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**Mark Personius**  
Director

## Memorandum

DATE: March 16, 2021  
TO: Planning Commission  
FROM: Cliff Strong, Senior Planner  
THROUGH: Mark Personius, Director  
RE: Continued Review of Shoreline Management Program (SMP) Periodic Update 2020

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### Tonight's Goals

On March 25<sup>th</sup> the Planning Commission will continue its review of the SMP Update. We'll start with some follow-up from the previous meeting, then tackle the amendments to Exhibit E (WCC Title 22, Permitting) and Exhibit G (SMP Environment Designations Map) (please refer to my previous memo, dated 3/2, for discussion on these items).

### Public Review/Hearing Notice

At your 3/11 meeting I announced that your public hearing on the SMP update has been scheduled for April 22<sup>nd</sup>. In preparation for the hearing, we have reissued the SMP documents for a 2<sup>nd</sup> 30-day review period (3/12 – 4/12), advertised the hearing, sent notification to our interested parties email distribution lists, and notified the Department of Commerce of the pending update. A SEPA Threshold Determination was issued 2/18/21.

### Attachments

None.

All documents are available in pdf and Word versions on PDS's SMP Update webpage:  
<https://www.whatcomcounty.us/3119/SMP-Update-2020-Documents>.

### Follow-Up from 3/11 Meeting

In your last meeting Commissioner Maberry raised a couple of issues that caused Ryan and me to suggest that we work on some alternative language. We have done so and hope the following solutions satisfy the Commission.

#### Buffer Reductions

Regarding 16.16.640(C)(e)(iii) (wetland buffers) and 16.16.740(C)(1)(f)(iii) (HCA buffers) it was pointed out that the language proposed by staff could be interpreted to be unlimited in terms of how much mitigation potentially could be required. Staff has rewritten that section to read, *"In order to offset habitat loss from buffer reduction, retaining existing native vegetation on other portions of the site equal to no more than the area impacted."*

Similarly, regarding 16.16.640(C)(3) and 16.16.740(C)(2) staff's original language also appeared to be unlimited in terms of how much mitigation potentially could be required. We have rewritten that section to read, *"In all circumstances when the buffer between the area of reduction and the wetland is degraded, this degraded portion of the buffer shall include replanting with native vegetation in order to achieve a dense vegetative community."*

### **Definitions of Floodplain and Floodway**

It was pointed out that the definitions of floodplain and floodway differed between Ch. 16.16 (Critical Areas) and Title 23 (SMP Regulations). To eliminate these differences we have deleted the definitions in Title 23 and updated those in Ch. 16.16 to the state definitions (WAC 173-26-020(20)), to read:

"Floodplain" is synonymous with one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

"Floodway" means the area, as identified in a master program, that either: (a) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (b) Consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.