

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

Date: August 22, 2005
Time: 4 p.m. – 7 p.m.
Place: 5280 Northwest Drive, Whatcom County PDS

AGENDA

1.	4:00	Review agenda and Meeting Summary for July 25 th <u>Information:</u> August 22 nd agenda and Meeting Summary for July 25 th <u>Action Needed:</u> Make any changes or additions and approve as final.
2.	4:05	Shoreline Environment Designation Criteria and Uses <u>Information:</u> Draft Shoreline Environment Designation Criteria and Use Table (distributed 8/8/05) <u>Action Needed:</u> Discussion and feedback.
3.	5:05	SMP Policies/Recap of previously distributed SMP policy sections <u>Action Needed:</u> Overview and discussion of proposed amendments.
4.	7:00	Adjourn

MEETING ATTENDANCE

Kathy Berg	Amy Pederson
Roger Almskaar	Margaret Clancy
Rebecca O’Brine Willson	David Sherrard
Dick Gilda	Jeff Chalfant
Aubrey Stargell	Cathy Craver
Skip Richards (via phone)	

DOCUMENTS DISTRIBUTED

1. August 22, 2005 Agenda.
2. Draft proposed CAC meeting dates for September.

MEETING CONTENTS

1. The committee reviewed the agenda and summary for July 25th. No comments were received, therefore they are considered final. A proposal for upcoming meetings in September was handed out with the agenda. Dick said he would have to think about the Saturday meeting. The next regular meetings are September 12th and September 26th. If you don’t want Saturday meeting, we can have additional Monday meetings. This will be discussed further at the September 12th meeting.
 - 1.1. Q: Roger: If the committee doesn’t want a Saturday meeting in September, what about October meetings? A: David S.: We want to have a public draft this fall. Margaret added that they would like the CAC to review it before the public, so that’s why the extra meeting would be helpful. There is a lot to cover in the 3 last agendas.
 - 1.2. Kathy will be gone for 2 weeks in October, so she’d rather have the Saturday meeting.
 - 1.3. Roger doesn’t mind either way.
 - 1.4. Aubrey and Peg are maybes.

- 1.5. The group can discuss more options on the September 12th meeting.
- 1.6. Q: Jeff: Would it be better to have another Monday meeting? I can send an email out to the group for feedback.
- 1.7. Margaret said they would get the results of the inventory and characterization report of the reaches as it relates to the shoreline designations to the group. There will not be an entire meeting to review that, so the CAC will have to review that on their own and provide comments.
2. Shoreline Environment Designation Criteria and Uses-Section 23.30
 - 2.1. David S. announced that they have proposed to change the designation "*rural conservancy*" to just "*rural*". (Page 9 of section 23.30)
 - 2.2. Roger notes that on page 9, number 5, this is language from the 70s that they have taken out of other sections.
 - 2.2.1. David S. agrees, and number 5 is taken out.
 - 2.3. Q: Dick: Are we taking out "*conservancy*"? A: David S. - The word "*conservancy*" will be taken out of "*rural conservancy*". This will make it parallel to the comprehensive plan designations. It will now be known as just *rural*.
 - 2.4. Q: What is the differences between *rural* and *conservancy*? A: Jeff writes on the board the order of the designations from the most ecologically intact to the least ecologically intact: *natural, conservancy, resource, rural, urban conservancy, shoreline residential, urban, urban resource*.
 - 2.4.1. Margaret added that this is based on today's conditions for fish, wildlife, and water quality. This is what is happening today.
 - 2.5. David S. noted that there are many portions of streams in Whatcom County that are *conservancy*.
 - 2.5.1. Roger adds that the majority of the *conservancy* areas were forestlands from the government.
 - 2.6. Q: Kathy: What do we do with Birch Bay because it's *urban resort*, and we have an area we would like to be *conservancy* so we can do some restoration? A: Roger: If the area you want to restore is on the waterside of the road, you could do a split designation. David S. agreed and said that is what would be proposed.
 - 2.7. For the Policies (C) 1-3 at the top of page 10, David S. noted that this is in the comprehensive plan and was not needed in this particular section.
 - 2.8. Aubrey suggested getting rid of the wording "visual harmony" on page 10, line 17 under the policies section.
 - 2.8.1. David S. said they would look for better wording.
 - 2.8.2. Kathy noted that aesthetics are subjective and many times you can get a CUP to get around what's regulated.
 - 2.8.3. Dick added that this was taken out of the comprehensive plan, but it has shown back up in this document.
 - 2.8.4. David S. said they would come up with something better.
 - 2.9. Roger suggested adding wording such as "high valued resource" to the new number 1 and 2 on page 10, because the wording "physical and biological resources" is too vague.
 - 2.9.1. David S. agreed and Margaret added that they have tried to address the meaning of no net loss. This language is found at the top of page 4 of section 23.30. The last line of the paragraph tries to recognize that a certain amount of impact to the shoreline might be inevitable, and cumulative impacts are evaluated.
 - 2.9.1.1. Aubrey added that if you cannot have any net loss, then it's obsolete.
 - 2.9.1.2. David said there are a lot of areas and opportunities within the shorelines that can achieve not net loss.

- 2.9.1.3. Q: Becky: How would someone know how to mitigate their impacts if building around Lake Samish? A: Margaret: That information would come from the feedback of the application.
- 2.9.1.4. David S. added that more restoration opportunities would be available to citizens who are going to build.
- 2.10. David noted that item 3 on page 10 dealing with recreational policies should be more specific.
- 2.10.1. Q: Dick: When did we take out agriculture from this section? A: David S.: Most of the agricultural uses are already in this section. This policy focuses on recreational uses.
- 2.10.2. Dick added that agricultural lands are sometimes used for recreation, such as fishing off the banks, and riding on the dikes.
- 2.10.2.1. David S. said they are suggesting rural character in this section, not just agriculture. Whatcom County has already said that agricultural would allow mixed uses. We can add another policy for agriculture if the group wants it.
- 2.10.2.2. Aubrey added that if you're going to call out these specific things, then you should call out forestry.
- 2.10.2.2.1. Jeff noted that is why the language "rural character" was used.
- 2.10.2.3. David S. said that forestry should be added under the purpose of *rural* on page 9.
- 2.11. Q: Roger: Why are we citing the zoning ordinance WCC 20.97.180 on page 10? A: Margaret: We should scrap number 5. It's not needed.
- 2.12. On page 11, there is a new standard in the WAC, lines 5-11, talking about allowable area of impervious surface.
- 2.12.1. Q: Kathy: 10 % of what? A: David S.: That's 10% of total surface area.
- 2.12.2. Q: Roger: What about if you're clustering? A: David S.: If you are clustering, then that would be 10% of the whole area.
- 2.12.3. Q: Becky: With the overlay district of Lake Samish and Lake Whatcom, what would be the percentage? A: Amy: 10-20%, depending on the zoning.
- 2.13. Moving onto *Resource Conservancy*, the TAC suggested we make sure that item (b) 2 dealing with compatible uses, is consistent with the comprehensive plan. *Resource* uses are preferred over development.
- 2.14. Under the policies, this limits use to one unit per parcel, and that comes from zoning.
- 2.14.1. Q: Dick: What about bigger parcels? A: Jeff: The policy says "generally". This deals with resource lands, not something like R5A.
- 2.14.2. Q: Dick: Can you do ADUs? A: Jeff: Yes.
- 2.14.3. Jeff mentioned that they should just take out the word "generally". David agreed.
- 2.15. Moving onto *Conservancy*, page 12. Q: Kathy: What does "wise use" really mean? A: David S.: This was in the provisions. We should change it to just "long term use".
- 2.16. Margaret added that *conservancy* could apply in *rural* and *resource* areas.
- 2.17. David S. mentioned that in the criteria section on page 12, the TAC suggested we take out "human encroachment" and say that these are areas without substantial degradation. Also, take out "outstanding scenic quality" under (b) 2.
- 2.18. Roger said the document still needs to be more specific on which ecological functions or processes that it's focused on.
- 2.18.1. Margaret said that tying that to the shoreline inventory is important for that. The report will set the basis for recommendations for designations.
- 2.18.2. Dick mentioned that there is a lot of benefit to having parallel designations.
- 2.18.2.1. Margaret mentioned that the group would be going over parallel designations at the September 12th meeting.

- 2.19. For policies under *conservancy*, allowed uses need to be compatible with conservation of shoreline ecological processes and resources.
- 2.20. Q: Dick: What does “harmful concentrations” mean under policy 3? A: Roger: One of the reasons this language is in here is because when it was written in 74 and 75, there was a huge argument about concentrations dealing with the North Cascades.
- 2.21. *Natural* area designation on page 14. Most of these areas are public.
- 2.21.1. Jeff added that the policies have loosened up to allow for some private ownership in some instances, but the standards are set high.
- 2.21.2. Margaret added that is why there are very few *natural* areas designated (referring to the map), and some of these areas will be going to a *conservancy* designation.
- 2.21.3. Roger added that if people want to learn about these areas that are in the *natural* designation, then we should let them use these areas.
- 2.21.3.1. David mentioned that there are some allowed human uses in *natural* designations, page 14 (b) 1.
- 2.21.3.2. Q: Kathy: Isn't there some value to having the *natural* areas hands-off?
A: Jeff: We could include that in the regulations if that is what the committee wants.
- 2.22. Q: Dick: Can we change the word “damaged” to something like “reducing or controlling activity” under the purpose (b) on page 14? Damaged is a little harsh. A: David S.: Yes, we can wordsmith for the next meeting.
- 2.23. Q: Roger: Should there be a door open for zero impact trails if it's compatible? A: David S.: These criteria are almost verbatim from the WAC.
- 2.24. The policies in the *natural* designation section put preservation as a priority.
- 2.24.1. Q: Aubrey: Doesn't number 2 conflict with number 5 (on page 14)? A: David S.: Barry Wenger will be checking into the forest practices conflict, and we will let you know what he finds out.
- 2.24.2. Jeff adds that under the current shoreline program, forest practices are not allowed within 200 feet of the shoreline in *natural* areas. But we'll let you know what Ecology says.
- 2.25. Dick: I just saw that subdivisions are not allowed, but I think it should be okay if part of it is not in the shoreline.
- 2.25.1. Roger: I agree.
- 2.25.2. David S.: This should be kept as a regulation. Subdividing intensifies, but there are also very few areas that are *natural*.
- 2.26. On page 16 is the *aquatic* designation with purposes and policies.
- 2.27. Q: Becky: Are the sizes of over-water structure uses defined somewhere else? A: David S.: That would be defined by the function.
- 2.27.1. Q: Becky: What about residential use of docks? A: David S.: That would be in the docks section.
- 2.28. Q: Kathy: Where are the *aquatic* areas? A: Margaret: They are all the wet areas of the shoreline.
- 2.29. Margaret clarifies that “hydrographic conditions” is the same as the “hydrologic regime”.
- 2.29.1. Jeff adds that they are talking about flow regimes, water volume, timing, etc.
- 2.30. David mentioned that they have not finished the Cherry Point Management Unit yet.
- 2.31. The committee went through each line item of the bingo chart of the draft list of allowed uses under each designation.
- 2.32. Q: Becky: What is *shoreline residential* versus *urban residential*? A: David S.: *Shoreline residential* is primarily residential, but does not allow commercial uses. *Urban residential* allows commercial uses. We're proposing different uses in *urban* under the zoning.

- 2.32.1. Q: Becky: Is *shoreline residential* a new category? A: Yes.
 2.32.1.1. Roger added that this designation was good for Lake Samish.
- 2.33. Q: Dick: Why are bed and breakfasts allowed in *resource* areas? A: David S.: That's supposed to be for agriculture and forestry uses. We'll look into that.
- 2.34. For churches, commercial amusement and recreation, the TAC suggested making commercial amusement a conditional use.
- 2.35. Q: Dick: We already have a definition of agriculture; what about the people growing tomatoes and then selling them commercially? It should either be allowed outright or allowed under a CUP. A: David S.: We'll check into the zoning and get back to you.
- 2.36. Q: Roger: Why aren't eating and drinking establishments allowed under *rural*? A: David S.: Are they allowed in the zoning now? We'll have to get back to you.
 2.36.1. Jeff said that they are not allowed in *rural* zoning right now.
- 2.37. Q: Kathy: Why aren't daycares allowed in *urban resort*? A: David S.: We will add that.
- 2.38. Dick: If aquaculture is okay with the state, then it should be okay here.
 2.38.1. Margaret: It still has to be consistent with the zoning.
 2.38.2. Jeff added that fish farms are only allowed in agriculture and rural zones per Title 20.
- 2.39. Q: Aubrey: Is there a listing for forestry? A: David S.: We are working on that.
- 2.40. Q: Dick: Under home occupation, what about someone who sells Avon from their house? A: David S.: We'll check into the zoning districts.
- 2.41. Q: Becky: Are we differentiating laundromats from dry cleaners? A: David S.: We should.
- 2.42. David S. noted that under Manufacturing-Building Material Yards, and Manufacturing-Composting and Mulching Facilities, those should be in *resource*, but not in *conservancy*.
 2.42.1. Q: Dick: For composting, can we move that into *urban conservancy*? A: Jeff: Composting is only allowed in agriculture.
- 2.43. Margaret mentioned that Manufacturing-Heavy construction contractors should come out of *urban resort*.
- 2.44. Q: Kathy: Shouldn't lumber manufacturing go into *Cherry Point*? A: Yes.
- 2.45. Manufacturing of cement should be taken out of *urban conservancy*.
- 2.46. Moorage should be allowed in *aquatic*.
- 2.47. Neighborhood grocery stores should be allowed in *urban residential*.
- 2.48. Q: Are hot houses included in plant nurseries? A: Should find definition a of hot house.
- 2.49. Q: Roger: Is there any reason why public facilities shouldn't be allowed in residential? A: No. We'll add that.
- 2.50. Q: Roger: What if WWU or WCC wanted to put a facility on Lummi Island?
 2.50.1. Jeff asked if it would be a water-oriented research center? A: David said they could add another category, but there is a difference between having the community college extension and a research facility.
 2.50.2. Kathy asked if they should be allowed within 200 feet of the shoreline.
 2.50.3. Margaret noted that there are 3 categories of public facilities, and was not sure about a school being a central public facility.
 2.50.3.1. Jeff noted to revisit that later.
- 2.51. Q: Jeff: Shouldn't primitive recreation facilities be in *natural* or *aquatic*? A: Yes.
- 2.52. David S. added that recreation public campgrounds should have a CUP in *conservancy*.

2.53. Margaret stated that there are a number of updates to the table and they will be giving the CAC an updated version as soon as they can. They will shade in the boxes to show which ones have changed.

2.54. Q: Becky: If you have a shoreline with a number of different zoning designations, which overrides the others? A: The most restrictive applies.

3. Meeting adjourned.