

**CAO and SMP Update  
Citizens Advisory Committee  
DRAFT - Meeting Summary**

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Date: April 10, 2006  
Time: 4:00 p.m. – 7:00 p.m.  
Place: 5280 Northwest Drive, Whatcom County PDS

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1.	4:00	Review agenda and Meeting Summaries for January 9 <sup>th</sup> , January 23 <sup>rd</sup> , February 13 <sup>th</sup> , and February 27 <sup>th</sup> . <u>Information:</u> April 10 <sup>th</sup> agenda <u>Action Needed:</u> Make any changes or additions and approve as final.
2.	4:05	Consolidated Draft SMP <u>Action Needed:</u> Discussion and comment.
3.	7:50	Next Meeting
4.	8 :00	Adjourn

**MEETING ATTENDANCE**

Wendy Steffenson	Roger Almskaar
Richard Gilda	Margaret Clancy
Rebecca O’Brine Willson	David Sherrard
Aubrey Stargell	Jeff Chalfant
Kathy Berg	Amy de Vera Pederson
Elizabeth Daly	Cathy Craver

**OBSERVER**

Dannon Traxler

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1. April 10<sup>th</sup> Agenda.

**MEETING CONTENTS**

1. Margaret – The committee will be going through the draft SMP during the next three scheduled CAC meetings. If there are any lingering issues, then we will make a note of it and come back to the committee with additional information.
  - 1.1. Q: Margaret – Does anyone have any comments on the meeting summaries for January 9<sup>th</sup> and 23<sup>rd</sup>, or February 13<sup>th</sup> and 27<sup>th</sup>?
  - 1.2. There were no comments, so the meeting summaries were considered final.
2. Q: David S. – Which sections does the committee want to look at closely?
  - 2.1.1. Dick – I have two areas to discuss. What does restoration to *natural* mean? Secondly, people are not being notified ahead of time that a bulkhead that will impact them is going in down the beach.
    - 2.1.1.1. Margaret – There is nothing in program that requires people to restore a site to an historic condition. We can look at the specific language when committee gets to those sections.

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- 2.1.1.2. Q: Roger – Is this coming from critical areas people? Dick – There is a project on Terrell creek where they have to do mitigation.
  - 2.1.1.3. Margaret – The policies should be reviewed to see if they say “improve” or “enhance”.
  - 2.1.1.4. Kathy – If it is a good idea, then it should be worded to be enforceable with more teeth.
  - 2.1.1.5. Margaret – Policies are intended to state what is trying to be achieved, and the regulations are what get us to that point.
3. Consolidated Draft SMP
- 3.1. Q: Becky – Will both of the committees review this again before it goes to the public?  
A: Margaret – There will be three CAC meetings, and the TAC will also have three meetings. Both committees will be given time to submit additional changes, then the public review draft will be released and there will be an official 60-day comment period. After that, it will go to the Planning Commission and the County Council.
  - 3.2. David S. – The first six chapters are not substantially different. Chapter 9 is generally where the proposed changes begin.
  - 3.3. Dick – We should work with the tracked changes version to see everything that has changed.
    - 3.3.1. Margaret – There have been so many changes to the draft document that it is difficult to read. We have gone over all of the changes with the committee before, but you are welcome to look at the track changes version. We have copies available. Otherwise, we will point out the major changes that have been made in each section.
  - 3.4. Q: Becky – What about the public access provision on page 4 of *Section 23.20.03*?  
A: David S. – That is existing language.
    - 3.4.1. Q: Becky – If I were out in the Sound, does this mean that I can land anywhere?  
A: David S. – No. Not all of the sites where you can land are posted.
      - 3.4.1.1. Jeff – The Department of Natural Resources (DNR) has Public Lands maps.
  - 3.5. Margaret – Language has been added under *Economic Development Objectives* to address ecological functions and processes, and other minor changes have been made for readability.
  - 3.6. The public access goal statement on page 4 has been reworded.
    - 3.6.1. Jeff – The language is from the Washington Administrative Code (WAC).
  - 3.7. Roger – I would like to change “preserved” in *Section 23.20.03.A* to “protect”. If it says “preserved”, it implies that you can’t do anything.
  - 3.8. Margaret – “Compatible with water-dependent uses” has been added to item 2 of *Section 23.20.03.A*.
  - 3.9. Number 6 of that section has been restructured.
  - 3.10. *Section 23.20.04.A - Recreation* has been clarified to give preference to water-oriented opportunities.
    - 3.10.1. Q: Roger – Is water-oriented all three kinds of designations? A: Margaret – Yes, and that language has been carried throughout the document.
  - 3.11. *Section 23.20.04.B - Recreation Objectives* has been clarified to make it more readable.
  - 3.12. Number 3 has been changed to emphasize that acquisition of additional park areas should occur prior to demonstration of need.
  - 3.13. There is a minor change in number 7.

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- 3.13.1. Q: Kathy – Instead of saying “adjacent private properties”, should it just say “properties”? A: Margaret – This says that it should look at impacts to public and private properties.
- 3.13.2. David S. – It may not be necessary to use the word “private” when talking about adjacent properties. The word “private” could be taken out.
- 3.14. Margaret – *Section 23.20.05*, “Circulation” has been changed to “Transportation and Essential Public Facilities”.
- 3.15. *Section 23.20.05.B*, numbers 1 and 2, have been reworded. Number 3 was revised to state a preference for locating roads away from the shoreline unless there is no feasible alternative. Number 4 was also reworded.
- 3.16. *Section 23.20.06 - Shoreline Use* has been revised to be consistent with the Act.
- 3.17. Q: Roger – *Section 23.20.06.B - Shoreline Objectives*: Is it necessary to have “single-family” instead of “water-dependent”? A: David S. – The statute puts single-family at the same level as water-dependent.
- 3.17.1. Q: Dick – I have a concern about restoring shoreline ecological functions. Who decides that? A: Jeff – This is an objective, not a regulation.
- 3.17.2. Q: Dick – Does this mean that shorelines need to be restored to the conditions that were there before the project started, or to what was happening in 1950? A: Kathy – It says in the Definitions section that it is not to historic conditions.
- 3.17.2.1. Margaret – In this policy, it says that we have to identify where restoration would occur. It is not a requirement of the property owner.
- 3.17.2.2. Jeff – Mitigation may be required for development impacts, but restoration would not be required.
- 3.17.3. Margaret – There is a baseline of what the current conditions are. If unavoidable adverse impacts are anticipated, then mitigation may be required to get back to the baseline (current) condition. Restoration is generally designed to improve the baseline condition and it is not required.
- 3.17.4. Q: Roger – Will there be a map to show these areas? A: Jeff – Areas that may be appropriate for restoration will be identified through the restoration plan.
- 3.17.4.1. Margaret – This also factors into the environment designation.
- 3.17.4.2. Jeff – Mitigation is associated with development, and restoration is not. When mitigation is discussed, the intent is to maintain the existing baseline conditions. Restoration is voluntary.
- 3.17.5. Roger – Number 5, mixed use doesn’t mean water-dependent.
- 3.17.6. Margaret – “When public benefit is provided” should be stricken.
- 3.18. *Section 23.20.07 Conservation Objectives*
- 3.18.1. Q: Roger – Can “preservation” be changed to “protect”? Preservation is like saying there is a wilderness that you can’t touch. A: David S. – That should be examined throughout the document.
- 3.18.2. Q: Kathy – Is “sustained” in the definitions? A: David S. - If it is not there, it can be added.
- 3.19. Margaret – Number 5 has been added to show prioritization.
- 3.19.1. Dick – The intent of number 4 is good, but the wording should be changed. You can’t do extraction that would not have an impact.
- 3.19.1.1. Jeff – The language could be amended to reference maintaining the quality of other resources.
- 3.20. *Section 23.20.08 – Archaeological, Historical, and Cultural Resources*
- 3.20.1. Dick - “Preservation” would be better than “restoration”.
- 3.20.1.1. Margaret – It could be revised to say “protect, preserve, and restore”.

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- 3.20.2. Wendy – The Archaeological section wasn't in the CAO.
  - 3.20.2.1. Jeff – The SMA mandates that it be addressed in the Shoreline Program.
- 3.21. *Section 23.20.07.A - Archaeological Goal* is the same.
- 3.22. *Section 23.20.07.B - Archaeological Objectives* was clarified.
- 3.23. *Section 23.20.09.A - Views and Aesthetics*, “preservation” is an appropriate term in this context.
  - 3.23.1. Aubrey – This section seems sort of intangible.
  - 3.23.2. Q: Roger – *Section 23.20.09.B - Views and Aesthetics Objective*, objective 1: How can we preserve areas with scenic vistas under the existing rules? Is this for areas like Chuckanut? It should say, “Protect areas with scenic vistas”. This gives more flexibility. A: David S. – Yes, that change can be made.
    - 3.23.2.1. Margaret – “Preserve” is appropriate in the goal statement because it is saying that there are vistas, and that they should be maintained. The objectives should probably say “protect”.
  - 3.23.3. Q: Dick – When it says “areas with scenic vistas”, does that mean areas that you are looking at, or areas you are looking from? A: David S. – They are areas that you are look at that have high visual quality.
  - 3.23.4. Dick – In Blaine people want to build, but others are giving them a hard time because they don't want their views taken away.
    - 3.23.4.1. Margaret – There are policies and regulations later in the document that will address this.
    - 3.23.4.2. Q: Aubrey – Do views and aesthetics have to be in here? A: David S. – It is mentioned throughout the State statute, so it should be addressed.
      - 3.23.4.2.1. Margaret – *Section 23.90* should be reviewed to be sure that it is the same, or it may be better to put it in on place.
    - 3.23.4.3. Q: Kathy – If an overview is being given here in these sections, then can the regulations be referenced for specifics? A: Margaret – Yes. Preamble language could be added to this chapter that says these are general objectives, and go to *Sections 23.90 and 23.100* for specifics.
- 3.24. *Section 23.20.10 - Restoration and Enhancement*
  - 3.24.1. Margaret – The goal of restoration and enhancement is to achieve a net gain in functions. That was added to the goal statement. Several of the objectives are new language. Some was suggested from the TAC.
  - 3.24.2. Q: Roger – What does hyporehic mean? A: Margaret – It is where ground water and surface water mix, for water quality and riparian functions.
  - 3.24.3. Q: Kathy – What about other plans that come along?
    - 3.24.3.1. Jeff – It should be broadened to reference more than just WRIA 1 planning efforts. Margaret - WRIA 3 and other on-going watershed plans could be included.
  - 3.24.4. Q: Liz – Is this part of the permit process that will be required? A: Jeff – This is not part of the development permit process, this will inform the restoration plan.
  - 3.24.5. Q: Roger – Is the county intending to publish the restoration plan? A: Margaret - It will be a companion background document to the SMP update.
  - 3.24.6. Roger – It might be better to say this in the front of the document instead of the end because not everyone is going to read all of this.
    - 3.24.6.1. Margaret – That could be done.
  - 3.24.7. Kathy – Where would we find the regulations for this? A: Margaret – The mitigation regulations are in *Section 23.90*.

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- 3.24.8. Wendy – It would be helpful to change some of the wording so that it is clear that the purpose of the list is not to use it as mitigation, but if it is used for mitigation, then we are not using it to get beyond “no net loss”.
- 3.24.8.1. David S. – It would not be appropriate to address restoration and mitigation in this section. This section points to the restoration plan, which will identify voluntary restoration opportunities.
- 3.24.8.2. Dick – If mitigation is regulatory, and restoration is voluntary, can we put that in somewhere? A: Margaret – Yes. That can be done.
- 3.25. *Chapter 3 - Shoreline Jurisdiction and Area Designations*
- 3.25.1. Q: Liz – In the definitions, are we talking about all wetlands regardless of category? A: Margaret – Yes, and the definition is in the state law. It is not possible to produce a map that identifies all associated wetlands. That would require a site-by-site evaluation.
- 3.26. Margaret – *Section 23.30.01.1 - Official Shoreline Map*: This section was broken down into two sections and it explains what the limitations are of the map.
- 3.27. *Section 23.30.02.2 - Shoreline Area Development Policies and Regulations* reference Chapters 9 and 10, and the CAO.
- 3.27.1. Q: Kathy – Is Chapter 10 zoning? A: Margaret – No, Chapter 10 of the SMP includes specific use policies and regulations.
- 3.27.2. Q: Kathy – How is that tied to zoning? A: Margaret – References to Title 20 – Zoning ordinance will be included.
- 3.28. *Section 23.30.03 - Urban Shoreline Area*
- 3.28.1. *Section 23.30.03 - Policies*, number 1, has been reworded to capture the spirit of the original policy direction under the Growth Management Act (GMA).
- 3.28.2. Q: Liz – Is multi-family non-water dependent? A: David S. – Yes.
- 3.28.3. Margaret – The *Urban* designation is primarily commercial and industrial.
- 3.28.3.1. Jeff – The *Urban* areas generally include the Sudden Valley marina, Mt. Baker Plywood, and an area along the Guide Meridian.
- 3.28.4. Q: Dick – What if someone wanted to build in an *Urban* area? A: David S. – If residential development is allowed in the underlying zoning, then it is allowed.
- 3.28.5. Margaret – It is included in the allowed uses.
- 3.29. *Section 23.30.03.5 - Conditional uses*
- 3.29.1. Roger – A shoreline permit is a conditional use. Now you have 2 twin permits that Ecology reviews and they can veto them both.
- 3.29.1.1. David S. – Roger is correct in that a shoreline conditional use permit is different than a zoning conditional use permit. However, not all allowed uses will have a conditional use requirement.
- 3.29.2. Wendy – We should go through each shoreline area designation to see what is appropriate in the shoreline.
- 3.29.2.1. Margaret – Yes.
- 3.29.3. Q: Becky – Are we going to see this happen for every item. A: Margaret – Yes.
- 3.29.4. David S. – If you don’t specifically list a use, then by definition it is a conditional use.
- 3.29.5. Dick – I was comparing allowed uses and conditional uses, and several overlap.
- 3.29.6. Becky – It would be helpful to be very clear what has changed.
- 3.30. Margaret – The committee should review the conditional uses, items A-G.
- 3.30.1. Q: Liz – What if the refinery moved the engineering office off-site? A: David S. – Offices are considered commercial development.

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- 3.30.2. Dick – In Hood River they put an office building within the shoreline of the Columbia River.
    - 3.30.2.1. David S. – Office buildings are not usually shoreline-dependent and should generally be located out of the shoreline.
  - 3.30.3. Q: Dick – What if we changed the wording to add: “if not allowed by zoning...” We have things listed that zoning allows. Don’t list them all out. Simplify it. If it’s not allowed by zoning, instead of a shoreline conditional use, get a mixed-use conditional use. A: Margaret – If a use is not allowed in the underlying zoning, then it cannot be allowed.
    - 3.30.3.1. Roger – If you have a 40-acre project and a store on the land-side, the whole thing would require a shoreline permit. There is a conflict between “E” and (top of page 18) “C”. It should say allowed uses in both.
  - 3.30.4. Wendy – We should take out everything but roads and railways.
  - 3.30.5. Q: Liz – What if a floatplane base has a terminal? A: David S. – That would be considered a water-dependent commercial use.
  - 3.30.6. Q: Margaret – Should airfields be left in? A: David S. – The zoning code should be checked.
  - 3.30.7. Q: David S. – Under permitted uses, should home occupations be listed with residential if it is an accessory use? A: Jeff – If it is accessory to a single family use, then it doesn’t need to be specifically listed as a use.
- 3.31. *Section 23.30.04 - Urban Resort*
- 3.31.1. Margaret – There are no real changes to the designation criteria.
  - 3.31.2. Q: Liz – Why are tourists and day visitors specified? A: Jeff – It is specified in the zoning code.
  - 3.31.3. Margaret – This designation applies in Birch Bay and Point Roberts. There are no real changes in the policies.
  - 3.31.4. *Section 23.30.04.4 - Allowed Uses*, item D: Accessory uses have been added.
  - 3.31.5. David S. – *Section 23.30.04.5 - Conditional Uses*: The same changes to transportation should be made.
- 3.32. *Section 23.30.05 - Shoreline Residential*
- 3.33. David S. – The policies were reworded a little.
- 3.33.1. Q: Becky – If you are building a house, does this say that you have to have visual harmony? A: Margaret – Reference to visual harmony will be taken out. It should reference neighborhood character.
  - 3.33.2. Margaret – “Sustainable development practices” in (A) should be changed to Low Impact Development (LID).
- 3.34. *Section 23.30.06 - Urban Conservancy*
- 3.34.1. David S. – The policies were modified a little.
  - 3.34.2. Jeff – This designation has generally been applied to environmentally intact areas that are located within urban growth areas, such as Dakota Creek and California Creek.
  - 3.34.3. David S. – Home occupations can be taken out because they are part of single-family development.
  - 3.34.4. Q: Roger – What if you have a condo? A: Jeff – Condos would not be found in an *Urban Conservancy* area.
- 3.35. *Section 23.30.07 - Rural*
- 3.35.1. David S. – There are no changes to the purpose, and the criteria were reworded a little.
  - 3.35.2. *Section 23.30.07.4 - Allowed uses*

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- 3.35.2.1. David S. – Accessory uses, such as home occupations, etc. should be added under allowed uses. It should be the same for conditional uses.
- 3.36. *Section 23.30.8 - Resource*
- 3.36.1. Q: Liz – Is there a definition of prime agricultural land? A: David S. – Yes.
- 3.36.2. Q: Liz – So, no homes are allowed on shoreline? A: Jeff – This designation generally applies to areas that are typically in floodplains and floodways. This also relates to County policies that support long-term preservation of the agricultural land base.
- 3.36.3. Roger – What if someone’s property is split? A: Jeff – Development would be encouraged to build outside of the shoreline. However, it would be allowed where there is no feasible location outside of the shoreline.
- 3.36.4. Margaret – “Mineral” should be added in item “C” under allowed uses on page 25.
- 3.36.5. Q: David S. – Aren’t county parks allowed in a *Resource* zone? A: Jeff – Yes.
- 3.37. *Section 23.30.9 - Conservancy*
- 3.37.1. David S. – There were no major changes under the designation criteria or in the policies.
- 3.37.2. Q: Dick – This says no more than 30 vehicles. Over what size of an area? A: Jeff – The parking area is determined by the size of the stall requirements. Parking requirements are addressed under the zoning code.
- 3.37.3. Q: Dick – What if you had a wide open area for parking? A: David S. – The intent of the language is to specify low intensity recreation.
- 3.38. *Section 23.30.10 - Natural*
- 3.38.1. David S. – There is no change in the purpose statement, criteria, or the policies.
- 3.38.2. David S. – It should say low intensity “water-dependent” recreation under allowed uses.
- 3.38.3. Margaret – Since these are policies, it may be more appropriate to say: “should be strongly discouraged” instead of “should not be allowed”. David S. – This could be reworded to be performances.
- 3.38.4. Jeff – “Significantly” could be used.
- 3.38.5. Roger - “Significantly” is defined in Title 20 and in the City of Bellingham’s SMP. We should look at that.
4. Meeting adjourned.