

M E M O R A N D U M

TO: Planning Commissioners

FROM: Steven Sundin, Planning Department

DATE: April 18, 2007

SUBJECT: 4-26-07 DRAFT Shoreline Master Program

Good afternoon Planning Commissioners: Please find attached the following materials:

- ⇒ **4-26-07 DRAFT SMP including APPENDICES A - E**
- ⇒ **2007 FINAL COMMENT TRACKER FOR PC**
- ⇒ **ATTACHMENT 1 (WHICH RULES APPLY? SMP or CAO?)**

The 4-26-07 DRAFT SMP includes all of the revisions, recommended changes and staff edits from the 2007 FINAL COMMENT TRACKER FOR PC. There are no legislative format changes remaining.

The 2007 FINAL COMMENT TRACKER FOR PC shows items highlighted in orange that were to be completed since the last work-session on February 1, 2007. (These were in addition to all the very specific recommendations that were made for each of the shoreline designation development regulations in Section 22.03.30 A-F and the corresponding tables in Section 22.11.30 A-F.)

The 2007 FINAL COMMENT TRACKER FOR PC does not have page and line numbers for the corresponding citation because as edits are completed – page and line numbers change. (However, this will help your familiarity with where things are laid out in this final version.)

THINGS TO BE AWARE OF:

- ⇒ The City's Legal Department as well as an outside neutral source have reviewed this document for consistency of how sections are codified, accurate cross-references to other sections, formatting and general readability. No substantive items or issues have been altered other than those recommended by you or changed by staff as indicated in the COMMENT TRACKER (orange)

- ⇒ A new chapter has been added: 22.11. This includes the shoreline designation maps (22.11.10) so that they can be adequately referenced; the maps showing which shorelines are those of Statewide Significance (22.11.20) and the accompanying development regulation standards for each shoreline designation including; setbacks, buffers, height and public access and habitat restoration requirements. (22.11.30 A-F) This way the information can be codified and cross referenced.
- ⇒ I have referred to the minutes from the last four work-sessions (December 12th, 2006, January 18th and 23rd and February 1st, 2007) to be sure that the specific development regulations you recommended in those work-sessions were accurately reflected in this 4-26-07 DRAFT SMP.
- ⇒ The development regulations, specifically buffers and setbacks, for the New Whatcom shoreline designation are as you recommended for maximums (and 'defaults' in absence of a New Whatcom Master Plan) with the allowance for reduction up to **but not less than** the minimums (as recommended initially by staff) upon approval and adoption of the New Whatcom Master Plan and by demonstration of compliance with the criteria in Section 22.03.30 F. 6. d.
- ⇒ The setbacks within the development regulation matrices in Sections 22.11.30 B and C (URBAN CONSERVANCY and SHORELINE RESIDENTIAL) have changed to differentiate between areas that are previously / presently disturbed and those that are not. Shoreline reaches that have been previously or are presently disturbed have a 5-foot setback from the edge of buffer and those that are not disturbed have a 15-foot setback from buffer edge.
- ⇒ The APPENDIX ORDER HAS CHANGED. The prior APPENDIX B (shoreline designation maps) is now Section 22.11.10.
- ⇒ All comments received since the February 1st, 2007 work-session have been put into a new '2007 City Council Comment Tracker' which will be forwarded to them for their consideration and determination.

At the conclusion of our April 26th work-session you should make a motion to forward the 4-26-07 DRAFT SMP to City Council for their review with a recommendation for approval including any last recommendations you deem necessary.

Staff would make these last revisions (if any) and then produce a City Council 2007 DRAFT SMP for their review.

City Council will receive a briefing from Staff prior to the release of that document. The City Council will hold a minimum of one public hearing and additional work-sessions if deemed necessary. Dates for those events have not been set at this point.

Thank you for your time and attention to this effort.