

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

Date: September 24, 2005
Time: 9 a.m. – 2 p.m.
Place: 5280 Northwest Drive, Whatcom County PDS

AGENDA

1.	9:00	Review agenda <u>Information:</u> September 24 th agenda <u>Action Needed:</u> Make any changes or additions and approve as final.
2.	9:05	Draft SMP Sections <u>Action Needed:</u> Overview and discussion of proposed amendments.
3.	12:00	Lunch
4.	12:30	Draft SMP Sections <u>Action Needed:</u> Continuation of Draft SMP discussion.
5.	6:00	Adjourn

MEETING ATTENDANCE

Roger Almskaar	Wendy Steffensen
Kathy Berg	Margaret Clancy
Elizabeth Daly	David Sherrard
Dick Gilda	Jeff Chalfant
Rebecca O’Brine Wilson	Amy de Vera Pederson

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1. September 24, 2005 Agenda
2. Draft SMP Sections

MEETING CONTENTS

1. The CAC reviewed the agenda and considered it final.
2. Draft SMP Sections – overview and discussion
 - 2.1 Wendy requested a summary of substantive SMP changes when a draft SMP is available. Jeff noted that a track changes version of draft SMP changes that have been made to date will be available to the CAC.

Chapter 23.20 - Goals and Objectives

- 2.2 Check use of “Program” vs. “program” throughout the document.
- 2.3 Margaret noted that the “objectives” in Chapter 23.20 are more like “policies”. David S. suggested that it could be appropriate to change “objectives” to “policies” to be consistent with the format of the County Comprehensive Plan. This is the only section that has “objectives”.

- 2.3.1 Roger explained that the term “objectives” was used because it was a middle ground - a “high level statement”.

Section 23.20.2 – Economic Development

- 2.4 Wendy noted that she doesn’t see changed conditions reflected in the policies. She suggested that identification of existing conditions is fine, but potential economic changes in the future should also be acknowledged.
- 2.5 Kathy asked if the economic development goal and objectives would help future economic opportunities that may come along. Margaret explained that these are policy statements and that they are intended to be broad. They are not intended to give specific guidance. More specificity is provided later in the SMP.
- 2.6 Section 23.20.2.2(e) - Liz asked for an example or a definition of “clearly incompatible”. David noted that the term could be clarified later in the SMP.

Section 23.20.3 – Public Access

- 2.7 Section 23.20.3.2(f) - Roger asked what is meant by “significant shoreline development activities”? We need to be sure that nexus is appropriately addressed. Roger also expressed concern about reference to open space tax designations under RCW 84.34. These designations also include forestry and agriculture.
- 2.8 Dick asked where the limit is drawn on “visual access”. Jeff explained that there is a difference between “visual access” and “aesthetic impact”.
 - 2.8.1 Aubrey suggested that it might be clearer to address view “obstruction”.
 - 2.8.2 Roger indicated that as long as the limitations of the term are dealt with or it is defined, it would be fine to leave it in.
- 2.9 Dick asked what happens when people buy property and develop in front of other houses and block their view. That would be difficult to regulate.
 - 2.9.1 David S. explained that visual access is something that is regulated under the rule. There are more specific provisions to limit height within the shoreline (e.g. 35’ from average grade). That is covered later in the SMP under the bulk and dimensional requirements.
- 2.10 Liz asked for a definition of “visual access”.
- 2.11 Becky noted that all of the objectives are pretty general except for (f) – open space. It was agreed that it would be more appropriate to move (f) to the regulations.
- 2.12 The phrase “natural shorelines” under the goal statement (23.20.3.1) should be revised to say “shoreline ecological functions and processes”.
- 2.13 Section 23.20.3.2(c) - Concern was expressed regarding the use of the term “provide for”. What does that mean? The language should be more specific or defined. It was explained that more specific guidance will be provided in the regulations.
- 2.14 It was agreed that the wording would be changed to “consider” and (f) will be moved to the regulations section.

Section 23.20.4 – Recreation

- 2.13 Becky asked if the goal statement implies that the County will forever provide “additional” recreation opportunities.
 - 2.13.1 Roger explained that the language was written when the County Parks program was just getting started.
 - 2.13.2 Jeff noted that the County *Parks and Recreation Open Space Plan* is currently being revised and that it may identify additional areas.
- 2.14 Kathy asked how 23.20.4.2(b) would be applied. Margaret explained that it generally means that the County should plan ahead.
- 2.15 David suggested revising 23.20.4.2(b) to “identify and obtain” land before service demands require it.
 - 2.15.1 Becky suggested that (b) could be reworded to be more proactive.
 - 2.15.2 Liz suggested combining (b) and (c) and to cite the Growth Management Act (GMA).
 - 2.15.2.1 Sections (b) and (c) will be combined.
- 2.16 Becky asked what “unsatisfied” means and why there is a differentiation between residents and non-residents. David S. explained that it needs to be clear under the law that the public interest of the people of the state is being served.
 - 2.16.1 Dick questioned the issue of “local control” in this matter.
 - 2.16.2 Roger suggested separating the two items: “meeting levels of service for recreation” and “state-wide significance”.
 - 2.16.2.1 If the two issues are split and “unsatisfied” is stricken, then the first item is actually covered under (c).

Section 23.20.5 – Circulation

- 2.17 Liz asked how this section affects Cherry Point. It includes reference to terminals.
 - 2.17.1 It was explained that circulation refers to transportation. Roger added that it applies to public improvements.
 - 2.17.2 Liz suggested clarifying the policy by referencing “public” transportation improvements/facilities.
- 2.18 What does “well away” mean? Should the term “feasible” be used instead?
- 2.19 Wendy asked if there is a way to encourage moving thoroughfares away from shoreline areas where feasible.
 - 2.19.1 The committee agreed to add language to (e) that suggests that County transportation plans include considerations for moving high-volume roads away from the shoreline where feasible.
- 2.20 Section 23.20.5(d) - Wendy pointed out that the SMP should ensure that shorelines are unmodified and maintained in a natural state.
- 2.21 Section 23.20.5(c) - David S. suggested that the first portion of (c) be eliminated. The pollution issue would be addressed with the modifications to (d) in a manner that ensures the protection of shoreline ecological functions.

- 2.22 Section 23.20.6(b) - Roger suggested changing “water-dependent” to “water-oriented”. David S. indicated that he would work on this section further.
 - 2.22.1 Roger further noted that reference to “water-dependent”, “-related”, “-enjoyment”, and “-oriented” should be reviewed for consistency throughout the program.
- 2.23 Section 23.20.6.1 - Take out reference to “shoreline dependent”. Change to “shoreline uses”.
- 2.24 Section 23.20.6.2 (a) and (d) - Margaret noted that both subsections address ecological functions. Should these be consolidated?
 - 2.24.1 Change “reserve” in (a) to “designate” and take (d) out.
 - 2.24.2 Objective (d) is already covered and it is more appropriate as an overall goal. It is not specific to shoreline use.
 - 2.24.3 Move (d) to 23.20.7 and also address further in 23.90.
- 2.25 Section 23.20.6.2(e) - David S. suggested combining with (b).
- 2.26 Section 23.20.7 - Aubrey asked if “aesthetics” have to be addressed. David explained that they do have to be addressed under the Act.
 - 2.26.1 A new heading for “scenic views” and “aesthetics” will be added and further addressed/defined in 23.90 for a future meeting.
- 2.27 Section 23.20.7.2(c) - Revise to indicate that the requirements of the Program are to ensure no net loss, not the permittee. David will put WAC language in. It should be noted that project monitoring will be required.

Section 23.20.8 – Archaeological – Historical – Cultural

- 2.28 Dick suggested that reclamation of archaeological digs should ensure restoration of ecological function/environmental features. It was explained that the provisions are intended to protect the environment, the resource, and property owners. Language to address restoration of dig sites could be added.
- 2.29 Section 23.20.7.2(b) - Take out “suitable reclamation will be required”. It is required in 23.90. If it is stated in one place in the goals and objectives, it should be listed everywhere.

Section 23.20.9 – Restoration

- 2.30 Section 23.20.9(a) - Does a “cooperative restoration program” exist? Jeff explained that there is no one specific program or plan, but there are a variety of cooperative efforts that involve many public and private agencies and organizations. Revise (a) to strike “A” cooperative restoration program and recognize that there are multiple plans/programs.
- 2.31 Section 23.20.9.2(c)(vi) and (vii) - Does this apply to permit conditions? David S. explained that this is related to implementation of restoration plans, not permit requirements. Margaret further clarified that this is related to voluntary actions implementing the restoration plan.
 - 2.31.1 Margaret suggested amending the language in 23.20.9.2(c) to reference the “County shoreline” restoration plan. The criteria listed under (c) are directly from the WAC. David suggested “the

Whatcom County Shoreline Management Program restoration plan”.

Chapter 23.30 – Shoreline Area Designations

- 2.32 Shoreline Jurisdiction – The 20 c.f.s. points and floodway will be brought to the CAC in the future. The TAC is looking at them now.
- 2.33 Section 23.30.40.1.1.1(b)(2) - Change “natural limitations” to “environmental limitations (e.g. steep slopes...)”.
- 2.34 Section 23.30.40.1.1.1(c) - Change “shall” to “should”.
- 2.35 Discussion of Shoreline jurisdiction and associated wetlands.
- 2.36 Wendy asked if the Urban shoreline area designation applies to both UGAs and Industrial/Commercial areas.
 - 2.36.1 It applies to both UGAs and industrial/commercial areas or more intense development. David S. suggested separating in the code. It can be indicated that it is used in instances where there is existing commercial and/or industrial zoning.
- 2.37 The Shoreline Residential designation applies to many areas around the county. It is one of the various “urban-type” designations that is substituted for the existing “urban” designation; however, it does not only apply within UGAs.
- 2.38 Dick questioned where “home occupations” are allowed based on these designations. He is concerned that only allowing them in the Shoreline Residential area may be problematic. Margaret and David explained that commercial uses (including home occupations) are allowed in the Urban designation. David noted that home occupations are also allowed in the Rural designation.
- 2.39 Dick further questioned where “cottage industries” are allowed. Jeff and Margaret explained that they would be allowed in the Urban designation and in some other designations where they are water dependent or water enjoyment.
- 2.40 Dick pointed out that the wording should be changed in the Urban Conservancy designation from “restoration” to “enhancement”.
- 2.41 Dick asked what the measure is for restoration.
- 2.42 Dick asked if the underlying zoning could be referenced to ensure consistency between the SMP and the zoning code. Margaret and David recommended that this approach be steered away from due to complications associated with updates to the zoning code and Ecology’s authority.
- 2.43 Aubrey asked if conditional use permits (CUPs) need to be required for forestry activities in the Conservancy environment. David and Jeff explained that the WAC requires that CUPs be obtained for forest practices within the “Natural” designation. It was further noted that the “Natural” designation is roughly equivalent to the combined Conservancy and Natural designation under the proposed shoreline area designations.