

Whatcom Water Issue Update

Your Government Affairs Committee met last Wednesday, Nov. 2. It was a very productive meeting and we will be very busy in the coming months.

The bulk of the meeting was with Senator Doug Ericksen (R-42nd Dist.) He has proposed a legislative "fix" for the water situation created by the Washington Supreme Court in Hirst vs. Whatcom County. Sen. Ericksen was very pragmatic in his solution noting that while the fix is easy, the politics are not.

What Can We Do? Sen. Ericksen asked us to be talking to ALL our elected officials about this situation. Without a result that seeks to preserve property values, virtually every aspect of government operations supported by property taxes will be taking a "hit," not just county government, but fire districts, water districts, right down to the cemetery districts.

Several members have had clients contact them and ask how to make their concerns known to the County Council. Here are the times and some talking points to accomplish that objective.

The County Council meets on November 9, 22, and December 6, 2016. Each meeting includes a public session, usually at the beginning of the meetings which are scheduled for 7:00p.m. in the County Council Chambers, 311 Grand Ave., Bellingham. Time for speaking is limited to three minutes, a period of time that goes quickly, so best to prepare your remarks ahead of time.

Talking Points: Please use these to formulate your comments. Of course, the personal stories from clients that illustrate these points are best!

1. It is important to support Sen. Ericksen's legislative fix. It permits the County to go back to the prior rules and rely on the Dept. of Ecology's water determinations. It does require that applicants provide evidence that water is physically available.
2. There should be no extension of the emergency moratorium placed by the Council. Indeed, the actions of other counties demonstrate that it was entirely possible to address this situation without resorting to such drastic measures.
3. The County should immediately begin work to map and determine hydraulic continuity for our groundwater resources. Work should also continue on developing an ordinance that quickly restores the ability to secure building permit applications utilizing groundwater resources.
4. The water use by well users is grossly overestimated by opponents of rural wells. Most households using permit exempt wells withdraw approximately 150 gallons per day (for comparison, a full-grown Douglas Fir takes approximately 250 gallons per day). Almost 90% of that withdrawal is replaced to the water table via the household's septic system drainfield. Thus, we are worrying about a net withdrawal of somewhere in the nature of 15 gallons per day per household.
5. This has nothing to do with systems that do not return water to the water table, like Bellingham, a city that discharges almost 4,000,000 gallons per day to Bellingham Bay. Rural households replenish the local water table which goes to support the local stream systems.
6. Without the ability to obtain building permits for property via the utilization of a permit exempt well, many properties will lose their value. The resulting impacts to local taxation districts will be substantial. This monetary effect must be calculated when determining the appropriate course of action.

The Association will be providing written comments on this matter as well.

If you have additional questions, please do not hesitate to contact the Association. Also, remember that Bill Clarke, noted Washington water lawyer and legal counsel for Washington REALTORS® will be our guest at the November membership meeting, November 16, 2016, at 9:00a.m. in the Bellingham Golf and Country Club ballroom.