

To: Whatcom County Planning Commission
5280 Northwest Drive
Bellingham, WA 98226

May 24, 2022

RE: Lake Whatcom Overlay District Amendments

Dear Commissioners,

Thank you for the opportunity to provide written comments about proposed updates to the Lake Whatcom Overlay District (LWOD) code (WCC Chapter 20.51). RE Sources and Whatcom Million Trees Project (WMTP) are committed to working with community members and local governments to protect and restore the Lake Whatcom watershed and enhance the resilience of the lake to future climate impacts. We are pleased to see the hard work by county staff to update the LWOD code and we would like to propose specific amendments that will meaningfully contribute to the restoration and recovery of water quality in Lake Whatcom.

RE Sources is a non-profit organization located in northwest Washington and founded in 1982. We work to protect the health of northwest Washington's people and ecosystems through the application of science, education, advocacy, and action. RE Sources has thousands of supporters in Whatcom, Skagit and San Juan Counties, and we submit these comments on their behalf.

Whatcom Million Trees Project is a non-profit established in 2021. Its mission is to plant and protect one-million trees within Whatcom County over the next five years -- as an urgent response to climate/biodiversity crises and to increase the health and well-being of our local communities. Rapidly growing, WMTP has numerous initiatives and projects underway that involve innovative collaborations with local businesses, public entities, nonprofits, and individuals.

Our suggested amendments are as follows:

1. Strengthen tree removal limits for non-development-related activity.

In the [2016 Lake Whatcom TMDL](#), the Department of Ecology identifies the essential role that forest cover plays to mitigate phosphorus loading. We believe the current rules are insufficient to mitigate phosphorus loading effects that are associated with tree removal, and there is broad agreement that the tree retention standards must be increased in order to meet the objectives outlined in the TMDL Implementation Strategy. We worked with several community members to develop reasonable tree retention standards that help preserve canopy cover in the watershed. The matrix below lists the current tree removal allowances and provides two progressive tree retention frameworks—one more lenient, the other more restrictive. Both options allow for greater tree removal on larger lots with a cap of 14,000 SF (approximately 1/3 acre), and both are intended to be cumulative, regardless of later subdividing or changes in ownership that may occur over time.

Suggested Revisions: Tree Canopy Removal (NOT Associated with Development)									
Lot Size		CURRENT Regulations	AS DRAFTED Regulations	Option 1: 10-30% Tier with Cap		Option 2: Alternative Tier with Cap		Lot Size	
Acres (AC)	Square Feet (SF)	35% (SF)		10-30% < 4 acres, then 14,000 SF cap	14,000 SF Cap on 4+ acres	15-20% <1 acre; then add 1,000 SF/acre; 14,000 SF cap	Maximum Tree Canopy Removal (SF)	Acres (AC)	Square Feet (SF)
20	871,200	304,920	5,000	14,000 SF cap	14,000	14,000 SF cap	14,000	20	871,200
10	435,600	152,460	5,000	14,000 SF cap	14,000	14,000 SF cap	14,000	10	435,600
5	217,800	76,230	5,000	14,000 SF cap	14,000	add 1,000SF/acre	10,534	5	217,800
4	174,240	60,984	5,000	14,000 SF cap	14,000	add 1,000SF/acre	9,534	4	174,240
3	130,680	45,738	5,000	10%	13,068	add 1,000SF/acre	8,534	3	130,680
2.5	108,900	38,115	38,115	10%	10,890	add 1,000SF/acre	8,034	2.5	108,900
2	87,120	30,492	30,492	10%	8,712	add 1,000SF/acre	7,534	2	87,120
1.5	65,340	22,869	22,869	10%	6,534	add 1,000SF/acre	7,034	1.5	65,340
1	43,560	15,246	15,246	20%	8,712	15%	6,534	1	43,560
0.75	32,670	11,435	11,435	20%	6,534	15%	4,900	0.75	32,670
0.5	21,780	7,623	7,623	20%	4,356	15%	3,267	0.5	21,780
0.33	14,286	5,000	5,000	30%	4,286	20%	2,858	0.33	14,286
0.22	9,600	3,360	3,360	30%	2,880	20%	1,920	0.22	9,600
0.17	7,200	2,520	2,520	30%	2,160	20%	1,440	0.17	7,200

2. Provide discretionary exemptions from the LWOD's new non-development tree removal limits.

Wildfire risk and tree diseases in the Pacific Northwest are both increasing due to climate change. We therefore recommend that the LWOD allow discretionarily approval by county staff of additional tree removal amounts to the above limits—on a case-by-case basis up to 35% maximum cumulative removal per parcel—for only the following conditions:

- **Firewise management activities** that involve the removal of trees and shrubs near existing or proposed structures to reduce fire risk—as prescribed by a Firewise professional (e.g. Whatcom Conservation District, Washington Department of Natural Resources, Local Fire Districts, etc);
- **Tree removal relating to pest and disease outbreaks**, as prescribed by an ISA-certified arborist.

3. Strengthen tree removal limits for development-related activity.

The Lake Whatcom TMDL explicitly highlights the importance of increasing canopy cover on developed parcels within the watershed. The current rules for tree removal associated with development are insufficient to mitigate phosphorus loading effects. The matrix below lists the current development-related tree removal allowances and provides a progressive tree retention framework that allows for greater tree removal on larger lots.

Suggested Revisions: Tree Canopy Removal (Associated w/ Development)

Lot Size		CURRENT Regulations	AS DRAFTED (Unchanged)	Recommended Tiered % Approach		Lot Size	
Acres (AC)	Square Feet (SF)	35% (SF)		15-35%	Maximum Tree Canopy Removal (SF)	Acres (AC)	Square Feet (SF)
20	871,200	304,920	304,920	15%	130,680	20	871,200
10	435,600	152,460	152,460	15%	65,340	10	435,600
5	217,800	76,230	76,230	20%	42,560	5	217,800
4	174,240	60,984	60,984	20%	34,848	4	174,240
3	130,680	45,738	45,738	20%	26,136	3	130,680
2.5	108,900	38,115	38,115	25%	27,225	2.5	108,900
2	87,120	30,492	30,492	25%	21,780	2	87,120
1.5	65,340	22,869	22,869	25%	16,335	1.5	65,340
1	43,560	15,246	15,246	30%	13,068	1	43,560
0.75	32,670	11,435	11,435	35%	11,435	0.75	32,670
0.5	21,780	7,623	7,623	35%	7,623	0.5	21,780
0.33	14,286	5,000	5,000	35%	5,000	0.33	14,286
0.22	9,600	3,360	3,360	35%	3,360	0.22	9,600
0.17	7,200	2,520	2,520	35%	2,520	0.17	7,200

4. Other tree-related recommendations for consideration.

(a) Road/utility-related tree canopy removal limits. Tree canopy clearing for access roads and/or utilities to new development sites (current or future) should be replanted with equivalent new native conifer tree plantings elsewhere within the watershed.

(b) Stronger penalties for tree removal in excess to LWOD allowances. The current penalty for violating LWOD rules is a requirement to plant 3x as many new trees as were removed. We recommend that this penalty requires planting 10x as many trees as were removed, and that this replanting should occur on-site or elsewhere within the watershed within 1-year of tree removal.

5. Apply tree retention recommendations to the Water Resource Overlay District code (WCC Chapter 20.71).

The science-based rationale behind limiting non-development related tree canopy removal is also valid to protect the long-term viability of Lake Samish and Lake Padden watersheds.

RE Sources and Whatcom Million Trees Project look forward to working with staff, the Planning Commission, and the County Council in the coming weeks to review and integrate these recommendations into public policy. Thank you for your work and for your time.

Sincerely,

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