

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

Date: 10 August 2005
Time: 9:00 a.m. – 2:00 p.m.
Place: 5280 Northwest Drive, Whatcom County PDS

AGENDA

1.	9:00	Review Agenda and Meeting Summary for July 13 th <u>Information:</u> August 10 th Agenda <u>Action Needed:</u> Make any changes or additions and approve as final.
2.	9:05	Approach to future meetings <u>Action Needed:</u> Discussion and feedback
3.	9:25	SMP Shoreline Jurisdiction and 20 c.f.s. points <u>Action Needed:</u> Discussion and feedback.
4.	9:55	Draft Shoreline Environment Designation Criteria and Uses <u>Action Needed:</u> Discussion and feedback.
5.	10:55	Shoreline Environment Designation Recommendations <u>Action Needed:</u> Discussion and feedback.
6.	11:55	SMP Policies/Recap of previously distributed SMP sections <u>Action Needed:</u> Overview and discussion of proposed amendments.
7.	1:55	Next Meeting Agenda
8.	2:00	Adjourn

MEETING ATTENDANCE

Barry Wenger – Ecology-BRO	Jeff Chalfant – Whatcom County PDS
Stephen Stanley-Ecology-NWRO	Cathy Craver-Whatcom County PDS
Dan Penttila – WDFW	Peter Gill-Whatcom County PDS
Erika Stroebel-Whatcom County PW	Rollin Harper-Sehome Planning/Small Cities
Stacy Fawell-Lummi Nation	Chip Maney-Parametrix (via phone)
Llyn Doremus – Nooksack Tribe	David Sherrard – Parametrix
James Lee-Whatcom County PW	Magaret Clancy-Adolfson and Assoc.

DOCUMENTS DISTRIBUTED

1. August 10th agenda.
2. Preliminary SED Recommendations for TAC.
3. Estimates of Shoreline Management Jurisdiction Upstream Extent.
4. SMP Regulations: (1) Commercial, (2) Residential, (3) Ports and Industry.

MEETING CONTENTS

1. The committee reviewed the agenda and July 13th summary. Discussion of the restoration plan was added to the agenda. The agenda and meeting summary were considered final.
2. Approach for future meetings:

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- 2.1. An update on the CAC's status was given: They have been a little behind schedule in reviewing the shoreline update materials, so meetings have been extended to 3 hours.
 - 2.2. The draft shoreline inventory characterization report is being worked on, and will hopefully be available for the next meeting.
 - 2.3. Because the CAC needs more time to digest the information presented, it would be best to have the TAC go through the shoreline designations first, then package them for the CAC to review.
 - 2.4. Q: What is the target date for the CAO? A: September 13th. The process has been very positive.
 - 2.5. Q: What time would be devoted to marine beaches? A: A discussion of Jim Johannessen's work will be scheduled for the second meeting in September. They have been in the field, have reviewed the pictometry data, and prepared the data for the GIS database. When we get the first three chapters of the inventory and characterization report to the committee, it will have the landscape scale assessment, but we will still be working on the marine reach inventory.
 - 2.6. Q: Has Jim presented his methodology for the reach scale breaks? A: Yes, it went out with the map about a month ago. If you do not have it, give Peter a call.
 - 2.7. Q: Will you be asking for feedback on the designations? Is the citizens' group having difficulties with the designations? A: Yes, we want feedback on the draft designations. The CAC did receive the first batch of designations, but it was decided that they would first go through the policy discussion and designation criteria so they will have a better understanding of how the designations work.
3. Shoreline Jurisdiction and 20 c.f.s. points:
- 3.1. The draft CMZ map was presented to the committee with the additions suggested from the last meeting. It shows the geomorphic CMZ as the substitute for the floodway, and 200 feet from the CMZ within the 100-year floodplain.
 - 3.2. Q: Are there areas where the geomorphic CMZ extends beyond the floodplain and you don't add the 200 feet? A: It extends to the edge of the floodplain. I don't think it ever extends beyond that.
 - 3.3. The Sumas floodway was added as a surrogate for the CMZ. Associated wetlands were added.
 - 3.4. Q: Are the associated wetlands within SMP jurisdiction? A: If there are hydric soils continuous between them, it could be an associated wetland and be within shoreline jurisdiction. They would need to be confirmed.
 - 3.5. Q: Is merely having hydric soils between them and the shoreline enough to call them associated wetlands? A: If they are connected by hydric soils then they are associated wetlands. However, there may be other types of associated wetlands.
 - 3.6. Q: Is merely the presence of contiguous hydric soils enough to determine them associated? In the guidelines it talks about hydrologic connectivity. A: I thought it had to do with surface water connection, but we should look into this.

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- 3.7. Q: Is it mapped hydric soils, or evidence of hydric soils? A: It would be based on mapped soils; however, that could be disputed on a site-by-site basis.
- 3.8. Scott ditch is a hydrologic connector with potential wetlands.
- 3.9. The WAC says it needs to have a hydrologic connection in the floodplain that is essentially level.
- 3.10. We've heard everything in the floodplain is connected. So connection by canal or ditch doesn't really matter.
- 3.11. There is a definition in Chapter 26 for associated wetlands.
- 3.12. The SMP will have jurisdiction over associated wetlands regardless if they are identified on the jurisdiction map, but for illustrative purposes, we are going to show the NWI wetlands and any additional information that we have.
- 3.13. We took out the CMZ that was beyond the levees.
- 3.14. Q: Is everyone on board with this approach? A: Yes.
- 3.15. Q: What about the floodplain at Johnson Creek? A: Johnson Creek is within SMP jurisdiction, but streams like the Red River and Ten Mile Creek will not have a substantial CMZ.
- 3.16. There could be a variety of wetlands that could be associated.
- 3.17. You don't have to include the buffer.
- 3.17.1. Q: Would there be any changes if the buffer were included? A: Yes, that would mean issuing permits for wetland buffer areas.
- 3.17.2. The big difference is public notice timelines and appeal. Once a permit is issued, it is open for appeal for a longer period of time.
- 3.18. If there were wetlands, development would be regulated under the CAO.
- 3.18.1. But we're identifying a complex instead of parcel by parcel.
- 3.18.2. The way that the CAO is structured; people are required to look past parcel-by-parcel.
- 3.18.3. The question is that the Nooksack River is a shoreline of statewide significance and should the general statewide benefit be extended to wetland complexes that are associated with the shoreline?
- 3.18.4. What it would come down to is that you're going to have to look at them in the field anyway. You're not going to have a map that says what they are.
- 3.18.5. I don't think you should draw a line around it if you don't know where the actual boundary is. We would be locking ourselves into something where we don't know if we're capturing or not capturing the entire system because wetlands can go beyond the floodplain.
- 3.18.5.1. The only argument for administration is that people should have more extensive notice and that the DOE have further reviews if it's a shoreline impact. The argument on the other side is that, through the landscape analysis, most of what is going on in these areas is outside of shoreline jurisdiction, so having an integrated program with critical areas is as, or more, important as the protection provided through the SMP. You get more bang for your buck to have system wide, tributary wide critical areas regulations

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that apply outside the shoreline jurisdiction, and you're better off making that more straight forward rather than pulling in more land and subjecting it to additional permit process.

- 3.18.6. What we are addressing is how the CAO and SMP work together.
- 3.18.7. But the GMA doesn't allow for restoration plans.
 - 3.18.7.1. Restoration plans go outside of shoreline jurisdiction. It's countywide.
- 3.19. You could use the shorelines for banks for any countywide project as long as it made sense in the restoration plan.
- 3.20. As long as we have a good CAO, it should be okay.
- 3.21. Q: Would we run into situations where we're designating sections of the shorelines as shoreline residential and, because of lot sizes, we are going to have difficulties meeting some CAO setback requirements? A: I don't think it would make a difference.
- 3.22. Q: Are there cases where we would want to cut off the geomorphic CMZ from the anthropomorphic boundaries like railroads and highways? A: There might be cases where we would want to move it.
- 3.23. Q: About the associated wetlands, the public might be confused. Could we provide a map with just 2 colors showing the absolute shoreline jurisdiction, and the potential shoreline jurisdiction? A: If we show the floodplain (CMZ) that should be fine.
 - 3.23.1. Q: What about adding a layer on the map for hydric soils? A: A map of the floodplain should be clear enough. The working map for the administrator would show hydric soils.
- 3.24. We should table this discussion and fine-tune the map.
- 3.25. The USGS's 20 c.f.s. points were based on a period that ended in 1990 or 1992, and we have 15 years of data to be added.
- 3.26. There is a large error bar that equates to about 5 c.f.s., so should we update the numbers and recalculate the error bars on how far upstream or downstream they are?
 - 3.26.1. Actually, we know where they are upstream, because the most recent calculations did not add on error bar, so they are fairly close to the previous ones. It's in the report.
 - 3.26.2. Q: Do we have the error bar from the 1996 study? A: We have found an incorrect equation. USGS is working on figuring out what the problem is.
 - 3.26.3. There are a lot of parallel assumptions and uncertainties. We want to see what will work in a regulatory situation.
 - 3.26.4. The shape of the drainage changes so much that the mean error bar may be wrong.
 - 3.26.5. The SMA is one of the few state laws where liberal construction applies, and it would argue for top of the error bar.
- 3.27. Q: We're at a decision point. If we're not able to figure the error bar, do we go with the WAC number or the USGS number, whichever is higher?
 - 3.27.1. We would like Ecology to give input into this.
 - 3.27.2. Q: What is the status of the USGS error bar? A: It's missing a decimal point. We'll be getting clarification on the error bars, but will not rework all the numbers.

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- 3.27.3. Let's wait to hear back from Ecology and USGS before a decision is made.
- 3.27.4. There is 1970s work and 1990s work, and the 1970s work was adopted in the WAC.
4. Shoreline designations (originally item 5 on agenda): (Tape 1, side B)
- 4.1. In section 23.30, we have a redline version to show additions based on the new WAC. We have gone from 6 designations to 9.
- 4.2. Q: How much of this has the CAC gone over? A: About two-thirds.
- 4.3. In section 23.30 (Shoreline Area Designations), on line 21, items (a) and (b), on page 2: We've switched them based on ecological conditions noted in the WAC. We took physical and biological capabilities and limitations as first criteria, and existing comprehensive and development plans as second criteria. One thing to ask is whether we should insert ecological processes and functions in place of physical and biological capabilities and limitations. Q: Do the scientists among us have a preference? A: I think ecological processes and functions would be good, consistent language.
- 4.4. Under (d), the CAC suggested that we specifically mention the SMA. Also, suggesting there are other regulations and requirements that are not included in this.
- 4.5. In section 23.30, page 4, Designation Criteria and policies, instead of continually saying "no-net-loss", we will use a preamble one time.
- 4.6. We've split the existing "urban" into "urban", "urban conservancy", and "shoreline residential". These are the highest intensity areas that are most ecologically altered and provide the highest range of uses.
- 4.6.1. There is also "Urban Resort".
- 4.7. The purpose statement indicates the preference for water-oriented uses while protecting ecological functions. This is from the new WAC. It is applied to UGAs and industrial or commercial rural areas of more intense development. An example is Ten Mile Creek on Meridian next to the recycling center.
- 4.8. Item (c) on pages 4-5 has additional language from the WAC.
- 4.9. Number 5 on page 5 is new from the WAC.
- 4.10. There was some discussion at the CAC about the standards for clean-up and restoration for a contaminated site. We may need to refocus numbers 3 and 4 on page 5.
- 4.10.1. This seems to relate to the preamble. We should have a general paragraph on how the SMP would protect historical uses to the extent practical. (23.30 Purpose section).
- 4.11. Another comment from the CAC is on the last line of number 5 on page 5, "natural vegetative buffers". We will clarify this.
- 4.12. Whatcom County's SMP does not call these areas "environments". They call them "areas".
- 4.13. On page 6, section .42, Urban Resort Shoreline Area is unique to Whatcom County. It exists in Birch Bay and Point Roberts. We are including a piece on maintaining and restoring ecological functions.

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- 4.14. Under “designation criteria”, where the comprehensive plan designates an area to be urban resort, then this is an appropriate shoreline designation.
- 4.15. Added water dependent use priority.
- 4.16. Same policies for environmental clean-up, physical and visual access, aesthetic objectives.
- 4.17. Shoreline Residential comes from the WAC. The CAC proposes to take out the public access piece because it is a purpose for every district. For designation criteria, if you’re getting into densities larger than an acre, rural designations make sense. With smaller lot sizes, the shoreline residential designation makes sense. Management policies (page 7), take out community recreational facilities and put it where it applies to the particular use rather than the designation. For commercial development, proposing the same general approach as county zoning to allow commercial uses in mixed used development through the planned unit development (PUD) process.
- 4.17.1. Q: For the 2 previous designations, are we addressing clean up in other sections?
A: Yes, it’s not part of designations.
- 4.18. On page 8, Urban Conservancy, this is the bottom category for ecological intactness, it is used to protect ecological functions in UGAs - areas that are more or less urban but warrant less stringent regulations.
- 4.19. Q: Are we limiting this to just UGAs? A: The WAC says it’s for UGAs.
- 4.19.1. We should add the provision from the WAC for rural areas of more intense development outside of the UGA. There might be a GMA consistency issue.
- 4.19.2. Let’s put this in the parking lot until we come across it again.
- 4.19.3. Q: Is there any case where this category might pertain to an area outside an UGA? A: There might be, so it might be good to include that in the definition.
- 4.20. For Rural Conservancy, page 9, there was an addition in the purpose statement to protect shoreline ecological functions.
- 4.21. There was a suggestion to omit the word “conservancy” and use “rural” only.
- 4.22. Q: Are we splitting “rural” into “rural” and “resource conservancy”? A: Yes, based on zoning.
- 4.23. Policies numbers 1-3 on page 10 were removed because they are in the comprehensive plan and do not need to be in this section.
- 4.24. The wording on page 10, lines 13-14, for “consistent with the purpose of the environment” is awkward.
- 4.24.1. It is intended to say that limiting intensity is necessary to preserve rural character. We will work on the wording.
- 4.25. On page 11, Resource Conservancy Shoreline Area, the purpose is tied to the Whatcom County Comprehensive Plan.
- 4.26. Policies under section (c) relate to property size.
- 4.27. There was a suggestion to remove the word “substantially” from the phrase “does not degrade ecological functions...” on page 12, line 25.
- 4.27.1. That should be in the policies.
- 4.27.2. We’re applying this to areas where most human encroachment does not degrade.

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- 4.27.3. It comes down to how you set your thresholds. We have unspoiled and degraded areas. We don't want to put a percentage in there, but the "natural" designation applies to areas that are 90% ecologically functional. At what point is there ecological intactness? In the past it has been applied to areas that have a substantial amount of development and alteration, but still provide a lot of benefit. You don't want to set the bar too high.
- 4.27.4. Q: Is there an ability for different interpretations between jurisdictions and governments to be so broad to make them of no value without having threshold criteria in the definition? A: If you look at where we have applied it, for example at Ten Mile Creek, the areas that are designated "rural" had a pretty good buffer so that human encroachment was directly impending on shoreline functions. In the Middle Fork, that is an area that has a substantial amount of human interaction, yet, still functions pretty well. So "conservancy" is appropriate. It's really the policies on page 13 where the most changes have been made.
- 4.28. On page 14, Natural Shoreline Area is from the new WAC. Whatcom County's SMP allows very little under the "natural" designation. Ecology is less strict.
- 4.29. Natural comes out of the new WAC, and "conservancy" is now a unique Whatcom County designation.
- 4.29.1. Q: Conservancy isn't in the WAC? A: No. it's not in the current WAC.
- 4.29.2. In the Ecology guidelines, "natural" allows for development, but the Whatcom County version of the "natural" shoreline designation does not allow as much. The Ecology version is less protective than the Whatcom County version.
- 4.29.3. In the new guidelines, Ecology raised "rural" up to "conservancy" to elevate ecological protection and restoration.
- 4.30. "Natural" areas are intact, and "conservancy" areas are relatively intact, impacted, but have the potential to be restored.
- 4.30.1. We need to look at how these designations will be used.
- 4.30.2. I like the idea of rephrasing "human encroachment", talking more about the impacts that humans can have, maybe not that they are reversible, but they are minimal and don't preclude restoration.
- 4.31. The purpose of the "natural" designation is to ensure long-term preservation.
- 4.31.1. I'm not so sure about the language that says it would be damaged by human activity because anything could be damaged by human activity. It's more that these are ecologically intact and even a small amount of human activity could potentially have huge implications.
- 4.31.2. Yes, if you let single-family residences by, then I don't see any place remaining natural by definition.
- 4.32. Q: In terms of single-family residences, are we hamstrung by reasonable use to allow them? A: Yes, to allow one per existing lot. The WAC says that a single-family residential development may be allowed as a conditional use if the density and intensity is limited as necessary to protect ecological functions. It is less restrictive.
- 4.33. The designation criteria are open to changes. (TAPE 2, Side A)

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- 4.34. Q: Do we want to revisit “conservancy” and mesh that and “natural”? A: Yes.
- 4.34.1. In policies, the changes are from the WAC.
- 4.34.2. Delete “substantial”.
- 4.35. Q: In (c) 1, instead of “must” receive priority, would it be “should” receive priority?
A: In general, we are trying to use “should” in policies.
- 4.35.1. This is something that is in the existing code that makes it stronger.
- 4.36. Q: In the matrix of uses for the natural designation, there are some uses that are permitted or conditionally permitted. Is this how you are going to group those uses? A: That is what we need to talk about as we go through the use (bingo) chart.
- 4.37. The private and public enjoyment section is in the existing code. The next list of uses not allowed is from the WAC. Page 15, number 4, change to “should”.
- 4.37.1. Q: When a single-family residence is built in the “natural” designation, and you come back for the next SMP update, is it not going to be natural because you’re looking at the current uses? A: No, because it should have been built in such a way that it’s protecting ecological functions.
- 4.38. In most instances, there is not an opportunity to build in the “natural” designation. We need to be careful how we view that designation.
- 4.39. The commercial forestry section on page 15 comes out of the WAC.
- 4.40. Q: What is the buffer zone for SMP protection in a commercial forestry zone (Forest Practices Act)? A: It’s something like $\frac{3}{4}$ of the tree height. It’s not 200 feet.
- 4.41. Q: Do they allow thinning in the buffers? A: There is quite a bit of criteria they have to meet, but yes, it does happen.
- 4.42. Engrossed substitute house bill 1933 has a provision that any city or county may also include in it’s master program land that is necessary for buffers for critical areas provided that forest practices regulated under Chapter 76.09, except conversions to non-forest use on land subject to this subsection, are not subject to additional regulation under this chapter.
- 4.42.1. If we went into the “natural” designation, it would take precedence over the Forest Practices Act (FPA), and that could be a problem.
- 4.42.2. The guidelines for shorelines were adopted after the FPA. Barry needs to find out more on this and explain to us how this works.
- 4.42.3. Q: I have a concern about something that I’ve seen done in Skagit County. In natural areas that are still intact, developers won’t put residences in, but they will clear the land under the FPA, then come back and convert the land to put in residences. How do you deal with that? A: The key is that if we designate a “natural” area, we would have to ensure that the zoning is consistent with these rules. We would have to recommend changing zoning so it is consistent with these designations. Skagit might have different underlying zoning that allowed that to happen.
- 4.43. Q: Going back to “conservancy” purposes on page 12, do we want to take out “wise use”? A: Yes. These areas should be a focus for restoration. The idea is that it is productive with a high potential for restoration.

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- 4.43.1. We should add in “shoreline ecological functions”.
 - 4.43.2. Q: Should we add shoreline and riparian area ecological functions? A: We could add that.
 - 4.43.2.1. Focus on the shoreline first, and human encroachment second for criteria.
 - 4.43.2.2. I think restoration potential should be separate criteria.
 - 4.43.2.3. Under the purpose, there was discussion of the functions being intact, and that is absent from the designation criteria. We talk about buffering, but we need a positional sentence about functions being intact.
 - 4.43.2.4. Key points are that the functions are intact, impacts of human activity are relatively minimal, and they don’t preclude restoration.
 - 4.44. For “conservancy” policies on page 13, we took out number 4 because it was covered in the CAO.
 - 4.45. Q: Can we put in allowed uses that don’t interfere with restoration? A: Yes.
 - 4.46. Q: Does the language in the SMP defer to the WDFW for an HPA? A: No, because the SMP is more strict than WDFW.
 - 4.47. For the Aquatic section on page 16, it was suggested that wetlands and shorelands be taken out of subsection (a) because they typically have no OHWM.
 - 4.47.1. That will be double checked with the WAC.
 - 4.48. Q: For “aquatic” policies in page 16, line 43, I can’t conceive of an overwater structure for ecological restoration. Is it an artificial reef? A: That is what the WAC says, and I don’t have an example. We can look into that further.
 - 4.49. Q: On page 17, number 3, do we allow uses that adversely affect ecological functions if it happens to not be a critical area? A: Yes.
 - 4.50. An addition to number 2, page 15 of “natural” area policies was suggested: Include the preservation of passive recreational uses, such as hiking and birding.
 - 4.51. Maybe we should put part of 3 back.
5. Shoreline Environment Designation Recommendations: Presented by Chip from Parametrix via phone.
- 5.1. Starting with Lake Whatcom, there are a total of 14 reaches.
 - 5.1.1. Reach 1- currently urban; proposed for shoreline residential.
 - 5.1.2. Reach 2- currently urban, conservancy, and rural; proposed to extend conservancy south, then shoreline residential for the rest.
 - 5.1.3. Reach 3- proposed shoreline residential.
 - 5.1.4. Reaches 4-5- proposed rural (what was rural conservancy).
 - 5.1.5. Reach 6- currently natural and rural; proposed conservancy, natural, rural, and resource conservancy.
 - 5.1.6. Reach 7- currently rural; proposed conservancy and shoreline residential.
 - 5.1.7. Reach 8- no change.
 - 5.1.8. Reach 9- currently conservancy; proposed rural.
 - 5.1.9. Reach 10: no change. The UR3 zoning may be inconsistent with the designations.

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- 5.1.10. Reach 11: currently conservancy; proposed rural conservancy and urban conservancy.
- 5.1.10.1. Q: Were these developments in when the shoreline was conservancy? A: No, they were preexisting.
- 5.1.10.2. We could go back to conservancy at the golf course if there is a restoration opportunity.
- 5.1.10.2.1. I think it should be considered.
- 5.1.10.3. Along Austin Creek, it might warrant conservancy instead of rural conservancy.
- 5.1.11. Reach 12- currently rural; proposed shoreline residential and rural.
- 5.1.12. Reaches 13-14-currently urban, proposing shoreline residential.
- 5.1.13. Reach 15-currently conservancy, proposing natural because it's an undeveloped island
- 5.1.14. Q: Is there a program for Lake Whatcom? Are there any concerns for the density of people in the watershed? This is not a good trend.
- 5.1.14.1. The trend is misleading, and was plotted out a long time ago.
- 5.1.15. Q: For reach 7, the water and the road are close together, where it's R5A. Why would rural not be appropriate? A: It might be appropriate. The disturbance around the lakeshore is high there despite the R5A zoning. We'll look into that.
- 5.1.16. Q: Is there any thought of parallel designations because of Lake Whatcom Blvd? A: That would be better taken care of in the vegetation conservation section.
- 5.1.16.1. We cannot justify a conservancy designation along the roadside because it will never meet the conservancy criteria.
- 5.2. Q: What is the vehicle for vegetative conservation plans? A: Permits to remodel or to expand on lots.
- 5.2.1. You could only have restoration if it is voluntary or attached by a permit.
- 5.3. Q: But this is a drinking water supply? What about the importance of the buffer between the water and the road? A: The area between the road and the lake is less than 20 feet.
- 5.4. Q: What about reasonable uses? Are we going to end up with setbacks for designations or uses? A: There would be problems with non-conforming lots.
- 5.5. South Bay of Lake Whatcom should be reconsidered. The "shoreline residential" areas in South Bay are a lot different than "shoreline residential" at the north end of the lake. There is a lot of intact ecological function.
- 5.5.1. We will be revisiting reach 7.
- 5.6. (SIDE 2, TAPE) We'll have to study the parcelization to make sure that we're not making a designation that is more intensive than the existing pattern of development.
- 5.7. For Smith Creek, proposing to maintain rural and add on conservancy to undesignated areas.
- 5.8. For Austin Creek, currently conservancy, proposed to change it to rural and conservancy upstream from the bridge. Most of the development east of the bridge is out of shoreline jurisdiction.

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- 5.8.1. How about changing rural to conservancy if there are restoration opportunities along the creek at the golf course?
- 5.9. For Mirror Pond and Mirror Creek, proposing conservancy.
 - 5.9.1. There should be restoration opportunities because the City of Bellingham has many easements there.
 - 5.9.2. Most of the reach is undeveloped and riparian areas are intact, but there is altered hydrology because of the diversion that limits the potential for instream restoration.
 - 5.9.3. Q: Are the railroad tracks still intact? A: Yes, a train still uses it for recreational use.
- 5.10. For Lake Louise, it is currently conservancy, and proposed conservancy and urban conservancy.
- 5.11. For Lake Samish, there are 6 reaches.
 - 5.11.1. Reach 1-currently urban; proposed shoreline residential
 - 5.11.2. Reach 2-currently urban; proposed shoreline residential.
 - 5.11.3. Reaches 3-4- maintain conservancy.
 - 5.11.4. Reaches 5-6- currently urban; proposed reach 5 for shoreline residential, and reach 6 for shoreline residential and conservancy.
 - 5.11.5. The shoreline along East Lake Samish Drive is urban; we may want it to be conservancy.
 - 5.11.5.1. It is zoned RR2. If it's under single ownership and not subdivided, we may want it to be conservancy.
 - 5.11.5.2. Let's reconsider reach 6.
- 5.12. For Friday Creek, maintain conservancy.
- 5.13. For Cain Lake, currently rural and conservancy; proposed shoreline residential and rural.
- 5.14. Q: From the pictometry and maps, isn't the north part of Reed Lake part of the Chuckanut Wildlife corridor? A: There is not a corridor there.
 - 5.14.1. There might be some wildlife associated with the portion of road that goes along the lake. I have a hard time seeing it being "natural". If there is a concern for wildlife in this area, we could change it to conservancy.
 - 5.14.2. It might be a previous land owner that put it as natural.
 - 5.14.2.1. More research should be done before changing this.
- 5.15. For Samish River, currently rural, proposing conservancy.
- 5.16. For Squalicum Creek, currently urban and rural, proposed urban conservancy.
- 5.17. For Squalicum Lake, currently conservancy, proposed rural conservancy.
- 5.18. For Toad Lake, currently rural, proposed conservancy and shoreline residential.
- 5.19. For Chuckanut Creek, maintain rural.
 - 5.19.1. Q: Is the riparian corridor intact? A: I would not characterize it as that. One side is property, and the other side is road. It is disturbed.
 - 5.19.2. It is primarily forested and the reach is 200 feet long.
 - 5.19.3. Q: Is that an isolated spot? A: I'll have to look into that.

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- 5.20. For Terrell Creek, Reach 1-currently urban resort, urban, and conservancy; proposed urban resort, shoreline residential, and conservancy.
- 5.21. Reach 2-maintain conservancy and natural.
- 5.21.1. Q: At the mouth of Terrell Creek at the left spit, is that urban resort? Should that be conservancy? A: Yes.
- 5.21.2. The portion of Terrell Creek that is parallel to the shoreline, the initial part of the state park is in nice condition. Should that be “natural”? A: Maybe have different designations on each bank.
- 5.22. For Lake Terrell, currently natural and conservancy; proposed entire lake natural.
- 5.22.1. Q: Are there private property issues in the north? A: Yes, on a parcel on the northwest corner of the lake. But it appears that WDFW owns the rest of the shoreline (95%). Let’s take another look at the land use issues, and how far away the subdivisions are.
- 5.23. Q: Can we go back and look at Chuckanut Creek again? A: Yes.
- 5.23.1. It is mostly forested in that area. It is rural conservancy because of the shape that the stream is in. It begins to get higher gradient than the reach down at the City of Bellingham and it doesn’t appear to have potential for multiple fish life stages for the coho that spawn in this reach. The left bank is mostly forested and it appears to be more intact than the right. From reviewing the pictometry data, it appears that the stream is channelized.
- 5.24. From the pictometry around Terrell lake, there are no homes, but some have just been approved.
- 5.24.1. We don’t want a natural designation where development will occur.
- 5.24.2. The area that is designated conservancy is in public ownership.
- 5.25. Side note: Llyn emailed out a document that lists salmon usage for the three forks taken from the Salmon Recovery Plan, timber management status, and riparian functions taken from report. Chip will look at the data. She did not include bull trout data.
6. Draft Shoreline Environment Designation Criteria and Uses (previously agenda item #4)
- 6.1. The chart is not necessarily being proposed in the form presented at today’s meeting (bingo chart), but will include what would be allowed under the different underlying zoning.
- 6.2. Childcare facilities need to be broken down into the different kinds.
- 6.3. Churches under urban residential should be allowed by conditional use.
- 6.4. Commercial amusement and recreation might be a place for a conditional use permit.
Email comments.
- (Tape 3, Side A)
- 6.5. Q: For gravel bar scalping, should this be a point of discussion? A: I don’t think it should be allowed at all.
- 6.5.1. The Army Corps of Engineers allows it.

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- 6.5.2. Q: Would aquatic be the one spot where you would want to use it? A: It should only be a conditional use.
- 6.5.3. Q: Can you have an allowed use in the SMP that is not allowed in the CAO? A: I don't think so, because you would want to be consistent.
- 6.5.4. Q: What about for flood control purposes? A: Gravel bar scalping is for commercial use.
- 6.5.5. At some point in time we might want to allow it, we do not want to outright prohibit it if they can show there will be no impact.
- 6.5.6. Maybe it should be conditional use under aquatic.
- 6.5.7. It should maybe be a conditional use with criteria.
- 6.6. Q: By active channel, do they mean the OHWM? A: It's waterward of the OHWM.
- 6.7. We should write into the code that if you can't do it in the adjacent upland, then you can't do it in the aquatic jurisdiction.
- 6.8. Q: If there are resource lands outside of aquatic, are there rural lands outside of aquatic? A: Yes. For Whatcom County, there can be resources lands only for mining. The overall zoning should keep gravel pits out of residential and rural areas.
- 6.9. The committee needs to go through the table on their own and give comments. At the next meeting, we'll compile comments and come back to where issues are raised.
7. Next meeting is August 24, 2005.
- 7.1 Meeting adjourned.