-Topics/Environment/Water-Topics/Storm-and-Surface-Water-Management/Storm-and-Surface-Water-Drainage-Utilities.aspx .
8/1/2018	Verbal	Additional verbal public comments received at the August 1 Advisory Committee meeting were heard by the committee members. Due to a recording device malfunction, no transcript of these comments is available.	The public is encouraged to provide their comments in writing either at a meeting or submitted to LWStormwaterUtility@co.whatcom.wa.us.

8/20/2018	Written & Verbal	Presentation given by Fred Miller at the August 20 Advisory Committee meeting regarding phosphorus inputs from forest lands in the Lake Whatcom watershed. Request that the committee exhaust its authority to establish mechanisms to equitably collect revenues from forest lands, owners and operators to pay for Lake Whatcom phosphorus reduction efforts.	Heard by the Advisory Committee. Whatcom County and the City of Bellingham are legally required to reduce the amount of phosphorus in stormwater entering Lake Whatcom from developed areas through the Lake Whatcom Total Maximum Daily Load (TMDL). The TMDL does not require addressing phosphorus in runoff from forested areas, so none of the proposed fees from the new stormwater utility are anticipated to provide services to forested areas. The scope of the Lake Whatcom Stormwater Utility Advisory Committee is to provide recommendations on funding to address excess phosphorus in stormwater from developed areas. Whatcom County and the City of Bellingham continue to look at ways to reduce excess phosphorus loading into Lake Whatcom from all sources. Comments related to this issue can be shared at the annual Lake Whatcom Joint Councils and Commission meeting or brought to the Lake Whatcom Policy Group.
8/20/2018	Written	Comment received from Bruce Parelskin supporting Fred Miller's presentation and request.	Forwarded to the Advisory Committee for consideration.
8/20/2018	Written & Verbal	Comments received by Nancy Alyanak at the August 20 Advisory Committee meeting regarding rates based on roof area as less equitable and recommending a rate based on parcel size.	Forwarded to the Advisory Committee for consideration.
8/20/2018	Verbal	Comments received from Joe O'Keefe regarding concerns about paying for program operating costs, representation from the Sudden Valley Community Association, the correlation between dissolved oxygen and water quality, and landslides.	Heard by the Advisory Committee.

8/20/2018	Verbal	Comments received from Nancy Alyanak clarifying that logging and timber harvest are not part of the management plan for the Whatcom County Parks land in the Lake Whatcom watershed. According to a plan posted on the Whatcom County website, the goal for the park land is restoration. Cutting trees may occur to create snags for wildlife habitat.	Heard by the Advisory Committee.
8/26/2018	Written	Comments received from Nancy Alyanak regarding: When is a fee a tax? Guidance for municipal stormwater funding from the NAFSMA and the NRDC. Recommendation that both developed and undeveloped property are included in the new utility fee structure.	Forwarded to the Advisory Committee for consideration.
9/5/2018	Written & Verbal	Comments received from Nancy Alyanak at the September 5 Advisory Committee meeting regarding: Does where stormwater projects are placed define how stormwater fees are assessed?	Heard by the Advisory Committee and written transcript forwarded for their consideration. Link to reference document <i>Guidance for Municipal Stormwater Funding</i> provided under September 19 meeting documents.
9/19/2018	Written & Verbal	Comments received from Nancy Alyanak at the September 19 Advisory Committee meeting regarding: What determines whether or not stormwater utility rates and charges are valid? Comments reference the Teter v. Clark County court case and include a recommendation that parcel size should be considered in the rate structure because parcel size determines quantity of runoff.	Heard by the Advisory Committee and forwarded for their consideration. Clarification provided at the meeting that the Teter v. Clark County case is typically used to interpret the nexus between service charges and services received, establishing that services provided may be indirect.

9/19/2018	Verbal	<p>Comments and questions received from Rick Kiene: (1) has the committee looked into a sunset clause for the new stormwater utility fee? (2) will there be a method to evaluate effectiveness of activities funded through the stormwater utility? (3) concerns voiced that administrative cost for the new utility will be too high and that a sampling testing plan is needed to evaluate if objectives for water quality are met.</p>	<p>Heard by the Advisory Committee. (1) Response provided at the meeting. The stormwater utility service charge must be based on actual costs to provide service. In this case, the service is to improve water quality in Lake Whatcom to meet state mandated water quality objectives from the Federal Clean Water Act. This is anticipated to be a 50-year process and includes many ongoing needs like facility maintenance. If the need to provide the service goes away, the fee will go away. (2) & (3) Water quality monitoring and water quality treatment facility effectiveness monitoring are ongoing through the Lake Whatcom Management Program. Results from these studies are used to evaluate progress meeting state water quality standards. Estimated annual stormwater program costs to be recovered through the new service charge are \$817,600/year including \$74,300 in administrative costs, 9% of the total.</p>
9/19/2018	Verbal	<p>Comments received from Mike Allsop regarding: (1) expectation to receive a written response to previously submitted written comments; (2) property owners like him who have invested in good stewardship practices should receive a credit instead of a fee for stormwater services; (3) the city and county are legacy owners of disturbed properties (logging, dumps) and owners of public park land which impact water quality; (4) only a tiny group of property owners will be charged; (5) other concerns about inadequate water quality testing and overbuilding infrastructure.</p>	<p>Heard by the Advisory Committee. (1) Public comments are provided to the Advisory Committee for them to consider in their recommendation to County Council. Neither staff nor the committee is providing individual written responses. Comments will become part of the record for council to consider when making decisions about implementation of the utility. All verbal and written comments received are summarized in this table with a short staff response when applicable. (2) Comment noted. (3) & (4) All properties, regardless of ownership, including city and county owned properties will be subject to the new stormwater fee. This includes approximately 8,000 parcels in the Lake Whatcom watershed outside of city limits. The current rate structure proposal includes an exemption for properties with conservation easements that will be maintained in a forested state, and state law requires an exemption for properties managed for timber harvest. (5) Comments noted.</p>

10/29/2018	Written	Comments received from Eric Thomas regarding the need for a system to notify homeowners who withdraw drinking water from Lake Whatcom in the event of a sewage spill in the lake.	Outside Scope of Funding Study -Forwarded to the Whatcom County Department of Health for follow up with the Lake Whatcom Water and Sewer District.
11/13/2018	Written	Comments received from Eric Thomas regarding the new stormwater utility rate: (1) There should be a credit system in place for parcels with stormwater management facilities that prevent or mitigate runoff (e.g., pervious cement). (2) There should be a mechanism in place to ensure measurements of impervious surfaces are accurate.	Forwarded to the Advisory Committee for consideration.
11/14/2018	Written	Questions received from EJ Ledet regarding solutions to address low dissolved oxygen in Lake Whatcom, the TMDL, and costs to taxpayers.	Outside Scope of Funding Study -Forwarded to the Washington State Department of Ecology and the Lake Whatcom data team for review. Lake Whatcom Management Program partners are looking into the feasibility of some of the suggested technological fixes to excess phosphorus and low dissolved oxygen as part of the lake model review currently underway.
11/14/2018	Verbal	Comments received from Eric Thomas (see written comments) regarding: (1) properties with no stormwater management improvements (i.e., all the water runs off into the lake) and properties like his with pervious pavement driveways that infiltrate stormwater runoff should not pay the same; (2) pervious pavement should not be included in the total impervious calculation for a lot; there should be a mechanism in the fee structure to remove pervious pavement from the impervious area measurement.	Heard by the Advisory Committee.

11/14/2018	Verbal	Comments received from Rick Kiene regarding: (1) It is not fair or reasonable to penalize owners of properties built to older code requirements that where not required to install pervious pavement (i.e., manage their own stormwater on-site or limit impervious area) at the time of construction; (2) recommends using building footprint data to base the fee on.	Heard by the Advisory Committee.
2/20/2019	Verbal	Question received from Peter Dobe: When will the TMDL be addressed?	Answered at the meeting. The county's existing stormwater management program addresses phosphorus reduction and TMDL water quality objectives. The TMDL was approved by the Environmental Protection Agency (EPA) in April 2016, and actions developed to address the TMDL (i.e., the TMDL Implementation Plan) will be incorporated into the 2019-2024 NPDES Phase II Stormwater Permit effective August 1, 2019. The Lake Whatcom Stormwater Utility was established by Whatcom County Council to provide additional funding needed to meet TMDL requirements. Improving Lake Whatcom water quality is a long-term effort. Programs to reduce phosphorus runoff into the lake have in place for over a decade, and the county and city have 50 years to meet the TMDL water quality objectives.