

Guide to Reviewing Draft SMP Update Amendments

SHORELINE MANAGEMENT PROGRAM PERIODIC UPDATE WHATCOM COUNTY

August 18, 2020

Prepared for:



Whatcom County Council
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1. Introduction

1.1 Background

Whatcom County (County) is undertaking a periodic review of its Shoreline Management Program (SMP), as required by the Washington State Shoreline Management Act, RCW 90.58.080(4). The Shoreline Management Act (SMA) requires each SMP be reviewed, and revised if needed, on an eight-year schedule established by the state Legislature. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other County plans and regulations, and is responsive to changed circumstances, new information and improved data.

The County adopted its current SMP in 2007 (Ordinance No. 2007-017; approved by Ecology in 2008) through a comprehensive update process, which included an inventory and characterization of shoreline land use and ecological conditions (otherwise known as the “baseline condition”), a shoreline restoration plan, and an evaluation of cumulative impacts to ensure implementation of the SMP would result in no net loss of shoreline ecological functions.

Since then, the Council has amended the SMP numerous times, though those amendments were fairly minor in nature, addressing specific issues. The SMP was most recently amended in 2019 to adopt by reference the 2017 Critical Areas Ordinance (CAO).

1.2 Periodic Update Requirements

This periodic update is not required to: re-evaluate the ecological baseline that was established as part of the 2007 comprehensive update; extensively assess no net loss criteria other than to ensure that proposed amendments do not result in degradation of the baseline condition; or change shoreline jurisdiction or environment designations, unless deemed appropriate and necessary by the County.

The primary requirement of the periodic update process is to ensure that the SMP remains consistent with updates to the legislative requirements of the SMA. The Washington State Department of Ecology (Ecology) provides a list of legislative amendments which have taken effect between 2007 and 2017 as a Periodic Review Checklist. In general, mandatory changes to the draft SMP are minor in nature. The majority of them address revised rules with regard to SMP applicability, including updated exemption thresholds and definitions.

The periodic update process also provides an opportunity to review the SMP for consistency with the County’s Comprehensive Plan and development regulations, including critical areas regulations. The County’s current SMP regulates critical areas in the shoreline jurisdiction by adopting by reference as part of the SMP the County’s CAO as adopted in 2017 (Ordinance No. 2017-077) and codified in Chapter 16.16 of the Whatcom County Code (WCC).

The County’s Comprehensive Plan and other development regulations were reviewed for consistency with the SMP. No required changes were identified, though there are some recommended amendments.

The periodic review process also represents an opportunity to revise and improve the overall functionality, clarity, and usability of the SMP, for both the public and County staff. This includes

clarifying permit processes and requirements, improving the overall organization and clarity of the document, and ensuring consistency with Title 20 (zoning). County staff has reviewed the SMP and noted several areas in need of amendment. These areas are noted in Section 2.

1.3 Project Scope

The Whatcom County Council (Council) adopted a scoping document on September 10, 2019, which “set the scope” of what the potential amendments would entail. This gave staff direction on what to work on, and by implication, what not to work on. Some were required amendments of the SMP Periodic Update; some were recommended actions to improve consistency with state law and other County policies and codes; and others were optional items suggested by staff and the public that the Council chose to address. That document is available on the project website:

<http://www.co.whatcom.wa.us/3097/Shoreline-Master-Program-Periodic-Update>, though the complete list of scoped items is also found below.

1.4 Schedule (Revised)

As you can imagine, our original schedule has been thrown out of kilter with the COVID-19 pandemic. Because of the hit to the County budget in addressing the pandemic, our project budget has been scaled back, which has caused us to curtail the use of our consultant and rely on staff to do much of the work. However, staff assignments and schedules were also jostled to deal with the pandemic. And for quite a few months the Planning Commission has been unable to meet, and they now have quite a backlog of projects on which to catch up (through electronic meetings). The bottom line is we are now anticipating Planning Commission review in the Fall/Winter of 2020, with the Council review in the Winter/Spring of 2021. Our goal (and actual deadline) is to have the SMP update completed by June of 2021.

1.5 Public Review

The draft amendments to the SMP are being issued for public review prior to review by the Planning Commission, and ultimately by the County Council and the Department of Ecology. Interested parties will have 30 days to review and provide comments on the proposed amendments, from August 18 to September 18, 2020. Though there will be additional opportunity to comment during the Commission’s and Council’s review processes, doing so now rather than later will enable staff to address any substantive comments beforehand so as to make their review processes smoother and quicker. Nonetheless, all comments received will be provided to them, along with staff responses as to what action was taken in regard to the comments.

If you have any comments, please send them to the Project Manager:

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(Note: Originally the County had planned on holding three additional open houses as part of this public review process. However, due to the COVID-19 pandemic we have had to cancel those: The documents will only be available for review electronically.)

2. Proposed Amendments

2.1 Notes on the Edited Documents

Before reading the edited documents, please note the following:

- This is a very complicated set of amendments. Staff is tracking at least three other code amendment proposals that should be decided up by Council prior to their review of this update. Each has the potential to change what needs to be shown as existing language in this set of amendments.
- Staff will continue to work on these documents during the public review period and may have additional suggested changes. However, there will be additional opportunities to review anything we change during the Commission and Council review processes.
- At first glance it sure looks like we're proposing to change a lot. And we are; however, as explained in more detail below, the majority of the strikeout/underlining is due to reorganizing, moving, or streamlining the text.
- We have tried to flag all policy changes with "Policy Change" shown in the comment bubbles, with an explanation for the change or a reference to the item number from the Scoping Document. If you see any we missed, please let us know.
- In some instances where text was moved from one section to another, Word's review function marked the text with double strikeout/underline. However, in other instances it marked it with single strikeout/underline, usually indicating deleted/new text. Unfortunately this is an automatic function in Word and we have no control over how it operations. However, we've tried to flag where text was only moved.
- There are some comment bubbles that start "To do:" These have to do with checking cross-references or text that may change due to other code amendments in the process of being developed and reviewed by the Planning Commission and Council. We anticipate that some of these amendments will precede this SMP update. These "to do" comments can be ignored, as these are reminders to us staff regarding items that may still need to be changed once (and if) the other amendments are adopted.
- We tried to update all cross references, but there still may be a few we missed. If you see any, please let us know.
- Because of the reorganization, the section numbering system may not be consistent; this may change once the drafts are closer to adoption.
- If you have comments, please provide the section and subsection number, or page and line number so we know which section you're commenting on.

2.2 Overview of Proposed Amendments

The various amendments are found in different parts of the Whatcom County Comprehensive Plan and Code. These include:

2.2.1 Whatcom County Comprehensive Plan (Shoreline Policies) (Exhibits A & B)

One of the biggest changes was to reorganize the SMP to shorten it and make it easier to use. One of the ways we're doing this is to move the SMP policies into the Comprehensive Plan. The SMP was already adopted by reference as part of the CompPlan; it just wasn't contained in it. However, in modern code construction, code normally doesn't contain policies (or appendices) as our current Title 23 does. Staff has now created a new Chapter 11 of the CompPlan entitled "Shorelines." We have moved all the SMP policies from Title 23 as well as related policies from Chapter 10, Environment, to this chapter, putting all the shoreline policies into one place.

Thus, the amendments to Chapter 10 are mostly showing the deletion of policies that are moving to Chapter 11. However, there is one additional policy proposed to be added to Chapter 10, Policy 10L-19. Adding this policy is not a part of the SMP Update *per se*. Rather, it is a policy the Council expressed interest in adding in support of the fisheries co-manager's Sustainable Salmon Harvest Goal. Adding such a policy was placed on the docket by Council in 2018 (#PLN2018-00010). Rather than process its addition as a separate CompPlan amendment (which is a lengthy process), staff is proposing to add it while we're already amending the CompPlan for the SMP Update.

2.2.2 Whatcom County Comprehensive Plan (Marine Resource Lands) (Exhibit C)

A couple of years ago there was a proposal to add to the CompPlan a section addressing marine resource lands. The Planning Commission actually had a public hearing on the matter and recommended that Council adopt the amendments. However, when it got to Council, they did not adopt it; rather, they directed staff to include consideration of the proposal in the SMP update. Thus, we are again including for its consideration.

2.2.3 WCC Title 23, Shoreline Management Program (Shoreline Regulations) (Exhibit D)

This Title contains the bulk of the regulations pertaining to use, development, and modification of the shoreline. In general:

1. *Shoreline Policies* – We removed the shoreline policies and moved them to the Comprehensive Plan.
2. *Permitting Procedures* – We removed the permitting procedures from Title 23 and moved them to Title 22. Over the past few years numerous code amendments have done the same with other parts of the Whatcom County Code, and this is a continuation of that practice. Our goal is to have all the permitting requirements in one title, rather than spread throughout various titles and chapters. Additionally, the permitting procedures are not part of what the Department of Ecology has jurisdiction over, and having them in Title 22 makes that clearer. Additionally, our standard permitting procedures cover much of the shoreline permitting procedures, so we were able to reduce redundancies by referring to existing procedures. Some shoreline permitting procedures, however, are unique to those types of permits, so we've also created a new chapter of Title 22, Chapter 22.07, Additional Requirements for Shoreline Permits and Exemptions.

3. *Reorganization* – We reorganized the remaining regulations, removing redundant text, simplifying and consolidating language, removing appendices and incorporating any regulations contained therein, and replacing outdated staff titles with the official ones. And similar to other code amendments in the past few years we are also trying to consolidate all of our definitions, with the eventual goal of having all definitions in one chapter or title of the WCC and making sure they're consistent throughout.
4. *Regulatory Changes* – While there are some proposed substantive changes in the regulations, there are not as many as it would appear based on the amount of strikeout/underlining shown; most of that is due to the above actions. Where substantive regulatory changes are proposed, we have included “comment bubbles” indicating such, and why. Additionally, in Section 2 of this report, we have mapped where the potential amendments from the Council-approved scoping report can be found.

Reorganizing Title 23 as proposed reduces it from 200 to 120 pages.

2.2.4 WCC Title 22, Land Use and Development (Permitting Requirements) (Exhibit E)

As mentioned above, we are proposing to move all the permitting requirements to WCC Title 22 (Land Use & Development). Where the permitting regulations are the same as for our non-shoreline project permit procedures, we have relied on and refer to existing language in Chapter 22.05 (Project Permits). However, there are some differences in some of the requirements, and have thus created a new chapter of Title 22, Chapter 22.07 (Additional Requirements for Shoreline Permits and Exemptions) to address those differences.

2.2.5 WCC Chapter 16.16, Critical Areas Regulations (Exhibit F)

Chapter 16.16 is considered part of the SMP, as it is adopted by reference therein. As such, it too must be consistent with the Shoreline Management Act in regards to regulating critical areas within the shoreline jurisdiction. Thus, we have reviewed it for consistency and are proposing some policy changes to ensure continued consistency (addressed in section 2.3, below). However, while we're amending it for this reason, staff is also taking the opportunity to propose other, non-SMP related amendments to address issues that have arisen since it was last updated. These include:

1. **Allowing alteration of functionally disconnected Type III or IV wetlands in UGAs** to allow for development of commercially zoned property. Currently commercial development in Birch Bay is stifled because so much of it contains small, isolated wetlands, and we generally want to encourage development in the UGAs so that development doesn't sprawl to less developed areas of the County. Such development would still need to mitigate for their impacts. (See 16.16.225(B)(8) General Regulations.)
2. **Allowing offsite mitigation** when it would better serve critical areas overall. The County Executive has expressed an interest in developing an offsite mitigation program, and this amendment would allow that to happen. Note, however, that the program would still need to be developed. (See 16.16.260(B) & (C) General Mitigation Requirements.)

3. Redefining what and how **reasonable use exceptions and variances** are used and who decides them. Staff is proposing that reasonable use exceptions be the last method of altering standards to allow reasonable economic use of constrained property, and that they be decided upon by the Hearing Examiner. (See 16.16.270 Reasonable Use Exceptions.) However, to counter the additional time and cost of this process, staff is also proposing to create a new category of variances, called minor variances. (16.16.273 Variances.) They would be limited to variances for a 25% to 50% reduction of critical area buffers (when mitigated and they meet certain criteria) but would address most of the instances that reasonable use exceptions are currently applied for. We believe that overall, these changes would significantly reduce the number cases having to go to the Hearing Examiner and cost less to the citizens of Whatcom County overall.
4. **Amending wetland buffer widths and habitat function score thresholds** to make them consistent with the Department of Ecology's most recent 2018 guidance. (See 16.16.630 Wetland Buffers, Table 1, Standard Wetland Buffer Widths.) We have been notified by the DOE that though the Critical Areas Ordinance was only updated a few years ago, our wetland buffer widths and habitat function score thresholds do not meet their current guidance, and that they would be reviewing our SMP update to ensure we updated these during this process (linked because our CAO is a part of our SMP, see above). While many of the buffer widths would increase, the change in the habitat function score thresholds would place fewer wetlands in the higher buffer categories. Staff has worked with the local wetland consultants over the past year to analyze what differences this would make for most property owners, and based on data received from them it appears to be a wash for the most common types of wetlands.
5. **Amending the wetland buffer modification rules** (see 16.16.640), combining the rules for increasing, averaging, and reduction into better language borrowed from Skagit County and refining under what conditions buffers may be modified.
6. **Adding regulations for performance-based timber removal from HCA buffers** (see 16.16.720(V)). Borrowed from Skagit County, this section would allow timber harvesting to occur within buffers while still retaining the HCA's functions. This is aimed at closing a loophole wherein applicants remove trees before applying for a development permit, which is when the CAO becomes applicable (except for Class IV Conversions, forest practices are not reviewable under the CAO).
7. **Amending 16.16.740 Habitat Conservation Area Buffers, Table 4** to better break down the habitat types and what their buffers ought to be based on Best Available Science and what the Federal Court has determined to apply (National Wildlife Federation v. FEMA (Federal District Court Case No. 2:11cv-02044-rsm; NMFS Doc. #2006-00472)). We've also condensed the table, removing some of the categories, as they all fall under the new HCA classification system.
8. **Amending the HCA buffer modification rules**, combining the rules for increasing, averaging, and reduction and refining under what conditions buffers may be modified using better language borrowed from Skagit County (see 14.24.745 Habitat Conservation Area Buffer Modification).

2.2.6 Shoreline Environment Designations Map (Exhibit G)

In reviewing our shoreline map, staff determined that there was only one area that needed to be revised. This is an area of ponds and lakes approximately bounded by the U.S./Canadian border and Burk, Markworth, and Sunrise Roads. The size of the waterbodies has grown since the SMP was last updated, and portions of the hydrologically connected lakes, ponds, and associated wetlands now exceed 20 acres, which puts it under shoreline jurisdiction per state law. Staff has updated the map to indicate this, and propose a designation of "Conservancy."

2.3 Location of Scoped Amendments in the Draft SMP Update Documents

The following is a list of the potential amendments Council approved through scoping, pointing out where in the draft public review documents they were addressed. “Location” refers to the Title and section (§) of code where the amendment can be found. These citations refer to the new, updated section numbers.

#	Topic	Recommended Action	Originator	Exhibit	Location
1	Consistency with State law (required amendments)	<ul style="list-style-type: none"> Revise language to cite updated substantial development cost threshold or to rely solely on reference to WAC 173-27-040 for exemptions to substantial development permitting. 	State	E, Title 22	§22.07.020(B)(1)(a)
		<ul style="list-style-type: none"> Revise the definition of “Development” to clarify that development does not include dismantling or removing structures. Example language from Ecology is available. 	State	D, Title 23	§23.60.040(6)
		<ul style="list-style-type: none"> Add reference to statutory exceptions to local review to the SMP. Revise or remove existing references to remedial actions and projects certified pursuant to RCW 80.50 to clarify their status as exceptions to local review under the SMA. 	State	D, Title 23	§22.07.020(B)
		<ul style="list-style-type: none"> Revise language to include shoreline permit exemption for retrofitting existing structures to comply with the ADA or to rely solely on reference to WAC 173-27-040 for exemptions to substantial development permitting. 	State	E, Title 22	§22.07.020(B)(17)
		<ul style="list-style-type: none"> Revise language in the SMP to cite the updated cost thresholds for dock construction or to rely solely on reference to WAC 173-27-040 for exemptions to substantial development permitting. 	State	E, Title 22	§22.07.020(B)(8)

#	Topic	Recommended Action	Originator	Exhibit	Location
		<ul style="list-style-type: none"> Revise the SMP Aquaculture provisions for consistency with WAC 173-26-241(3)(b). 	State	D, Title 23	§23.40.050
		<ul style="list-style-type: none"> Revise the SMP to clarify that the effective date of SMP amendments is 14 days from notice of final approval by Ecology. 	State	D, Title 23	§23.05.090
		<ul style="list-style-type: none"> Review the SMP for consistency with 2003 SMP Guidelines and make any necessary changes 	State	D, Title 23 F, Ch. 16.16	Throughout
2	Consistency with State law	<ul style="list-style-type: none"> Revise the SMP for consistency with Ecology's updated permit filing procedures. 	State	E, Title 22	§22.07.060
		<ul style="list-style-type: none"> Revise language to clarify that forest practices that involve only timber cutting are not SMA "developments" and do not require Shoreline Substantial Development Permits. 	State	D, Title 23	§23.40.110(A)(3)
		<ul style="list-style-type: none"> Revise language in Section 23.50.040 to clarify that the SMA does not apply to lands under exclusive federal jurisdiction. Example language from Ecology is available. 	State	D, Title 23	§23.10.020(E)(1)
		<ul style="list-style-type: none"> Update definitions to include distinct definitions for "nonconforming use," "nonconforming structure," and "nonconforming development" in accordance with WAC 173-27-080. 	State	D, Title 23	§23.60.140(5), (6), & (7)
		<ul style="list-style-type: none"> Define special procedures for WSDOT projects per WAC 173-27-125. 	State	E, Title 22	§22.05.130(1)(c)
		<ul style="list-style-type: none"> Incorporate reference to WAC 173-27-215 for criteria and procedures for instances in which a shoreline restoration project creates a shift in OHWM. 	State	D, Title 23	§23.40.180(A)(3)

#	Topic	Recommended Action	Originator	Exhibit	Location
		<ul style="list-style-type: none"> Revise definition of “Floodway” for complete consistency with Ecology’s recommended language. 	State	D, Title 23	§23.60.060(21)
		<ul style="list-style-type: none"> Update list and maps of streams and lakes that are in shoreline jurisdiction as necessary. 	State	G: Revised Shoreline Environment Designations Map	Ponds and lakes between near U.S./Canadian border
		<ul style="list-style-type: none"> Revise the SMP to include the required provisions in WAC 173-26-221(2)(c)(ii)(B), (C), and (D) (geohazard standards). 	State	D, Title 23 F, Ch. 16.16	(B) is already addressed in existing CAO language; (C) & (D) in Title 23 §23.40.190
3	Consistency with CAO (WCC Ch. 16.16)	<ul style="list-style-type: none"> Ensure Council changes regarding standards for view preservation in the CAO are reflected in the SMP. 	Public	F, Ch. 16.16	§16.16.235((B)(5))
4	Consistency with Land Use procedures (Title 22)	<ul style="list-style-type: none"> Update SMP to align with recently adopted Title 22 permit procedures. 	WC PDS	E, Title 22	Throughout
5	Consistency with Shoreline Management Act (RCW 90.58) and 2003 SMP Update Guidelines (WAC 173-26)	<ul style="list-style-type: none"> Clarify permit review no net loss analysis 	WC PDS	D, Title 23 F, Ch. 16.16	§23.10.040(A) & 23.30.010(B); throughout & §16.16.250(D)(2)
		<ul style="list-style-type: none"> Clarify development mitigation requirements. 	WC PDS	D, Title 23 F, Ch. 16.16	Throughout
		<ul style="list-style-type: none"> Align appeal procedures with State statutes. 	WC PDS	E, Title 22	§22.05.160(3)
		<ul style="list-style-type: none"> Shoreline permit review (Exemption, Substantial, Conditional Use, or Variance) should reflect State statutes and level of review required. 	SRST	E, Title 22	Throughout
		<ul style="list-style-type: none"> Align Use standards with State statutes. 	WC PDS	D, Title 23	Throughout
		<ul style="list-style-type: none"> Incorporate improved permit streamlining for priority salmon recovery projects 	SRST	E, Title 22	§22.07.020(B)(16)

#	Topic	Recommended Action	Originator	Exhibit	Location
6	Climate Change/Sea Level Rise	<ul style="list-style-type: none"> Develop and/or strengthen policies regarding climate change/sea level rise, including the incorporation and use of new data (as it becomes available), to review and revise, if warranted, shoreline use regulations. 	Climate Impact Advisory Committee & Public	B, C/P Ch. 11	Under "General Policies"
7	Definitions	<ul style="list-style-type: none"> Add definitions for common words with a specific meaning in the SMP. 	WC PDS	D, Title 23	Ch. 23.60
		<ul style="list-style-type: none"> Add definitions for regional, local, and accessory utilities. Ensure consistency with Zoning. 	WC PDS	D, Title 23	§23.60.210(6)
		<ul style="list-style-type: none"> Define a single use dock and joint use dock. 	WC PDS	D, Title 23	Not needed as regulations (§23.40.150) distinguish clearly
8	Habitat	<ul style="list-style-type: none"> Reference WDFW and DNR's Shore Friendly Program 	Wildlife Advisory Committee & Public		Not done. The SFP is not a guidance document, but rather a program to incentivize switching from hard to soft stabilization measures. It can be used regardless of whether it's mentioned in the code or not.
		<ul style="list-style-type: none"> Consider strengthening ecological connectivity and wildlife corridor requirements. 	Wildlife Advisory Committee	F, Ch. 16.16	Addressed throughout, but specifically §16.16.225(C), 16.16.255((B)(3) & (5)
		<ul style="list-style-type: none"> Consider ways to improve protections for salmon and forage fish habitat. 	Wildlife Advisory Committee	F, Ch. 16.16	Already designated an HCA in §16.16.710(12)(b), but amended in §16.16.255((B)(3)
		<ul style="list-style-type: none"> Clarify functional disconnect standards for protection of Fish & Wildlife Habitat Conservation Areas 	WC PDS	F, Ch. 16.16	§16.16.630(C) & 16.16.740(A)(1)
9	Layout and Structure of the SMP	<ul style="list-style-type: none"> Reorganize the SMP, putting the background information, discussions, and goals and policies into the Comprehensive Plan as a chapter 	WC PDS	B, C/P Ch. 11 D, Title 23 E, Title 22 F, Ch. 16.16	Throughout (most of the edits shown are to accomplish this goal)

#	Topic	Recommended Action	Originator	Exhibit	Location
		<ul style="list-style-type: none"> Simplify the language as much as possible and remove redundancies 			
10	Nonconforming	<ul style="list-style-type: none"> Ensure consistency with Zoning, CAO, and SMP regarding nonconforming uses and structures. 	WC PDS	D, Title 23	Ch. 23.50
		<ul style="list-style-type: none"> Add standards for nonconforming structures to meet current construction standards. 	WC PDS	D, Title 23	§23.50.020(E)
		<ul style="list-style-type: none"> Address nonconforming dock expansion dimensional standards. 	WC PDS	D, Title 23	Ch. 23.50
		<ul style="list-style-type: none"> Clarify administratively approved single-family dock dimensional standards. 	WC PDS	D, Title 23	Ch. 23.50
11	Overwater Structures	<ul style="list-style-type: none"> Add dimensional standards for overall square footage. 	WC PDS	D, Title 23	§23.40.150(B)
		<ul style="list-style-type: none"> Add shared moorage standards. 	WC PDS	D, Title 23	§23.40.150(E)
12	Permitting	<ul style="list-style-type: none"> Consider simplifying utility repair and maintenance permitting. 	Public	E, Title 22	Already exempt per §22.07.020(B)(2)
		<ul style="list-style-type: none"> Add a reference to the Swift Creek Sediment Management Action Plan so as to clarify permitting procedures for actions necessitated by this plan. 	WC Public Works	F, Ch. 16.16 D, Title 23	§16.16.230(E) & §23.10.020(H)
13	Public Access	<ul style="list-style-type: none"> Clarify standards for construction in the aquatic designation (work occurring in the water) 	WC Parks	D, Title 23	§23.40.150(C)(2)
		<ul style="list-style-type: none"> Add ADA standards consistent with federal statutes 	WC Parks	D, Title 23	§23.40.020(F)(6)
		<ul style="list-style-type: none"> Consider revising dimensions for stairs and walkways located within the shoreline or critical area buffers to accommodate public trails. 	WC Parks	D, Title 23	§23.40.020(F)(6)

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		<ul style="list-style-type: none"> Consider amending trail location standards to allow trails to be located closer than in the outer 50% of a critical area buffer. 	WC Parks	D, Title 23	§23.40.160(A)(6), §16.16.620(H)(4) & 16.16.720(J)(3)
14	Shoreline Designations	<ul style="list-style-type: none"> Consider changing the shoreline designation for certain, more urban parks to an urban designation. 	WC Parks		Not done. However, the regulations were amended to be more park friendly.
15	Shoreline Jurisdiction and Environment Designation Maps	<ul style="list-style-type: none"> Revise the Shoreline Jurisdiction and Environment Designation maps to conform to the latest FEMA FIRM maps. 	WC PDS	D, Title 23	Not done, as it would have created more issues than solve. Text of §23.20.010(B)(4) covers it.
16	Shoreline Modifications	<ul style="list-style-type: none"> Review for consistency with the 2SHB 1579 regarding HPAs, and with State guidelines regarding prioritizing living shorelines over hardscape solutions. 	Public	D, Title 23	§23.40.190
		<ul style="list-style-type: none"> Consider allowing interpretive, wayfinding, safety, and park identification signs, based on park standards. 	WC Parks	D, Title 23	§23.40.020(F)(10)
17	Shoreline Uses	<ul style="list-style-type: none"> Revise as necessary any SMP policies or regulations pertaining to the Cherry Point area as directed by Council. 	Council	B, C/P Ch. 11 D, Title 23	Under “Cherry Point Management Area” & §23.40.125
		<ul style="list-style-type: none"> Revise as necessary any SMP policies or regulations pertaining to sand and gravel extraction as directed by Council. 	Council	D, Title 23	§23.40.140(B)
		<ul style="list-style-type: none"> Ensure internal consistency with allowed uses in the code and the Use Table. 	WC PDS	D, Title 23	§23.40.010 Table 2
		<ul style="list-style-type: none"> Modify the accessory structure height standards. 	WC PDS	D, Title 23	§23.40.020 Table 3
		<ul style="list-style-type: none"> Add standards for retaining walls. 	WC PDS	D, Title 23	§23.40.190
		<ul style="list-style-type: none"> Update Memorandum of Understanding with Department of Archaeology and Historic Preservation. 	WC PDS	D, Title 23	§23.30.060
		<ul style="list-style-type: none"> Clarify Forest Practice standards. 	WC PDS	D, Title 23	§23.40.110
		<ul style="list-style-type: none"> Add temporary use standards. 	WC PDS		Not done

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		<ul style="list-style-type: none"> Clarify utility standards for regional, local, and accessory. 	WC PDS	D, Title 23	§23.40.220
		<ul style="list-style-type: none"> Add standards for live-aboards in marinas 	WC PDS	D, Title 23	§23.40.060(F)
18	Shoreline Setbacks/ Riparian Management	<ul style="list-style-type: none"> Update vegetation conservation standards to prefer limbing over removal. 	WC Parks	F, Ch. 16.16	§16.16.235(B)(5)
		<ul style="list-style-type: none"> Provide incentives to enhance Fish and Wildlife Habitat Conservation Areas (FWHCA). 	Public	D, Title 23	§16.16.745
		<ul style="list-style-type: none"> Clarify setback standards for protection of views to and from the water. 	WC PDS	D, Title 23	§23.40.020(D)
19	Water Quality	<ul style="list-style-type: none"> Include language/policies about the importance of Lake Whatcom as the source of drinking water for most of the County and the water quality improvement plan (TMDL). 	Public	A, C/P Ch. 10	Already addressed under “Lake Whatcom Watershed Management”
20	Wetland buffers	<ul style="list-style-type: none"> PDS will conduct a parallel process, convening a group of local wetland consultants, to consider revisions to the CAO regulations regarding wetland habitat function score break points, buffer widths, reduction, averaging to meet DOE guidelines, and having buffers based on habitat performance instead of static/standard buffers. If they complete this work in time, it can be incorporated into this update; otherwise it can follow. 	State	F, Ch. 16.16	Ch. 16.16 §16.16.630 Table 1
21	Marine Resource Lands	<ul style="list-style-type: none"> Consider adding a Marine Resource Lands policy section as developed by the Marine Resources Committee 	MRC & Council	C, C/P Ch. 8	C/P Ch. 8 amendments

#	Topic	Recommended Action	Originator	Exhibit	Location
22	No Net Loss	<ul style="list-style-type: none"> • Prepare a No Net Loss technical memo: <ul style="list-style-type: none"> ○ Explaining how NNL is being achieved in this update, ○ Outlining a strategy for monitoring key indicators, ○ Reporting regularly to Council the results of PDS's Permit Implementation and Effectiveness monitoring program, ○ Reporting progress on our Restoration Plan, and ○ Reviewing the 2006 Parametrix shoreline environmental designation recommendations for consistency with the current SMP designations. 	Council		TBD after public review of draft amendments