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1			PUBLIC COMMENT TRACKER							
2	Date	Name	Comment	Staff	Page /	STAFF	PC	2007 DRAFT SMP	COUNCIL	
3					Line	RECOMMENDAT'N	RECOMMENDAT'N	CITATION	ACTION	
4					#####					
5					version					
6										
7	05/22/06	Vikki Jackson	Page 25, Chuckanut Reach 1 is missing from the buffer table	included	33	accept revision	accepted: 9-28-06	22.11.30 B		
8	05/22/06	Vikki Jackson	22.08.80B.4.a - suggested "native species" because some species may not work if site conditions change	revised	101/7	accept revision	accepted: 9-28-06	22.08.80 B 2 a		
9	05/22/06	Vikki Jackson	22.08.80B.4.c - size standards are too large if the site does not have irrigation.	revised	101/7	accept revision	accepted: 9-28-06	22.08.80 B 2 d		
10	05/22/06	Vikki Jackson	suggested language that requires tight-lining surface water around bluffs to designs that include water quality treatment to avoid contamination from lawn and yard products to the shoreline and with releases that disperse the outlet to reduce erosion of beach sediment.	included	110/25	accept revision	accepted: 9-28-06	22.08.110 B 5		
11	05/22/06	Vikki Jackson	22.09.20A.2 - aquaculture of indigenous species can result in significant degradation of the aquatic habitat resulting from chemical use, nutrient increases, shading. This is a problem with net pen farming.	revised	112/17	accept revision	accepted: 9-28-06	22.09.10 A 2-3 22.09.10 B 3		
12	05/22/06	Vikki Jackson	The restoration plan is a good start, but needs more work, particularly associated with the potential metrics section. She suggested standardization of these methods.	noted	Table 1; APP B	we coordinated and analyzed these metrics with our environmental resources division as measurable over time - especially if we did supplemental shoreline or critical area inventories.	add language about status updates / reports. Clean final copy	Page 7, line 44; REST PLAN		
13	06/08/06	Robert Gibb	The SMP is flawed in consideration of Padden Creek.	CAO:BMC 16.55.500	60	mouth of Padden Creek is under SMP	CAO governs, not SMP. Accepted: 9-28-06	22.11.30 B		
14	06/13/06	POB - Sylvia Goodwin	New Whatcom special development area - she suggested either a separate section in the SMP for New Whatcom or working on the city-wide goals and policies to address issues specific to NW.	New shoreline designation for New Whatcom included	47/23	accept new language proposed to date	accepted: 1-23-07	22.03.30 F and 22.11.30 F		
15	06/13/06	POB - Sylvia Goodwin	22.02 D - reference the public access plans included in the Port Scheme of Harbor Improvements.	included	15/19	accept revision	accepted: 9-28-06	22.02.20 D 2 c		
16	06/13/06	POB - Sylvia Goodwin	Urban Conservancy Policy - 2g - add exception for site security.	revised	31/19	accept revision	accepted: 9-28-06	22.03.30 B 2 g		
17	06/13/06	POB - Sylvia Goodwin	Urban Conservancy Policy - 4 - there is a conflict between zoning and the shoreline uses. Solutions are: designate the Fairhaven marine industrial park and mt. baker plywood site urban maritime and revise the urban conservancy shoreline designation to make water dependent uses permitted (not conditional)	no change	32/22	accept	accepted: 9-28-06	22.03.30 B 4 c. i.-ii.		
18	06/13/06	POB - Sylvia Goodwin	Aquatic - 2h - management policy needs to be clarified.	revised	46/16	accept revision	accepted: 9-28-06	22.03.30 E 2 h		
19	06/13/06	POB - Sylvia Goodwin	22.05.30 - Verify that Whatcom Creek Waterfront Action Plan is adopted plan	it is. Adopted Nov. 1996	65/21	no action	accepted: 9-28-06	22.05.30		
20	06/13/06	POB - Sylvia Goodwin	22.08.10 - B1.e - puts the shoreline buffer at the base of the bluff in Fairhaven, where UC buffer is 100'.	BMC 16.55.490 F 4 defers to Shoreline Master Program	82/29	no action	accepted: 9-28-06	22.08.10 B 1 e		

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21	06/13/06	POB - Sylvia Goodwin	22.08.10 - 2e - the requirement which does not allow buffer reductions within another critical area would apply.	revised to buffer avg'ing. Buffer reduction requires variance	83/12	accept revision	accepted: 9-28-06	22.08.10 B 2		
22	06/13/06	POB - Sylvia Goodwin	22.08.10 - 3d - policies on roads in buffers would be a problem if there are broad buffers in Fairhaven and new Whatcom.	revised in 22.09.150 B. 2-4	144/10	accept revision	Accepted 2-01-07	22.09.170		
23	06/13/06	POB - Sylvia Goodwin	22.08.30 - A3 - this policy should acknowledge that approved construction of breakwater or salmon bench will preclude other future uses and result in a net gain of habitat.	no change	89/3	accept	accepted: 9-28-06	22.08.30 A 3		
24	06/13/06	POB - Sylvia Goodwin	22.09.20 - A3 - "... should be designed to include upland..."	revised	113/17	accept revision	accepted: 9-28-06	22.09.20 A 3		
25	06/13/06	POB - Sylvia Goodwin	22.09.20 - A7 - this should provide for mitigation sequencing and impact mitigation.	no change	113/28	accept	accepted: 9-28-06	22.09.20 A 7 & B 1		
26	06/13/06	POB - Sylvia Goodwin	22.09.20 - B4 - "... there are no <u>feasible upland</u> alternatives..."	revised	114/22	accept revision	accepted: 9-28-06	22.09.20 B 4		
27	06/13/06	POB - Sylvia Goodwin	22.09.20 - B9 - "... located within <u>100 feet of the shorelines</u> ..."	revised to minimize areas devoted to parking.	115/13	accept revision	accepted: 9-28-06	22.09.20 B 10		
28	06/13/06	POB - Sylvia Goodwin	she suggested adding positive language about marinas. She gave the example of the county program: 23.100.05.A.1.a	no addition		accept	accepted: 9-28-06	no addition		
29	06/13/06	POB - Sylvia Goodwin	22.09.30 - A1 & A2 - navigability is not defined.	within definitions	159	accept revision	accepted: 9-28-06	22.100		
30	06/13/06	POB - Sylvia Goodwin	22.09.30 - B3 - this could be interpreted to mean non-water orientated commercial uses can only be approved where waters are non-navigable, which is not defined.	see comment #26. no change	119/14	accept	accepted: 9-28-06	22.09.30 B 3		
31	06/13/06	POB - Sylvia Goodwin	22.09.40 - A4 & B5 - the intent needs to be defined.	Revised to defer to state law	121/19	accept revision	accepted: 9-28-06	22.09.40 A 1 & B 1		
32	06/13/06	POB - Sylvia Goodwin	22.09.40 - B6 - is unclear.	comment removed	124/1	accept revision	accepted: 9-28-06	22.09.40 B 5		
33	06/13/06	POB - Sylvia Goodwin	22.09.70 - B7 - still requires compliance with comments from special interest agencies. She suggested that mandatory compliance should be limited to agencies with regulatory authority.	comment removed	128/6	accept revision	accepted: 9-28-06	22.09.70 A 4 & B 7		
34	06/13/06	POB - Sylvia Goodwin	22.09.90 - A2 & A4 - need to be clarified so that they do not prevent transient moorage in the Whatcom Waterway.	no change. Does not prevent transient moorage	130/6	accept	accepted: 9-28-06	22.09.90 A2 & A4		
35	06/13/06	POB - Sylvia Goodwin	22.09.115 - A7 & B4 - are too restrictive for parking.	revised. Boating facilities are WD use.	135/6	accept	accepted: 9-28-06	22.09.130 A7, B4, B10		
36	06/13/06	POB - Sylvia Goodwin	22.09.150 - B3 & B4 - she would like other alternatives, such as the new ending on item k, page 34.	revised	145/14	accept revision	Accepted 2-01-07	22.09.170 ALL		
37	06/13/06	POB - Sylvia Goodwin	22.09.150 - there is nothing in the WAC or RCW's that prohibits roads within the shoreline jurisdiction or encourages all roads to be perpendicular to the shore.	revised	144	accept revision	Accepted 2-01-07	22.09.170 ALL		
38	06/13/06	POB - Sylvia Goodwin	22.09.150 - A2, B2 & B3 - would restrict the road and park layout for new Whatcom.	revised	144	accept revision	Accepted 2-01-07	22.09.170 ALL		
39	06/26/06	Wendy Scherrer	NSEA suggested adding numbering to items on tables 2 and 3 of Restoration Plan.	revised	13	accept revision	accepted 12-12-06	#s added to pages and projects in both tables		

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40	06/26/06	Wendy Scherrer	NSEA suggested providing map and locations that will delineate project locations.	noted		no change. Can create a working map to accompany TABLE 3 in the REST PLAN in coordination with MASTER REST PLAN being developed by ENVIRONMENT RES's Dept.2004		ongoing		
41	06/26/06	Wendy Scherrer	NSEA suggested formatting freshwater and estuarine projects under stream names. Estuary projects need to be noted in the marine section.	no change		make recommendation	accepted 12-12-06	no change		
42	06/26/06	Wendy Scherrer	NSEA suggested formatting freshwater projects geographically in order from downstream to upstream.	no change		make recommendation	accepted 12-12-06	no change		
43	06/26/06	Wendy Scherrer	NSEA said table 3, status column, needs a date.	revise	24	accept revision	differentiate between status and timeline. Clean final copy	revised to read PROJECT STATUS, FUNDING SOURCE, AGENCY/GROUP/ PERSON		
44	06/26/06	Wendy Scherrer	NSEA suggested working with WDFW to identify restoration plans for lake Whatcom.	initiated. Materials forthcoming.		review date TBD	clean final copy	identified in Section 5, REST PLAN: APP B; APP B		
45	06/26/06	Wendy Scherrer	NSEA suggested that the implementation portion be a living document that can be updated regularly.	agreed. That is the intent per WAC 173-26-201 2 f.	APP A	no action	make easily available to public for their use	no action		
46	06/26/06	Leslie Bryson (Parks)	page ivi, first full paragraph on that page talks about restoration planning. She suggested giving credit to the greenway program and other park department led plans and efforts that have occurred.	revised	vi	accept revision	accepted: 9-28-06	page ix		
47	06/26/06	Leslie Bryson (Parks)	she asked if there was a definition of "shoreline"	there is	23/23	no action	accepted: 9-28-06	22.100		
48	06/26/06	Leslie Bryson (Parks)	page 3: include the 1995 Whatcom creek trail master plan and the 1995 Squalicum creek greenway master plan in the list.	revised	8/21	accept revision	accepted: 9-28-06	22.02.10 A 11 - 12		
49	06/26/06	Leslie Bryson (Parks)	She suggested changing all references to the "2005 Park Mater Plan" to the "City of Bellingham Park, Recreation and Open Space Plan (2005)"	revised	many	accept revisions	accepted: 9-28-06	many		
50	06/26/06	Leslie Bryson (Parks)	page 10: what are priority habitats?	revised to identify FWHCA's	17/4	accept revision	accepted 12-12-06	22.02.20 D 2 k		
51	06/26/06	Leslie Bryson (Parks)	page 10, K: "... coordinated with BNSF to provide safe access to citizens"	revised	17/9	accept revision	accepted: 9-28-06	22.02.20 D 2 l		
52	06/26/06	Leslie Bryson (Parks)	page 13, 2c: Identity of (not identify) historical sites should be considered also in consultation with the Washington State Dept of Archaeology and Historic Preservation.	revised	19/32	accept revision	accepted: 9-28-06	22.02.20 G 2 c		
53	06/26/06	Leslie Bryson (Parks)	page 19, 2e: says "new ... non-water oriented uses should not be allowed". How does this apply to parks?	park uses are W-E		Add 22.03.30 A. 2. e. back to DRAFT	accepted: 11-02-06	22.03.30 A 2 e		
54	06/26/06	Leslie Bryson (Parks)	pages 21, 5c and 69, 3d: are these conflicting in regard to public access?	no. balance required. Please see 22.08.70	95/8	accept revisions	accepted: 9-28-06	22.08.70 - all		
55	06/26/06	Leslie Bryson (Parks)	page 73, B1b: would this prevent construction of the over water boardwalk from Blvd to Cornwall?	no. CUP required. 22.03.30 B 4 c. ii.	32/21	no action	accepted: 9-28-06	22.03.30 B 4 c ii		
56	06/26/06	Leslie Bryson (Parks)	page 74B: would this prevent construction of pedestrian bridges over freshwater creeks?	no. 22.03.30 B 4 d.ii	33/5	no action	accepted: 9-28-06	22.03.30 B 4 d ii		

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57	06/26/06	Leslie Bryson (Parks)	pages 112, B2 and 113, B4: are these conflicting in regard to ADA requirements?	revised	135/18	accept revisions	accepted: 9-28-06	22.09.130 B2 & B4		
58	06/26/06	Leslie Bryson (Parks)	page 115, B4: what are SMA floodways?	now defined. (rule subject to revision by DOE)	162-3	accept revision	accepted: 9-28-06	22.100		
59	06/29/06	Susan Kaun	highlight the spirit and intent of the Shoreline Management Act for all who read and use the SMP with inclusion of a preface.	included	ii-iii	accept revisions	accepted: 9-28-06	v-vii		
60	06/29/06	Susan Kaun	Clearly outline in the SMP how the law's guiding principles are followed in the required order of preference for the 'shorelines of statewide significance' in order to provide for their utilization, protection, restoration and preservation.	included	ii-iii	accept revisions	accepted: 9-28-06	v-vii		
61	06/29/06	Susan Kaun	Rearrange the existing information in the draft SMP, to focus on the 'shorelines of the state' by using all of the guiding principles in order of preference for a detailed discussion of their unique character, and to provide the public with a better understanding of specific shorelines, including recommendations and requirements for riparian habitat area protections.	included additional info / background on SSWS in 22.04.30	53-4	accept revisions	accepted: 9-28-06	22.04.10 A 22.04.30 A - C		
62	06/29/06	Susan Kaun	Provide a new format for the new shoreline chapters in the SMP.	considered. No change		accept	accepted: 9-28-06	no change		
63	06/29/06	Whatcom County Association of Realtors	They feel that section 22.09.160 unconstitutionally restricts property owners' rights to engage in free speech through the limits on their ability to place signage on their property.	revised	148/10	accept revisions	TBD: reviewing with City's legal office. Clean final copy	defers to BMC 20.12.040 D.		
64	06/29/06	Whatcom County Association of Realtors	Sections A 1 & 2 and B 1, 2, 4, & 5 are of concern because they unnecessarily limit the property owners ability to reach their target audience.				TBD: reviewing with City's legal office. Clean final copy	defers to BMC 20.12.040 D.		
65	07/19/06	Anne Eissinger	The document has become stratified, voluminous and difficult to navigate.	noted		no change	accepted: 11-2-06	no change		
66	07/19/06	Anne Eissinger	She suggests reformatting the document and management of the program by shoreline or system type: marine, stream and lake.	considered early on in process. No change		no change	accepted: 11-2-06	no change		
67	07/19/06	Anne Eissinger	There is a question of duplicate statements, goals, policies or general redundancy and it may be beneficial to consolidate the contents in a more concise manner. A user guide is also a possibility to improve ease of use.	two new 'guides': USES allowed & CAO - S.M.P interface	comp. policy. reg.	accept	accepted: 11-2-06	also: DEVELOPMENT REGULATION MATRICES IN 22.11.30 A-F replaces USES allowed guide		
68	07/19/06	Anne Eissinger	She suggests that the SMP update be conducted every five years in concert with the Critical Areas update.	RCW 90.58.080 3 says is not required to do sooner than every 7 years but may according to 90.58.080 4 (at least every 7 years.)		accept	accepted: 11-2-06	no action		
69	07/19/06	Anne Eissinger	The "no net loss" clause used throughout the document must have a supporting sub-structure on which to measure change to determine losses or gains and the staff or professionals to track that change.	Staff intends to use 2004 inventory to measure against new inventory at next update for no net loss.		accept	accepted 12-12-06	no action		

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70	07/19/06	Anne Eissinger	A means of measuring the effectiveness of the SMP is needed in order to document and track conditions and changes between each update.	Shoreline Permit tracking system will be another mechanism by which to measure effectiveness		accept	accepted 12-12-06	to be developed after DOE final approval		
71	07/19/06	Anne Eissinger	A document not cited in the Inventory is the Wildlife and Habitat Assessment (Eissinger 2003) which provides additional information, GIS based mapping and analysis of wildlife and habitat conditions citywide, including shoreline areas and conditions.	It is cited. 2004 COB Inventory: APP A #69.		accept	accepted: 11-2-06	no action		
72	07/19/06	Anne Eissinger	The following recommendations are suggested for assessment and inventory:							
73	07/19/06	Anne Eissinger	(1) Set uniform stream/ shoreline reach boundaries in units that are utilized by all agencies to improve cooperative data collection and comparisons.	reach boundaries are based on physiological water body characteristics or an obstruction of some kind (culvert, dam, waterfall, pipe crossing)		no action	accepted: 11-2-06	Please see the 'Reach Analysis Sheets' folder on the 2004 Shoreline Inventory CD. (APPENDIX A)		
74	07/19/06	Anne Eissinger	(2) Set standard units of measurement that are comparable year to year and are also comparable to existing data or reflect standard protocol. Utilize standards shared with other agencies.	coordinated w/ Environmental Resources Division to develop these so they could be filled in over time.		no action	accepted: 11-2-06	Please see the 'Reach Analysis Sheets' folder on the 2004 Shoreline Inventory CD. (APPENDIX A)		
75	07/19/06	Anne Eissinger	(3) Conduct a comprehensive field inventory to supplement existing information to verify measurements and update old data.	DOE recommended that govt's use existing data		no action	accepted: 11-2-06	Please see the 'Reach Analysis Sheets' folder on the 2004 Shoreline Inventory CD. (APPENDIX A)		
76	07/19/06	Anne Eissinger	(4) Fill attribute/ data gaps in 2004 inventory.	ongoing		no action	accepted: 11-2-06	no action		
77	07/19/06	Anne Eissinger	(5) Develop a measurement of wildlife habitat function and value including species diversity, faunal flow, etc.	the 2004 shoreline inventory sets up a good framework for future data to augment existing (function analysis for each reach has habitat language in this regard.)		no action	accepted: 11-2-06	Please see the 'Reach Analysis Sheets' folder on the 2004 Shoreline Inventory CD. (APPENDIX A)		
78	07/19/06	Anne Eissinger	(6) Include shoreline-upland habitat connections and wildlife corridors as attributes within the inventory.	noted		no action	accepted: 11-2-06	"		
79	07/19/06	Anne Eissinger	(7) Identify and list actual fish and wildlife species occurrence and habitat use within each reach and document species at risk, not just speculate on T&E or PHS species since they do not reflect what is present and what may be at risk.	ongoing surveys conducted		no action	accepted: 11-2-06	no action		

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80	07/19/06	Anne Eissinger	(8) Identify all supporting habitat for wildlife with special management concern including upland areas, contiguous habitat and disconnected habitat: case in point, great blue heron - foraging areas (marine, estuarine, fresh water upland), roost areas, nesting areas and staging sites. Many species depend on aquatic and upland areas ... think beyond fish.	the 2004 shoreline inventory sets up a good framework for future data to augment existing (function analysis for each reach has habitat language in this regard.)		no action	accepted: 11-2-06	Please see the 'Reach Analysis Sheets' folder on the 2004 Shoreline Inventory CD. (APPENDIX A)		
81	07/19/06	Anne Eissinger	(9) Define vegetation based on measurable - standard classification including forest age class and canopy cover.	the 2004 shoreline inventory sets up a good framework for future data to augment existing		no action	accepted: 11-2-06	"		
82	07/19/06	Anne Eissinger	(10) Include aquatic macro-invertebrate data as an indicator for fish and stream health.	the 2004 shoreline inventory sets up a good framework for future data to augment existing		no action	accepted: 11-2-06	"		
83	07/19/06	Anne Eissinger	(11) Develop a standard profile or summary for each reach of shoreline that's easy to interpret and understand; this could be in the form of a rating system.	2004 shoreline inventory reach data sheets achieve this but do not rate reaches		no action	accepted: 11-2-06	no action		
84	07/19/06	Anne Eissinger	(12) Map/ illustrate attribute conditions and changes by reach.	done as part of the permit tracking system (to be set up) AND a future task dependent on \$ / personnel		no action	accepted: 11-2-06	no action		
85	07/19/06	Anne Eissinger	(13) Include structure height for built or impervious areas.	future task dependent on \$ / personnel		no action	accepted: 11-2-06	no action		
86	07/19/06	Anne Eissinger	It is recommended that a permanent Technical Review Committee be created to serve as an advisory body to the City, the Council and Planning Commission for both critical areas and shoreline management concerns.	the S.M.P. has had a TAC to review draft materials to date.		city staff comprise a TRC including a fish and wildlife representative	accepted: 11-2-06	no action		
87	07/19/06	Anne Eissinger	It is recommended that the City develop a fish and wildlife conservation program or biodiversity program that can interface with all of the regulatory programs including shorelines and critical areas.	the Environmental Resources division of the Pworks Dept achieves this. The newly formed Green Team is also currently developing a work program and this is one of their intended items for action.		no action	accepted: 11-2-06	no action		

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88	07/19/06	Anne Eissinger	She proposed that the city through the SMP update adopt a 100 foot shoreline restoration vision.	this occurs EXCEPT in SHORELINE RES, URBAN MARITIME AND two reaches w/in URBAN CON designations		no action	accepted: 11-2-06	review 22.11.30 buffer tables for A - F		
89	07/19/06	Anne Eissinger	A shoreline action plan is recommended as a component of the SMP. It would include regulatory and non-regulatory directives; provide guidance; identify the primary biological and hydrological attributes for each area; define and illustrate public access and use areas; incorporate the restoration plan and give a proactive focus.	RESTORATION PLAN is intended to achieve this 'action plan'		no action	accepted 12-12-06	see APPENDIX B		
90	07/19/06	Anne Eissinger	To resolve the public access - ecological functions conflict the following suggestions are offered:							
91	07/19/06	Anne Eissinger	(1) Define and separate uses through design and planning.	see 22.08.70	95/8, 96/25,		to be reviewed in final clean copy	22.08.70 B 1-11		
92	07/19/06	Anne Eissinger	(2) Create a comprehensive action plan for the shoreline that would designate public access points and use, and offer design suggestions. Such a plan could also specify ecologically sensitive sites to be protected and restoration areas.	please reference plans cited in 22.02.10	pg 8		to be reviewed in final clean copy	22.08.70 B 4,5,7-8		
93	07/19/06	Anne Eissinger	(3) Consider all impacts of human use and access to ecological function and biological resources including fish and wildlife.	22.08.70	98/1-18		to be reviewed in final clean copy	22.08.70 B 1,3,6,10-12		
94	07/19/06	Anne Eissinger	(4) Fully assess biological attributes, ecological function and value using standard field methods and professional expertise prior to project design, then incorporate protection or restoration into the design.	critical area reports are required as part of shoreline permit proposals. See the 'Which rules apply?' matrix			accepted: 11-2-06	reference BMC 16.55.210 (Critical Area Ordinance)		
95	07/19/06	Anne Eissinger	Because Padden Creek is one of four primary stream corridors within the city, and both Lake Padden and Padden Lagoon are both within the SMA jurisdiction it is recommended that the stream be considered as an addition to the SMP and managed as such. In addition it is recommended that the city in cooperation with DOE examine the stream system, current stream flow and historical flow and determine whether the flow has been altered as a result of upstream impacts. If it is determined that the flow has been altered, restoration action should be taken.	staff intends to include Padden Creek in the restoration plan, specifically identify projects within TABLE 3 of the REST PLAN.		staff to include	clean final copy	ongoing		
96	07/19/06	Anne Eissinger	It is recommended that the City explore a watershed protection plan to interface with the regulatory mechanism to address this issue.	for discussion		ICT has developed a Lake Whatcom Management Program for watershed protection	integrate with to-be-revised language on Lake Whatcom / shoreline residential designation	Lake Whatcom Management Program and specifically; the 2005-2009 Work Plan identified in REST PLAN: APP B		
97	07/20/06	Bill McCourt	Overall: The draft does not adequately address the protective measures necessary to restore Lake Whatcom.				clean final copy	22.03.30 C, 22.11.30 C, BMC 16.80 AND Lake Whatcom Management Program and specifically; the 2005-2009 Work Plan identified in REST PLAN: APP B		

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112	07/20/06	BIA	They are concerned because of the way the draft SMP talks about public access on private property is not constitutional in most instances. Demanding public access on private property without compensation is an unconstitutional taking of private property under the 5th amendment. Below is a list of sections the BIA cited.	please see 22.08.70. section has been revised to be more clear when and where pub acc should be provided. See also MEMO from legal department dated July 20, 2006	95	legal reviewed	accepted: 9-28-06	22.08.70 ALL		
113	07/20/06	BIA	22.08.70 A2	revised	96/4	accept revisions	accepted: 9-28-06	22.08.70 A 2		
114	07/20/06	BIA	22.08.70 B6	no change	98/1	accept	accepted 12-12-06	22.08.70 B 6		
115	07/20/06	BIA	22.08.80 B6	no change	103/6	accept	accepted 12-12-06	22.08.80 B 6		
116	07/20/06	BIA	22.09.90 A3	no change	131/9	accept	accepted 12-12-06	22.09.90 A 3		
117	07/20/06	BIA	They suggest that the city attorney review the draft to remove unconstitutional sections.	noted		legal reviewed		22.08.70 ALL		
118	07/20/06	BIA	They have concerns about the variance section, 22.06.30 C. They suggest changing this section to reflect the regular variance procedure found in BMC 21.10. Variances are to offer relief for an applicant, not to bestow benefits on the public.	revised	71/12	accept revision	accepted: 9-28-06	22.06.30 C		
119	07/20/06	BIA	In proposed BMC 22.05.40 C they suggest changing "issuance" to "application" of a valid building permit.	revised	67/30	accept revision	accepted: 9-28-06	22.05.40 D		
120	07/20/06	BIA	They would like proposed BMC 22.09.90 A5 clarified. Steve explained that individuals are allowed to replace what they already have, but the language simply states that these types of pilings are "prohibited", implying that they must immediately be removed, or are banned outright.	they are prohibited but are not required to be removed retroactively.	131/15	accept	accepted 12-12-06	22.09.90 A 5		
121	07/20/06	BIA	They would like proposed BMC 22.09.105 A clarified.	revised	132/1	accept revision	accepted: 9-28-06	22.09.100 A 1-3		
123	07/20/06	BIA	They are concerned that proposed BMC 22.09.105a will prevent construction activity from occurring through the city except during this limited period of time since shorelines exist throughout the city.	revised	132/1	accept revision	accepted: 9-28-06	22.09.100 B 2 a		
124	07/20/06	Roger Almskaar								
126	07/20/06	BIA	Proposed BMC 22.08.80 B3d should address the fact that shoreline weather and different soils are factors that contribute to the survival of trees. It will be difficult for an applicant to ensure a 100% tree survival rate.	no change but other language revised. We have analyzed with help from WCC crew, Plantas Nativa LLC, Environmental Resources (Pworks).	101-2	accept	accepted 12-12-06	22.08.80 B 2		
127	07/20/06	Roger Almskaar								
128	07/20/06	BIA	They are concerned how proposed BMC 22.08.80 B4b will impact the Lake Whatcom watershed where many property owners have lawns that extend to the lake.	revised. 22.08.80 B 3 c.	100/29	accept revisions	accepted: 9-28-06	22.08.80 B 1 C i-iv		
129	07/20/06	BIA	Section BMC 22.09.160 is unnecessarily negative towards signage and has unconstitutional consequences.	revised	149/10	accept revisions	accepted 12-12-06	22.09.160 ALL		

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130	07/20/06	BIA	They feel that violations of the US constitution include: (1) no authority to grant public access on private property; (2) granting public access on private property is a taking under the US constitution; and (3) Bellingham's statute in violation of the takings clause. They cited several court cases.	City's Legal Department and DOE have reviewed the language with the 2007 DRAFT SMP and find that the appropriate considerations for this issue have been represented.			accepted: 9-28-06	22.01.40 A 5 AND 22.08.70 B 7 b		
131	07/20/06	Heather Wolf	Her clients support the staff proposal in regard to the buffering of Whatcom Creek. They urge adoption of the proposed 50 foot minimum and maximum buffers for that area of Whatcom Creek upstream of east line of Holly St north side.	noted.	34	accept	accepted: 9-28-06	22.11.30 B		
132	07/20/06	Heather Wolf	Increased buffers would result in a significant hindrance to redevelopment of the area with little if any return in terms of habitat function or restoration.	noted. Riparian / near shore area has been substantially restored.	see Pocket Estuary doc.	no action	accepted: 9-28-06			
133	07/20/06	Roger Almskaar	He proposes that the following "condensed", but substantially un-altered Governing Principles be added to part 22.01.	included starting on page 1 - line 22	pgs 1-5	accept revisions	accepted: 9-28-06	22.01.40		
134	07/20/06	Roger Almskaar	(1) The guidelines are subordinate to the Act; any inconsistencies must be resolved in accord with the Act.	included	"	accept revisions	accepted: 9-28-06	"		
135	07/20/06	Roger Almskaar	(2) The guidelines are intended to reflect the Act's policy goals, as described in parts 176 and 181 of the guidelines.	included	"	accept revisions	accepted: 9-28-06	"		
136	07/20/06	Roger Almskaar	(3) All relevant policy goals must be addressed in the local program policies.	included	"	accept revisions	accepted: 9-28-06	"		
137	07/20/06	Roger Almskaar	(4) The policies of such programs may be achieved by diverse means, <u>only one of which is regulation</u> . Other means, authorized by the Act, include but are not limited to: acquisition of lands and easements by purchase, or gift, either alone or in concert with other agencies; as well as other capital facility and/or non-structural programs.	included	"	accept revisions	accepted: 9-28-06	"		
138	07/20/06	Roger Almskaar	(5) <u>Regulation of private property to implement such goals must be consistent with all relevant constitutional and other legal limitations</u> . Local governments should use a <u>process designed to assure that proposed regulatory or administrative actions do not unconstitutionally infringe on private property rights</u> .	included	"	accept revisions	accepted: 9-28-06	"		
139	07/20/06	Roger Almskaar	(6) The land and water areas subject to the Act are legally different for the local program's planning function as contrasted to its regulatory function. The Act's jurisdiction may exceed the "shorelines of the state" boundaries for planning, but not for regulation.	included	"	accept revisions	accepted: 9-28-06	"		
140	07/20/06	Roger Almskaar	(7) Master Program policies and rules shall be integrated and coordinated with those policies and rules of local Comprehensive Plans and development regulations adopted under the GMA and RCW.	included	"	accept revisions	accepted: 9-28-06	"		
141	07/20/06	Roger Almskaar	(8) The Act makes protection of the shoreline environment an essential statewide policy goal, consistent with its other policy goals. <u>The governing principle protecting these ecosystems is accomplished by these guidelines in several ways, and in the context of related principles</u> .	included	"	accept revisions	accepted: 9-28-06	"		
142	07/20/06	Roger Almskaar	(8a) Local government uses a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines.	included	"	accept revisions	accepted: 9-28-06	"		
143	07/20/06	Roger Almskaar	(8b) master programs shall include policies and regulations <u>designed to achieve no net loss of those ecological functions</u> .	included	"	accept revisions	accepted: 9-28-06	"		

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144	07/20/06	Roger Almskaar	(8bi) Master programs shall include regulations, including mitigation standards, ensuring that each permitted development will not cause a new loss of shoreline ecological functions; <u>These regulations shall be designed and implemented in a manner consistent with all relevant legal limitations on the regulation of private property.</u>	included	"	accept revisions	accepted: 9-28-06	"		
145	07/20/06	Roger Almskaar	(8bii) Local master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of shoreline ecological functions.	included	"	accept revisions	accepted: 9-28-06	"		
146	07/20/06	Roger Almskaar	(8c) If a local government contains any shorelines with impaired ecological functions, its master program shall include goals and policies that provide for restoration...	included	"	accept revisions	accepted: 9-28-06	"		
147	07/20/06	Roger Almskaar	(8d) Local master programs shall evaluate and consider cumulative impacts... and contain policies, programs and regulations to address such impacts, and fairly allocate the burden of addressing such impacts among development opportunities. Evaluations should consider: (i - iii...)	included	"	accept revisions	accepted: 9-28-06	"		
148	07/20/06	Roger Almskaar	(8e) These <u>guidelines are not intended to limit the use of regulatory incentives...</u> that are designed to restore as well as protect ecological functions.	included	"	accept revisions	accepted: 9-28-06	"		
149	07/20/06	Roger Almskaar	(9) To the extent consistent with the policy and use preference of RCW 90.58.020, this chapter (i.e., these guidelines), and these [governing] principles, local governments have reasonable discretion to balance the policy goals of this chapter, in light of other relevant local, state and federal regulatory and non-regulatory programs, and to modify master programs to reflect changing circumstances.	included	"	accept revisions	accepted: 9-28-06	"		
150	07/20/06	Roger Almskaar	(10) In adopting and amending master programs, local government and DOE shall to the extent feasible, as required by RCW 90.58.100 (1), (a-f...)	included	"	accept revisions	accepted: 9-28-06	"		
151	07/20/06	Roger Almskaar	(11) In reviewing and approving local government actions under the Act, DOE shall ensure that the state's interest in shorelines is protected, including compliances with the policy and provisions of RCW 90.58.020.	included	"	accept revisions	accepted: 9-28-06	"		
152	07/20/06	Roger Almskaar	He proposed some definitions:							
153	07/20/06	Roger Almskaar	Adverse impact: A reasonable likelihood (or probability) of a significant, i.e. a more than moderate, adverse impact on environmental quality, i.e. as element of the environment per the state SEPA guidelines, WAC 197-11, which can be objectively measured, or is tangible (see significant, p75, city CAO ord, 2005)	included	151	accept revisions	accepted: 9-28-06	22.10 A 2		
154	07/20/06	Roger Almskaar	Nexus test: A rational, i.e. functional, relationship between a probable adverse impact (or impacts) from a proposed development proposal on a legitimate governmental interest or purpose, such as between a proposal's rationally predicted traffic impacts and documented current and officially planned capacity of adjacent streets.	included	159	accept revisions	accepted: 9-28-06	22.10 A 77		
155	07/20/06	Roger Almskaar	No net loss: a shoreline management guideline standard for permitted and exempt development. City staff shall identify the ecosystems to be adversely affected by a specific proposal. If requested by staff, the applicant for any development, whether requiring a permit or exempt, must reasonably demonstrate that its design and operation is not likely to cause significant adverse impacts on any functions) of an abutting shoreline ecosystem.	included	159	accept revisions	accepted: 9-28-06	22.11 A 78		
156	07/20/06	Roger Almskaar	Public interest: The community's concern with and right to long term protection of the (or, its) public health, safety and welfare, which may be, or is likely to be, adversely impacted to a significant degree by particular uses or development actions, whether public or private.	included	160	accept revisions	accepted: 9-28-06	22.11 A 86		
157	07/20/06	Roger Almskaar	Rough proportionality test: A case by case determination by the government that a particular condition of approval on a proposed project is reasonably related to both the character and the degree of a probable impact of the project on the public health, safety and welfare.	included	161	accept revisions	accepted: 9-28-06	22.11 A.96		

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158	07/20/06	Chris Morgan	page iv- penultimate paragraph - suggested "All proposals must comply with all relevant policies and regulations of the entire program as well as the general purpose and intent of the SMP'.	revised	vi	accept revisions	accepted: 9-28-06	page vi		
159	07/20/06	Chris Morgan	page viii - to the first sentence listing values of the waterfront, add "economic".	revised	viii	accept revisions	accepted: 9-28-06	page xiii		
160	07/20/06	Chris Morgan	page ix - first line - include "multi-family"	not a preferred use on shorelines		accept	accepted 12-12-06	no action		
161	07/20/06	Chris Morgan	page 4, line 15 - "bio-engineered" needs definition.	added to definitions	152	accept revisions	accepted: 9-28-06	22.10 A 8		
162										
163	07/20/06	Chris Morgan	page 4, line 27e - does the SMP need a statement relative to appropriate grandfathering?	nonconformity. 22.05.40	67	accept	accepted: 9-28-06	22.05.40		
164	07/20/06	Chris Morgan	page 17, line 16 - suggested "When there is an overlap between SMP jurisdictions and those governed by the Critical Areas Ordinance, the CAO shall govern."	no. discuss	23/18	accept	accepted: 9-28-06	22.03.10 C 1		
165	07/20/06	Chris Morgan	page 17, line 22 - maybe we shouldn't specify the elevation of MHHT or add "current" to the figure so as to allow for a rising sea.	MHHT is a fallback point of beginning when OHWM can't be found. USC & GS determines levels.	23/25	accept	accepted: 9-28-06	22.03.10 B and 22.11 A 80		
166	07/20/06	Chris Morgan	page 19, line 22 - do we have a problem with 1 rail and 1/2 a tie being in one designation and the other half being in another?	no. map is representation of a legal description for each shoreline designation section		accept	accepted: 9-28-06	no action		
167	07/20/06	Chris Morgan	page 21, line 17 - he wondered if there were conflicts here	no because the zoning in Natural desg's and the associated buffers are consistent with NAT mgmnt policies	27-8	accept	accepted: 9-28-06	22.03.30 A		
168	07/20/06	Chris Morgan	page 23, line 26 - how do we treat eroding shorelines?	case by case			accepted: 9-28-06			
169	07/20/06	Chris Morgan	page 23, line 33 - this is an incomplete sentence.	revised	31/18	accept revision	accepted: 9-28-06	22.03.30 B 2 j		
170	07/20/06	Chris Morgan	page 25, line 22 - suggested showing critical areas on map.	noted. All shorelines of the state are fish and wildlife habitat conservation areas (FWHCA's) per BMC 16.55.470		accept	accepted: 9-28-06	see BMC 16.55.470 AND WAC 222-16-030 (1)		
171	07/20/06	Chris Morgan	page 29, line 29 - strike "structurally engineered"; add "shoreline modifications"	no change	37/26	accept	accepted: 9-28-06	22.03.30 C 6 h		
172	07/20/06	Chris Morgan	page 31, line 15 - is there an OHWM for Lake Whatcom?	revised	38/26	accept	accepted: 9-28-06	22.03.30 C 6 c		
173	07/20/06	Chris Morgan	page 31, line 17 - when wouldn't 16.80 apply?	when SFR adds impervious area such that their total imp is below a threshold	39/20	accept	accepted: 9-28-06	22.03.30 C 6 f		
174	07/20/06	Chris Morgan	page 40, line 15 - the pocket beach at the foot of Wharf Street has history, good orientation and public recognition. He would like it included.	included	49/16	accept	accepted: 9-28-06	22.03.30 F 2 h		
175	07/20/06	Chris Morgan	page 71, line 17 - "frequently flooded area" needs definition.	BMC 16.55.370 B. 1-3	156	accept	accepted: 9-28-06	22.10 A 46		
176	07/20/06	Chris Morgan	page 71, line 22 - "high blowdown potential" needs definition.	included	157	accept	accepted: 9-28-06	22.10 A 58		
177	07/20/06	Chris Morgan	page 72, line 10 - incomplete sentence.	eliminated	83/8	accept	accepted: 9-28-06	sentence erased		
178	07/20/06	Chris Morgan	page 72, line 29 - "soil duff" needs definition.	included	132/9	accept	accepted: 9-28-06	22.10 A 115		

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179	07/20/06	Chris Morgan	page 96, line 32 - who decided Aquaculture is "a preferred water-dependent use"?	AQUAC is a W-D use: preferred per RCW 90.58		accept	accepted: 9-28-06	22.09.10 - Introduction		
180	07/20/06	Chris Morgan	page 98 - how about boating facilities on lake Whatcom?	allowed for SFR's and joint use	38/13	accept	accepted: 9-28-06	22.03.30 C 4 a		
181	07/20/06	Chris Morgan	page 100, line 11 - he would like to restore the deleted portion.	no change	114/22	accepted	to be reviewed on january 18	22.09.20 B 4		
182	07/20/06	Chris Morgan	page 101, line 6 - suggested "bio-engineering and soft-shore techniques"	revised	115/19	accept revision	accepted: 9-28-06	22.09.20 B 11		
183	07/20/06	Chris Morgan	page 103, line 6 - "oriented toward the shoreline" he suggested defining or elaborate.	defined	119/10	accept	accepted: 9-28-06	22.09.30 B 2		
184	07/20/06	Chris Morgan	page 103, line 31 - suggested "Non-water dependent loading and service"	revised	120/3	accept revision	accepted: 9-28-06	22.09.30 B 9		
185	07/20/06	Chris Morgan	page 104, line 4 - suggested "bulb types, reduced lumens, and shading devices"	revised	120/8	accept revision	accepted: 9-28-06	22.09.30 B 10		
186	07/20/06	Chris Morgan	page 106, line 14 - why was the deleted portion taken out?	City Shoreline Master Program should not do what proven state law has been designed to deal with in terms of contam sediments. 22.09.40 B.1.	123/2	accept	accepted: 9-28-06	22.09.40 B 1		
187	07/20/06	Chris Morgan	page 109, line 15 - suggested "Minimize shading and water surface coverage"	revised	126/24	accept revision	accepted: 9-28-06	22.09.60 B 3 d		
188	07/20/06	Chris Morgan	page 112, line 8 - suggested striking "should"; adding "may not impair"	revised	129/15	accept revision	accepted: 9-28-06	22.09.70 B 9		
189	07/20/06	Chris Morgan	page 117, line 21 - suggested striking "required"	no change	135/13	accept	accepted: 9-28-06	22.09.130 B 3		
190	07/20/06	Chris Morgan	page 121, line 19 - add "All ADA requirements must still be met"	no change - building permit still requires	139/19	accept	accepted: 9-28-06	22.09.150 A 7		
191	07/20/06	Chris Morgan	page 122, line 7 - suggested "requirements including those associated with the ADA". Suggested striking "opposite the shoreline" or the whole paragraph and expand page 121, line 17 to include mixed use.	revised	140/9	accept revision	accepted: 9-28-06	22.09.150 B 5		
192	07/20/06	Chris Morgan	page 126 - the top 2 deletion boxes have good stuff and again speak to alternatives.	re-revised	144	accept revision	accepted: 9-28-06	22.09.170 all new language		
193	07/20/06	Chris Morgan	page 127, line 24 - strike one of the "access roads"	revised	146/10	accept revision	accepted: 9-28-06	"		
194	07/20/06	Chris Morgan	page 129, line 24 - strike "height"; add "Top of said freestanding"	no change	147/19	accept	accepted: 9-28-06	22.09.180 B 5		
195	07/20/06	Tom Barrett	He would like to discuss prohibiting freestanding signage other than way finding.	revised and discuss	148/15	accept	accepted 12-12-06	"		
196	07/20/06	Tom Barrett	He would like to discuss regulation of structure renovations within 200 feet of the lake Whatcom shoreline so that they not increase the size of the existing structure.	discuss: said renovation subject to BMC 16.80 (Silver Beach Ord.)			accepted 12-12-06	22.03.30 C 6 e-f		
197	07/20/06	Tom Barrett	He would like to discuss regulation of new structures that replace structures that are torn down so that they will be no greater in size than the structure that was torn down.	discuss. Also see nonconformity: 22.05.40	67		accepted 12-12-06	22.05.40		
198	07/20/06	Tom Barrett	He would like to discuss the rationale for the proposed buffers for Padden Lagoon and Padden Creek and the impact of increasing those buffers.	please reference the mgmnt recdt's for pocket estuaries document:	22-23	accept	accepted 2-01-07	22.11.30 B		
199	07/20/06	Tom Barrett	He would like to discuss how a trail or public space would be built in a buffer area.	discuss: 22.08.70	95		accepted 12-12-06	22.08.70 all		
200	07/20/06	Tom Barrett	page 6, line 13 - suggested adding "Port of Bellingham" after Whatcom County.	revised	20-Nov	accept revision	accepted: 9-28-06	22.02.20 B 2 b		
201	07/20/06	Tom Barrett	page 17, line 26 - he asked if this is supposed to be "or more" instead of "or less".	revised	23/30	accept revision	accepted: 9-28-06	22.03.10 A and 22.10 A 104		

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202	07/20/06	Tom Barrett	page 19, line 1 - in reference to the appendix b maps - marine shoreline reach 1-8: from the I & J beach to the Bellwether is noted as mixed use. Any thought to extending the water-oriented uses only designation through here?	yes, but, mixed uses consistent with WFG. Port anticipates future shoreline mixed use on Bellwether Peninsula.			accepted 1-23-07	22.11.10 Marine 1-8 map		
203	07/20/06	Tom Barrett	page 19, line 1 - in reference to the appendix b maps - marine shoreline reach 1-8: he refers to the northeast end of Boulevard Park. There is no reference to the waterfront access there in the cove.	correct. TO DO. Public access only schematic?		staff will include existing and proposed public access sites on the shoreline designation maps.	clean final copy	no change		
204	07/20/06	Tom Barrett	page 19, line 1 - in reference to the appendix b maps - marine shoreline reach 9-21: he previously noted his question about the proposed buffers for Padden Lagoon and Padden Creek and possibility of increasing those buffers.	please reference the mgmnt recdt's for pocket estuaries document: and the set of shoreline working base maps			accepted 2-01-07	22.11.30 B		
205	07/20/06	Tom Barrett	page 22, line 11 - please note the last item in the far left boxes. What is the significance of the asterisk following "18-20"?	asterisk removed		accept	accepted: 9-28-06	22.11.30 A		
206	07/20/06	Tom Barrett	page 26, line 7 - he has concern on the buffers on Padden creek	please reference the mgmnt recdt's for pocket estuaries document: and the set of shoreline working base maps			accepted 2-01-07 Padden Creek upstream of McKenzie Avenue is regulated by the CAO; BMC 16.55	22.11.30 B		
207	07/20/06	Tom Barrett	page 34, line 10 - he would like to know why "and contaminated sediment remediation" was removed.	state law determines: RCW 70.105D and WAC 173-204			accepted: 9-28-06	22.03.30 D 2 j		
208	07/20/06	Tom Barrett	page 74, lines 1-3 - how will trails be built closer to the water?	discuss. Please see 22.08.70			accepted 12-12-06	22.08.70 B all		
209	07/20/06	Tom Barrett	page 99, line 7 - which entity determines the demand, how it is updated and with what frequency?	Port of Bellingham determines as property owner and has completed; "Bellingham Waterfront Lands Analysis" (Jan 2007) as well as updates to their comp scheme of harbor improvements which occurs as necessary - no set schedule.			accepted: 9-28-06	22.09.20 A 3 & B 4		
210	07/20/06	Tom Barrett	page 102, line 14 - what are the implications of deleting this section?	revised into subsection #6	117/17	accept	accepted: 9-28-06	22.09.30 A 6-7		

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211	07/20/06	Tom Barrett	page 118, line 26 - do you mean to limit parking to parallel? Should we list angled parking also or simply state "parking"?	revised	136/18	accept	accepted: 9-28-06	22.09.130 B 10		
212	07/20/06	David Auer	He revised his "top three issues" from the 7/20/06 meeting to read the following: (1) Include and emphasize of the Washington State Shoreline Law <u>purpose and intent</u> that is the basis for this document. Add a preface, and use quotes of actual RCW and WAC sections there and in other sections by revising the SMP document to include material as suggested by Sue Kaun's Attachments 1, 2 and 3 and Roger Almskaar's materials.							
213	07/20/06	David Auer	(1) Include and emphasize of the Washington State Shoreline Law <u>purpose and intent</u> that is the basis for this document. Add a preface, and use quotes of actual RCW and WAC sections there and in other sections by revising the SMP document to include material as suggested by Sue Kaun's Attachments 1, 2 and 3 and Roger Almskaar's materials.	included		accept	accepted: 9-28-06	v-vii		
214	07/20/06	David Auer	(2) Check and clarify the draft's statements on private property. Make sure they comply with the RCW and WAC basis and intent.				accepted: 9-28-06			
215	07/20/06	David Auer	(3) The Shoreline Master Program is the governing document for the New Whatcom area since all of Bellingham Bay is a Shoreline of Statewide Significance. All SMP standards for New Whatcom shall be in the SMP, and not delegated to the New Whatcom Master Plan. The New Whatcom area, whether or not it receives a special designation in the SMP, must comply with the priorities for a Shoreline of Statewide Significance. The Planning Commission will review ASAP the proposed standards for the proposed SMP special designation for the New Whatcom area. The current SMP draft of these provisions contains statements that are in conflict with the Planning Commission's stated goal of a 200 foot shoreline buffer throughout the New Whatcom area.	NWDP must be consistent with SMA and Shoreline Master Program. Buffers have not yet been proposed within the NWSDA. Further discussion recommended.		discussion	revised to incorporate new staff language and P. COMM's recommendation on buffers and setbacks for the New Whatcom shoreline designation.	22.03.30 F and 22.11.30 F		
216	07/21/06	Sandy Pratt	She agrees with David Auer that including the WA state regulations in section 22.01 would be helpful.	included		accept revision	accepted 9-28-06	22.01.40		
217	07/21/06	Sandy Pratt	page iv - second to last paragraph should read "exempt from"	revised	vi	accept revision	accepted 9-28-06	ix		
218	07/21/06	Sandy Pratt	appendix d - second page, under new Whatcom, second paragraph, 3rd line last word should be "is"	revised	3	accept revision				
219	07/21/06	Sandy Pratt	She would like a glossary	definitions chapter: 22.10	150	accept	accepted 9-28-06	22.100		
220	07/21/06	Sandy Pratt	She wondered how no net loss will be measured	the 2004 shoreline inventory is the base and the re-inventory at the time of the next update intend to show NO NET LOSS OF ECOLOGICAL FUNCTION - as will permit tracking			accepted 12-12-06	Next inventory should reflect NO NET LOSS OF ECOLOGICAL FUNCTION and permit tracking.		
221	07/21/06	Sandy Pratt	She would like how, where and when public access must be provided clarified.	clarified in 22.03.30 (designation sections) and 22.08.70 (public access	22.03: pg27 & 22.08.70: pg 95	accept	accepted: 9-28-06	22.11.30 specifies which developments must provide public access		
222	07/21/06	Sandy Pratt	page 71, lines 4-6 - can a trail be within the buffer if some types of remediation results in no net loss.	yes. Please see 22.08.10 and 22.08.70	82/7 & 95/8	accept	accepted: 9-28-06	22.08.70 B all		
223	07/21/06	Sandy Pratt	page 73, lines 23-26i, lines 27-28 page 74iv, lines 1-3 - it is not clear when trail will be allowed within the buffer; items (i) and (iv) seem to be contradictory. Also, what about trails over the water.	clarified in 22.03.30 (designation sections) and 22.08.70 (public access	22.03: pg27 & 22.08.70: pg 95	accept	accepted: 9-28-06	22.08.70 B 3		

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224	07/21/06	Sandy Pratt	APPENDIX B - she urged the advisory group to consider Mr. McCourt's suggestions, develop an aggressive restoration plan and include that plan in this document.	noted. Please ref APP A	22	accept	accepted: 9-28-06	end of Table 2 and Section 5 of REST PLAN (APP B) has included the work of the Inter-jurisdictional Coordinating Team (ICT) for Lake Whatcom		
225	07/21/06	Sandy Pratt	she would like a cross reference between the SMP and the CAO	please reference the 'WHICH RULES APPLY?' matrix.			accepted: 9-28-06	ATTACHMENT 1		
226	07/21/06	Sandy Pratt	in regard to the shoreline goals and objectives the ambiguous wording, legal issues, how the regulations would be applied and the lake Whatcom restoration plan need to be clarified.	included. Please reference APP A & MEMO from legal department			accepted: 9-28-06	22.02.10 and the ICT work products for Lake Whatcom		
227	07/21/06	Sandy Pratt	she expressed concern that how the shoreline designations would be applied in individual cases and especially for trails is ambiguous.	discuss			accepted 12-12-06	no action		
228	08/01/06	Whatcom County Association of Realtors	This ordinance bans off premise signage within shorelines and placement of signs on docks which infringes on the right of free speech guaranteed by the First Amendment of the Constitution.	off premise signage not allowed anywhere in the City. Real estate signage defers to BMC 20.12.040.	148	legal has reviewed ; accept revisions	clean final copy	defers to BMC 20.12.040		
229	08/01/06	Whatcom County Association of Realtors	They are concerned by the demands throughout the ordinance that private property owners grant public access on their property whenever they decide to build in the shoreline.	noted. Legal Dept and DOE reviewing BIA submittal. Please see City Memo attached.			accepted: 9-28-06	22.08.70		
230	08/01/06	Whatcom County Association of Realtors	Requiring public access to private lands is an automatic government taking that is required to be compensated.	noted. Legal Dept and DOE reviewing BIA submittal. Please see City Memo attached.			accepted: 9-28-06	22.08.70		
231	08/01/06	Whatcom County Association of Realtors	In the mitigation sequencing section, 22.08.100 3, the proposal references restoring the property to "historical conditions" which goes beyond the WAC.	revised	106/13	accept revision	accepted: 9-28-06	22.08.100 A 3		
232	08/01/06	Whatcom County Association of Realtors	The shoreline native vegetation management section, 22.08.80 goes beyond suggestions in the WAC and is unreasonable.	No change. 22.08.80 intends to achieve objectives in A. 1 a-i. These are not unreasonable objectives.	98-99	accept	accepted: 9-28-06	22.08.80 A 1 a-i		
233	08/01/06	Whatcom County Association of Realtors	They request that you remove al of subsection 4 in 22.08.80 as not being in line with the state guidelines.	no change.	101	accept	accepted: 9-28-06	22.08.80 B 1-34 a-i		
234	08/01/06	Whatcom County Association of Realtors	Also in 22.08.80, if a property owner has a critical areas analysis done by a professional they should not also have to have a native vegetation analysis by and ISA certified arborist.	revised. eliminated that requirement.	101/10	accept	accepted: 9-28-06	22.08.80 B 2		

	A	B	C	D	E	F	G	H	I	J
235	08/01/06	Whatcom County Association of Realtors	The required conservation easement in 22.08.80 B 5 is a constitutional taking unless the property owner is compensated.	no change. Conservation easement is consistent with WAC 173-26-221 5.	103/6	accept	accepted: 9-28-06	22.03.30 A 5 h and B 5 n		
236	08/01/06	Whatcom County Association of Realtors	Under the shoreline residential designation (g) it makes no sense to require that new native vegetation is installed PRIOR TO issuance of a building permit.	revised	40/1	accept revision	accepted: 9-28-06	22.03.30 C 6 g		
237	08/01/06	Whatcom County Association of Realtors	The Bellingham ordinance wants to replace appurtenant structures which is contradictory to the stated priorities in the SMA.	not exactly. Appurtenant structures are just that and are subject to setbacks/buffers	40/9	accept	accepted: 9-28-06	22.03.30 C 6 i		
238	08/01/06	Whatcom County Association of Realtors	They are concerned that most of the city is designated urban conservancy and the policies place restoring ecological functions as a priority. Restoration is costly and property owners should not have to pay for damages they did not cause.	revise again to keep purpose of UC to restore shoreline ecological function	31/2	accept revision	clean final copy	no change. 22.03.30 B 1		
239	08/01/06	Whatcom County Association of Realtors	They would like the underlying science justifying why absent fish and wildlife habitat the most protective buffer should apply in all situations.	Revised. The intent is that where critical areas in addition to FWHCA's are present the most protective buffer shall apply (wetlands for example)	35/7	accept revision	accepted: 9-28-06	22.03.30 B 5 d		
240	08/01/06	Whatcom County Association of Realtors	They disagree that preservation of critical areas should have priority over shoreline stabilizations and development objectives.	no change	31/22	accept	accepted 12-12-06	22.03.30 B 2 h		
241	08/01/06	Whatcom County Association of Realtors	In their opinion, if owners have a lawn down to the lake it should not have to be replaced with vegetation that blocks their views and prohibits their enjoyment of the lake. Please explain how the requirements in 22.03.30 C6f will not conflict with a property owners enjoyment of their property.	revised in 22.08.80 B 3 c.	100/29	accept revisions	accepted: 9-28-06	22.08.80 B 1 c iv		
242	08/01/06	Whatcom County Association of Realtors	mandating shared docks between people who don't like each other creates social problems. They encourage modifications that will allow property owners to have their own docks.	no change	22.09.130 B 1	accept	accepted: 9-28-06	22.09.150 A 3 & B 1		
243	08/01/06	Whatcom County Association of Realtors	They encourage changing the requirement so that parking is accessible to the shorelines and not prohibited.	no change	134/17	accept	accepted: 9-28-06	22.09.130 Introduction		
244	08/01/06	Whatcom County Association of Realtors	Denying roads in shorelines, denies public access opportunities. They would like the restrictions modified so that roads are not restricted in the shoreline.	revised	144-7	accept revisions	accepted 12-12-06	22.09.170 all new language		
245	08/01/06	Whatcom County Association of Realtors	They would like a policy that property owners are encouraged to preserve the aesthetic value for all by placing buildings, parking and utilities in optimal locations.	no change		accept	accepted: 9-28-06	already stated in various policy sections		

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246	08/22/06	City Enviro Resources Dept.	ER would like the opportunity to review the CMZ maps before they are finalized. Section 22.03 should provide guidance on how and when a CMZ delineation should be conducted.	Environmental Resources (ER) has reviewed the methodology for determining CMZ's			accepted: 9-28-06	APPENDIX E		
247	08/22/06	City Enviro Resources Dept.	Increased sea levels in the future will alter the area subject to Shorelines jurisdiction.	noted.	23 footnote #4	accept	accepted 12-12-06	22.03.10 B footnote #3		
248	08/22/06	City Enviro Resources Dept.	ER can help identify scientifically should buffer widths. Buffer widths should be based on best available science without regard to existing conditions or regulations.	Noted.	22.03.30	accept	accepted 12-12-06	22.11.30 A-F		
249	08/22/06	City Enviro Resources Dept.	In the Variance sections they suggest adding: "Streams and wetlands that are within mapped FEMA floodplains or have been designated as frequently flooded areas in 16.50.360 shall require the maximum buffer width. Variance from this requirement may only be provided upon a satisfactory showing that channel flow storage, along with channel and habitat forming processes, are not adversely affected by granting of said variance. For consideration of a variance a report shall be provided in conformance with section 16.50.190 and 16.50.XXX. Variances shall be mutually determined by the Planning and Public Works Directors. Appeals to their decision shall be brought to the Hearing Examiner.	no change. variance criteria and process are from state WAC and specified within 22.06.30	70	accept	accepted: 9-28-06	22.06.30 F; added frequently flooded areas		
250	08/22/06	City Enviro Resources Dept.	The SMP must address the importance of cumulative impacts throughout the document. They would like section .215 expanded to add a review layer that evaluates the significance of the shoreline or critical area within the singular development within the context of (1) full build-out of that watershed or shoreline segment and (2) other known development proposals within 0.5 miles that impact other shoreline and/or critical areas.	cumulative impact analysis forthcoming. Required prior to state approval			accepted: 9-28-06	cumulative impact analysis forthcoming. Required prior to state approval		
251	08/22/06	City Enviro Resources Dept.	22.02.20B1 - they do not agree with striking "redevelopment" from the first sentence.	revised	011/08	accept	accepted: 9-28-06	22.02.20 B 1 a		
252	08/22/06	City Enviro Resources Dept.	22.02.20B2e - they suggest adding: "redevelopment should be encouraged to improve ecological functions and restore riparian buffers where feasible".	revised	011/27		accepted: 9-28-06	22.02.20 B 2 d		
253	08/22/06	City Enviro Resources Dept.	22.02.20B2i - what is the timeline for re-inventory of critical areas?	at least once every seven years after adoption - inventory for shorelines must be conducted per RCW 90.58.080 3.	13/1	accept	accepted 12-12-06	at least once every seven years after adoption - inventory for shorelines must be conducted per RCW 90.58.080 3.		
254	08/22/06	City Enviro Resources Dept.	22.02.20D1 - they do not agree that new access is "paramount". It is important, but ecological function, safety and perhaps a number of other concerns area of equal or greater importance.	revised	15/6	accept revisions	accepted: 9-28-06	22.02.20 D 1 a		
255	08/22/06	City Enviro Resources Dept.	22.02.20D2k - where are "fish and wildlife conservation areas" designated? This needs to be clarified.	added to definitions	155	accept	accepted: 9-28-06	22.10 A 40		
256	08/22/06	City Enviro Resources Dept.	22.02.20E2 - add "or water quality" to the end of the sentence.	no change - ECO FUNCT includes water quality	17/18	accept	accepted: 9-28-06	22.02.20 E 2 a		
257	08/22/06	City Enviro Resources Dept.	22.02.20G2ev - they would like this item dropped because Maritime Heritage Hatchery and Whatcom Creek Fish hatchery are problematic.	eliminated	20/11	accept revisions	accepted: 9-28-06	22.02.20 G 2 e		
258	08/22/06	City Enviro Resources Dept.	22.02.20I2c - suggested: "Impervious surfaces should be reduced or minimized and native vegetation of a height and species sufficient to provide shade and filtration to adjacent water bodies should be ..."	revised	21/2	accept revisions	accepted: 9-28-06	22.02.20 I 2 c		
259	08/22/06	City Enviro Resources Dept.	22.03.10B - the SMP needs to provide some guidance as to how CMZ's will be defined.	APPENDIX E		accept	accepted: 9-28-06	APPENDIX E		

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260	08/22/06	City Enviro Resources Dept.	22.03.10B footnote 3 - add: "or sea level rise" after "... channel migration..." in line 1.	revised	23	accept revision	accepted: 9-28-06	22.03.10 B. SEE footnote #3		
261	08/22/06	City Enviro Resources Dept.	22.03.20A - add the following to the end of A (or as B): " The OHWM and Floodway boundaries associated with unconfined alluvial channels may shift during high flow events as a result of natural channel migration. Future changes in sea level are also predicted. Such changes may alter the area subject to shorelines jurisdiction, thus determination of whether a proposed activity is subject to regulations under the Shorelines Management Act must be based on field evaluation".	no change		accept	accepted: 9-28-06	22.03.20 A		
262	08/22/06	City Enviro Resources Dept.	22.03.30A2e - add: "New single family residences should be allowed in the Shorelines jurisdiction only when no suitable alternative building sites are available on the parcel outside of the Shorelines jurisdiction.	revised; 22.03.30 A 2 a-e	27/18	accept revisions	accepted 12-12-06	22.03.10		
263	08/22/06	City Enviro Resources Dept.	22.03.30A5c - replace "most protective buffer" with "maximum buffer width".	revised slightly; 'maximum' is misleading	29/11	accept revisions	accepted: 9-28-06	22.11.30 A		
264	08/22/06	City Enviro Resources Dept.	22.03.30B2e - It will be virtually impossible to achieve "no net loss of function" if shoreline modification is allowed for new development.	mitigation sequencing in 22.08.100 is always required. No change.	31	accept	accepted: 9-28-06	22.03.30 B 2 e		
265	08/22/06	City Enviro Resources Dept.	22.03.30B5b - Buffer widths must be based on science rather than existing conditions.	no change. Discussion	33		accepted 12-12-06	22.11.30 A-F; buffer tables		
266	08/22/06	City Enviro Resources Dept.	22.03.30C6b - A 25' buffer is too narrow to protect the City's drinking water source. The buffer should be at least 75 - 100 feet.	no change. Please see aerial photographs w/ buffer alternatives	39/6	make recommendation	clean final copy	22.11.30 B and C		
267	08/22/06	City Enviro Resources Dept.	22.04.20 - The shorelines jurisdiction defined in 22.03.10D1 uses the evaluation of OHWM or MHHT - should this be the same?	MHHT is a fallback (default) point of beginning when OHWM can't be found. USC & GS determines levels.		accept	accepted: 9-28-06	22.10 A 103-104		
268	08/22/06	City Enviro Resources Dept.	22.05 - When checking the State SMA language they noticed that they have made some revisions that affect this section, in particular 20.05.20B1k where the date should be September 8 1975, and 20.05.20B1p. These should be updated.	disagree. No change	61/14	accept	accepted: 9-28-06	22.05.20 B 1 k		
269	08/22/06	City Enviro Resources Dept.	22.08.10B3d vii - replace "road bridges" with "crossings".	revised and relocated to 22.09.150 B 9	146/26	accept revision	accepted: 9-28-06	22.09.170 B 7		
270	08/22/06	City Enviro Resources Dept.	22.08.10B3g ii - add "including water quality.	revised	86/21	accept revision	accepted: 9-28-06	22.08.10 B 3 g ii		
271	08/22/06	City Enviro Resources Dept.	22.08.10B3 g iv - (new) Provided such structures do not interfere with channel migration of flood conveyance capacity.	revised	86/26	accept revision	accepted: 9-28-06	22.08.10 B 3 g iv		
272	08/22/06	City Enviro Resources Dept.	22.08.60B1a - strike "structural" to make it clear that this applies to both hard structures and bioengineering.	revised	93/8	accept revision	accepted: 9-28-06	22.08.60 B 1 a		
273	08/22/06	City Enviro Resources Dept.	22.08.100A3 - replace "historical" with "natural".	revised	106/13	accept revision	accepted: 9-28-06	22.08.100 A 3		
274	08/22/06	City Enviro Resources Dept.	22.08.110A1 - they do not agree that "eliminate" should be replaced with "minimize".	revised	108/1	accept revision	accepted: 9-28-06	22.08.110 A 1		

	A	B	C	D	E	F	G	H	I	J
275	08/22/06	City Enviro Resources Dept.	22.09.30 - add a policy to encourage or require the use of LID for commercial developments.	revised	117/2	accept revision	accepted 12-12-06	22.09.30 A 1		
276	08/22/06	City Enviro Resources Dept.	22.09.40A6 - adding the word maintenance has made this really confusing.	not as common practice as used to be but WDFW would recmnd maint dredg'g in cases where excessive fine sediments prevented redd building or where flooding was common and homes were in danger.	122/3	revised	clean final copy	22.09.40 A 6		
277	08/22/06	City Enviro Resources Dept.	22.09.80A - policy section seems to be missing.	overall in-water policies spec'd in 22.08.70	128/1	accept	accepted: 9-28-06	22.09.70 INTRODUCTION		

	A	B	C	D	E	F	G	H	I	J
278	08/22/06	City Enviro Resources Dept.	22.09.80A - add a prohibition of shading of the photic zone, where such shading would interfere with fish migration.	revised - although some water dependent uses require some shading from placement of necessary in-water structures.	128/7	accept revision	accepted: 9-28-06	22.09.90 A 2		
279	08/22/06	City Enviro Resources Dept.	22.09.90 - policy section seems to be missing.	overall in-water policies spec'd in 22.09.70	128/1	accept	accepted: 9-28-06	22.09.70: Introduction		
280	08/22/06	City Enviro Resources Dept.	22.09.105A2 - suggests: "Uses and site design should incorporate protection or <u>reestablishment</u> of the maximum amount of native vegetation on a particular site."	revised	131/25	accept revision	accepted: 9-28-06	22.09.100 A 2		
281	08/22/06	City Enviro Resources Dept.	22.09.150A2 - they prefer the original text.	noted. Revised in subsection 1-3	144	accept revisions	accepted: 9-28-06	22.09.170 revised whole section		
282	08/22/06	City Enviro Resources Dept.	22.09.150A3 - they prefer the original text.	noted. Revised in subsection 1-3	144	accept revisions	accepted: 9-28-06	22.09.170 revised whole section		
283	08/22/06	City Enviro Resources Dept.	22.09.150B3 - they think this item should be deleted.	noted. Revised.	145	accept revision	accepted: 9-28-06	22.09.170 revised whole section		

	A	B	C	D	E	F	G	H	I	J
284	10/27/06	Cathy McKenzie	1. Clearly delineate the concept of 200-foot shorelands and the buffers needed to adequately protect the associated upstream habitat riparian areas so that the SMP and CAO complement each other with the maximum protections allowable under the law, specifically for Padden, Chuckanut, and California creeks.	22.03.10 delineates jurisdiction limits and coordination with CAO. Padden and Calif. Creeks are under CAO.	23	accept	accepted 12-12-06	22.03.10 C and C 1		
285										
286			Clarifying excerpt: Management recommendations for riparian habitat are developed to meet the goal of maintaining or enhancing the structural and functional integrity of riparian habitat and associated aquatic systems needed to perpetually support fish and wildlife populations on both site and landscape levels. Riparian habitat characteristics required by fish and wildlife include habitat connectivity; vegetation diversity in terms of age, plant species composition, and vegetation layers; vegetation vigor; abundance of snags and woody debris; unimpeded occurrences of natural disturbances and minimization of human-induced disturbances; an irregular shape; and a width that is adequate to retain riparian habitat functions.	noted. 22.08.10 B.1. needs to be revised to same as BMC 16.55.500 D.3.	82/16	staff will revise	clean final copy	revised. 22.08.10 B 1		
287										
288	10/27/06	Cathy McKenzie	2. Coordinate Bellingham's Shoreline Master Plan (SMP) and Critical Areas Ordinance (CAO) so the following habitats of local significance are identified, defined, and adequately protected based on best science and adaptive management practices that can be applied to both public and private lands situated within the city's urban boundaries:				accepted 12-12-06			
289			Ecologically threatened functional pocket estuaries (Padden, Chuckanut, Whatcom)	these are specifically called out in BMC 16.55.470 A 5	CAO, pg 53	CAO defers to SMP for reg of these features because they are marine. Accept	accepted 12-12-06	further identified in Chapter 22.03.30 A: natural: marine 19 B: urb convcy: marine 12, 13, 15, 17 & 19 and Whatcom 1		
290			Vulnerable remaining natural riparian buffer areas upstream of 200-foot shoreline along salmon-bearing streams (Padden, Chuckanut, California)	confusing. Can only apply SMP legally to 200' jurisdiction. Please see 22.01.40 A. 6.	24-Feb	accept	accepted 12-12-06	22.01.40 A 6		
291			Relatively undisturbed remaining mature, forested urban wetlands consisting of interconnecting Category 1, Category 2, and Category 3 wetlands (100-Acre Wood)	CAO governs. BMC 16.55.270.	CAO, pg 23	accept	accepted 12-12-06	BMC 16.55.270 (APPENDIX C)		
292										
293	10/27/06	Cathy McKenzie	3. Include provision in both the SMP and CAO for an Urban Wildlife and Habitat section (similar to that included in the Everett SMP), which emphasizes both preservation and restoration; includes a specific, prioritized implementation plan; and is accompanied by staff budget requests and a timeline for updating the Wildlife and Habitat Assessment and completing related environmental impact statements and monitoring of the above-listed habitats of local significance, including:	RESTORATION PLAN AND 22.08.100 - mitigation sequencing.	Sect 4	accept	accepted 12-12-06	RESTORATION PLAN and 22.08.100 - mitigation sequencing		
294										

	A	B	C	D	E	F	G	H	I	J
295			accurate and up-to-date species identification	2004 Shoreline Inv.				2004 Shoreline Inv.		
296			population counts	is set up so that				is set up so that		
297			defined breeding and nesting grounds	City can either fill				City can either fill		
298			necessary buffers	in gaps or reasses				in gaps or reasses		
299			other benchmarks to prevent further net loss while research continues and encroaching development projects are permitted	at the time of the next inventory.		accept	accepted 12-12-06	at the time of the next inventory.		
300										
301	10/27/06	Cathy McKenzie	4. Incorporate more specific urban riparian forest buffer protection standards in order to assure that all streams and shorelines will be protected by a forested or other riparian buffer; conserve existing forests along all streams and shorelines; and increase the use of all riparian buffers and restore riparian forests in the watershed by specific dates in time and where they will be of greatest value to water quality and living resources.	noted. Please see 22.03.30 and 22.08.10 and .80	pgs 33-35, pg 82 and pg 98.	accept	accepted 12-12-06	22.03.30 A and 22.08.10 and .80		
302			Width for Conserving: A width of 100 feet on each side is recommended for protection of existing riparian forests. Individual jurisdictions may choose to apply greater widths in specific situations or to meet predetermined needs.	see 22.03.30 - shoreline desig's		accept	accepted 12-12-06	22.11.30 A-D; almost all have a min 100-foot buffer		
303			Riparian Forest Buffer Composition: The RFB composition will include a diversity of native, noninvasive woody trees and shrubs (multiple species including hardwoods).	noted. Please see 22.08.80	pg 98-103	accept	accepted 12-12-06	22.08.80 A 4		
304			Management should not compromise the integrity of the buffer for water quality and living resource benefits.	noted			accepted 12-12-06			
305			Stream Definition: Any perennial or intermittent stream or shoreline is eligible for voluntary participation in forest buffer restoration or conservation. Free-flowing perennial streams and 1st and 2nd order streams (small streams) are priority areas.	noted. CAO manages type 3,4, and 5 streams.		no change	accepted 12-12-06	noted. CAO manages type 3,4, and 5 streams.		
306	10/27/06	Cathy McKenzie	5. Identify, define, and implement the methodology for determining and protecting the city's high-priority urban conservation corridors, as submitted in earlier SMP recommendations by WWU/Huxley College Biologist John McLaughlin and as outlined by Nahkeeta Northwest Wildlife Services Biologist Ann Eissinger in the City of Bellingham Wildlife and Habitat Assessment.	discuss. See SMA working basemaps. Also see 22.08.10	82		accepted 12-12-06	See Ann Eissinger's Habitat Scores and Habitat Risk maps, SMA working basemaps and 22.08.10 B 1 and 22.11.30 A-F		
307			Coordinate land trust priorities for land protection with town priorities.	REST PLAN: APP B	4/42 and all of pg 5	accept revision	accepted 12-12-06	RESTORATION PLAN		
308			If a property with high value habitat is on the market, and especially where the town has not adequately protected it (allowing reasonable use through very low density and open space zoning), the selectboard, planning board, conservation commission, and local conservation groups can work together to consider and potentially pursue acquisition of the property.	REST PLAN: APP B	5/38	accept revision	accepted 12-12-06	RESTORATION PLAN		
309			Encourage landowners with high value habitat on their property to enroll in either the Farmland and Open Space or Tree Growth Tax Programs.			staff to revise	final clean copy	REST PLAN: APP B, Section 5		
310			Purchase development rights on large undeveloped blocks to manage the land as fish, plant, and wildlife habitat.	REST PLAN: APP B	Sect 4 pg 4/5	accept revision	accepted 12-12-06	RESTORATION PLAN; Section 4 Goal #3 and Obj's 10-12		

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311			Purchase conservation easements that stipulate no development and allow public access for recreation, if compatible with the land.	REST PLAN: APP B	5/14	accept revision	accepted 12-12-06	RESTORATION PLAN; Section 4 Goal #3 and Obj's 10-12		
312			Purchase right-of-first-refusal on property that includes important habitat; if acquired, consider a limited development scheme, either for town use or for use in a limited residential development to help cover the cost of acquisition.	REST PLAN: APP B	Sect 4 pg 4/5	accept revision	accepted 12-12-06	RESTORATION PLAN; Section 4 Goal #3 and Obj's 10-12		
313			6. Establish, implement, and enforce scientifically adequate protective standards for existing urban riparian forest buffers, including:							
314			upstream streambank protection	22.08.110		no change	accepted 12-12-06	22.08.110		
315			tree, canopy, and shrub retention	22.08.80		no change	accepted 12-12-06	22.08.80		
316			wildlife wetlands habitat buffers	BMC 16.55.340		no change	accepted 12-12-06	BMC 16.55.340 (CAO)		
317	10/13/06	Kevin Cournoyer	SMP should specify the thorough and permanent removal of mercury. Included a list of those supporting full removal of mercury.	noted			accepted 12-12-06	22.09.40		
318	11/11/06	Sue Kaun	Possibly implement or include Tri-County 4(d) rule either in CAO or SMP.	noted			accepted 12-12-06	did not include - not completed		
319	10/06/06	Sue Kaun	Likes the comment tracker. Useful and transparent.	noted			accepted 12-12-06	noted		
320			Likes the Preface.	noted			accepted 12-12-06	noted		
321			Addition of Governing Principles makes SMP more powerful.	noted			accepted 12-12-06	noted		
322			Coordinate the SMP and CAO to address those areas that are beyond the 200' jurisdictional limits so that watersheds can be protected also. 200' shoreland area needs to be highlighted more so in the SMP	noted			accepted 12-12-06	noted		
323			No restoration plan for Lake Whatcom.	noted. The ICT has a set of mgmnt recommendations that will be referenced in an updated REST PLAN: APP B.	REST PLAN: APP B pg 26	revised	accepted 12-12-06	REST PLAN: APP B, Section 5		
324			Restoration opportunities for Bellingham Bay within the REST PLAN: APP B are not listed in order of priority. Included list of prioritized restoration sites from the PILOT PROJECT's HABITAT REPORT.	revised	pg 28	accept	accepted 12-12-06	REST PLAN: APP B, Table 3		
325	11/11/06	R. Almskaar	Preface is good but should state RCW 90.58.020 in its entirety	noted		staff to revise	final clean copy	v-vi		
326			page viii-ix is confusing as to city and state goals and policies	noted		no change	final clean copy	xiii-xiv		
327			source of Gov Principals and relat'nship to SMA and SMP should be stated	noted		no change	final clean copy	22.01.40		
328			22.01.30: list in order of power, SMA, GMA, GOV PRINCIPALS, Guidelines then City doc's	noted		staff to revise	final clean copy	22.01.30		
329			redefine 'nexus' and 'no net loss'	noted		staff to revise	final clean copy	22.10 A 77 & 96		
330			specify which shorelines are in fact FWHCA's	noted		staff to create map depicting	final clean copy	see comment #170		
331			definition of OHWM in question	noted		no change	final clean copy	22.10 A 80		
332			public access should not be required on private properties			staff to revise to make clear. WAC 173-26-241 (3) (d) requires	final clean copy	22.11.30 A-F		
333			policy and regulatory section on no net loss, habitat connectivity and native veg management need clarity on when its required and when not.	noted		staff to revise within definitions	final clean copy	22.10 A 78, REST PLAN: APP B, and 22.08.80		

	A	B	C	D	E	F	G	H	I	J
334			remove statement about CUP's required to provide public benefit	noted		revised	final clean copy	22.06.40		
335			opposes DOE's use of 'should' and 'shall'	noted		no change	final clean copy	no action		
336	11/16/06	BIA	public access; protecting private property and constitutional limitation language is vague	noted		staff to revise to make clear. WAC 173-26-241 (3) (d) requires	no action taken	22.08.70 B 7 and 22.01.40 B 5		
337			no mention of nexus or proportionality in terms of public access	they are mentioned in 22.08.70 7. (b)		no change	no action taken	22.08.70 B 7 and 22.01.40 B 5		
338			public access easement / dedication is a taking and property owners should be compensated for those	noted	97/20	reviewed by City legal and DOE - language as proposed meets intent	no action taken	no change to these items as a result of this comment		
339			question the threshold of 4 single family residences to require pub access	comes directly from WAC 173-26-221 (4) (d) iii	97/28	no change	accepted 12-12-06	22.08.70 7 C		
340			question the requirement for public access in conjunction with NON-WATER-ORIENTED uses.	comes directly from WAC 0173-26-241 (3) (d) i-ii		see 22.03.30	accepted 12-12-06	22.11.30 A-F		
341			why isn't public access required for development with shorelines that are zoned public and designated natural?	because all public zoned property that is also designated natural has existing access		no change	accepted 12-12-06	no change		
342			where is 'nexus' and 'proportionality' in general for any use in any designation	noted		staff to revise: add to 22.06	final clean copy	22.01.40 B 5		
343			vegetation management section is cumbersome and confusing.	noted		revised	final clean copy	22.08.80		
344			why is property owner responsible for 100% success rate on trees planted.	noted - trees are most important feature in riparian areas.		no change	final clean copy	22.08.80		
345			what is 'volunteer' native vegetation	native vegetation that establishes and succeeds on its own		staff to revise	final clean copy	22.08.80 B 2 e		
346			oppose conservation easements on private property - prop owners should be compensated for these	staff disagrees. Not a taking. Legal has reviewed.		could exempt existing SFR from this req: such as lake whatcom	final clean copy	22.03.30 A 5 h and 22.03.30 B 5 n		
347	11/22/06	steve to do:	better explanation of which types of development are exempt from all requirements (ie. Native veg - pub access etc: this section applies to:.....	noted		staff to revise	final clean copy	22.11.30 A-F (tables)		
348	05/22/06	Wendy Steffensen	She asked that references be included in the entire document.	noted		revised		References are now listed		
349	05/22/06	Wendy Steffensen	She would like the phrase "no net loss of ecological functions" changed to "no net loss of ecological functions and processes".	noted		no change		definition of no net loss of ecological function includes processes. See 22.10 A 78		

	A	B	C	D	E	F	G	H	I	J
350	05/22/06	Wendy Steffensen	22.02.10A: Include DOE's FEIS Pilot Habitat Restoration Projects as part of the general goals and objectives.	noted		no change		included in REST PLAN: APP B, Section 5 - Restoration Implementation Strategies		
351	05/22/06	Wendy Steffensen	22.02.20A2b: Marine shorelines along Boulevard and Zuanich should be targeted for shore softening where possible.	noted		revised		22.02.20 A 2 b		
352	05/22/06	Wendy Steffensen	22.02.20A2c: This objective is two separate thoughts and should be worded differently.	noted		revised		22.02.20 A 2 c		
353	05/22/06	Wendy Steffensen	22.02.20S2c, 22.02.20C4d, 22.02.20D2h: These areas are urban conservancy and the shoreline features must be protected and restored. Any development should be minimized and roadways should be kept out of shoreline designation in these areas. She asked that "mixed-use water-orientated development" needs to be defined.	noted		re-defined as 'shoreline mixed use'		new language on roads in 22.09.170 and see definitions; 22.10 A 106 for shoreline mixed use		
354	05/22/06	Wendy Steffensen	22.02.20C4c: She suggested changing the last sentence to "When development occurs, it shall protect existing ecological functions. Improving shoreline ecological functions and processes shall be implemented, where feasible. These changes are necessary to maintain the no net loss of ecological functions and processes."	noted		revised		22.02.20 C 2 c		
355	05/22/06	Wendy Steffensen	22.02.20F2f: Access points for water taxis should not be located in or near critical areas of pocket beaches and estuaries. She suggests that they be powered by 4 stroke engines.	noted		small revision to address shoreline ecological function		22.02.20 F 2 f		
356	05/22/06	Wendy Steffensen	22.03.30A5c, 22.03.30B5b: She would like an explanatory note to explain why different buffers were chosen.	different environments, different systems with different shoreline ecological functions and different development patterns		no change		22.11.30 A-F		
357	05/22/06	Wendy Steffensen	22.03.30B2e: She asked for clarification on "does not degrade existing shoreline functions".	noted		inferred. Removed phrase		22.03.30 B 2 e		
358	05/22/06	Wendy Steffensen	22.03.30B5b: She expressed concern that some of the buffers are not as stringent as those in the CAO.	CAO defers to SMP for marine influenced waters. Nowhere is SMP minimum buffer less than in CAO for same freshwater feature		no change		no action		
359	05/22/06	Wendy Steffensen	22.03.30B5c, 22.03.30C6c: The phrase "other than fish and wildlife habitat conservation areas" does not make sense. She would like clarification or removal.	there are some shorelines that have other critical areas within the shoreline jurisdiction such as freq flooded ares or wetlands		no change		no action		

	A	B	C	D	E	F	G	H	I	J
360	05/22/06	Wendy Steffensen	22.03.30B5f,g: The height limits in the urban conservancy area appear excessive.	noted. Some UC shorelines are within residential zoned areas and are limited to 35-feet. Other UC shorelines are within areas that we anticipate some infill. Bonus story only available if all other criteria for hght can be met		no change		22.11.30 B		
361	05/22/06	Wendy Steffensen	22.03.30C6, D5: She asked that "no net loss" of ecological function be added to shoreline residential and urban marine.	noted		revised		22.03.30 C 6 a and 22.03.30 D 5 a		
362	05/22/06	Wendy Steffensen	22.03.30C2h: She expressed concern that this sounds like a single joint use dock should be installed. She suggested adding "Installation of docks should only occur where they are permissible and when they are shared over 0.25 miles (or some other measure)."	noted		no change		22.03.30 C 2 k		
363	05/22/06	Wendy Steffensen	22.03.30C6b: She would like this buffer to be 100' because Lake Whatcom is the city drinking water source.	noted. SMP defers to BMC 16.80 (Silver Beach Ordinance) to limit lot coverage, intends to improve nearshore by prohibiting bulkheads and implements Lake Whatcom Restoration Plans and Actions already in place and supported by both councils.		no change		22.11.30 C		
364	05/22/06	Wendy Steffensen	22.03.30D2f: She suggested adding a provision about critical areas within the urban marine designation. Critical areas should be protected and restored wherever they occur.	noted		revised		22.03.30 D 2 b		
365	05/22/06	Wendy Steffensen	22.03.30D2f: Add a provision that no new hard steepened bulkheads will be put in place where they do not already exist, and that hard armors will be replaced with soft bulkheads, wherever feasible.	noted. UM reaches are inteneded for water-dependent uses as a priority and in some instances - new bulkheads may be necessary. These ares are designated for these intense uses.		no change		no action		

	A	B	C	D	E	F	G	H	I	J
366	05/22/06	Wendy Steffensen	22.03.30D3a: Marine reach 7 and a portion of 6 (midway of Pine Street to the corner of Pine & Cornwall) should be designated urban conservancy, in keeping with the community's desire for open space and a park at this site.	noted. These reaches have been designation New Whatcom shoreline mixed use. When non-water-oriented uses develop as part of a shoreline mixed use, public access and habitat restoration are requir'd		no change		no action		
367	05/22/06	Wendy Steffensen	22.03.30D4a, b: Locations for different permitted uses are unclear in the NWSDA - the map does not show the dotted line in this area. She suggested that the use specifications that are the same be given only once, and the ones that are different be specifically called out.	noted. Please see new use / regulation matrix				22.11.30 F		
368	05/22/06	Wendy Steffensen	22.03.30D4aiii, 22.03.30D4biii: Change the wording to say "... to provide access (both visual and physical) to the shorelines for the public."	noted. Don't need to say why a permitted use is permitted -		revised to just note the permitted use.		22.03.30 D 4		
369	05/22/06	Wendy Steffensen	22.03.30D5b: There are no buffers in the urban marine area. Wherever possible shorelines should be softened and sloped. Buffers, containing native plantings, should be instituted for areas that do not require hardscapes. She suggested 200' buffer for marine reach 7 and a portion of 6 (midway of Pine Street to the corner of Pine & Cornwall), if these are not moved to urban conservancy.	noted. These ares are intended for high-intensity water-dep and water-rel uses.		no change		no action		
370	05/22/06	Wendy Steffensen	22.03.30E2b,c,d: Words relating to the size and impact of over-water structures should not be struck. She would like those reinserted.	noted		no change		22.03.30 E 2 b-d		
371	05/22/06	Wendy Steffensen	22.03.30E2e: Replace "to allow for" with "to enhance".	citation doesn't match		no change		no action		
372	05/22/06	Wendy Steffensen	22.03.30E2g: She would like this provision to be applied and inserted into the policies for all uses.	citation doesn't match		no change		no action		
373	05/22/06	Wendy Steffensen	22.03.30E2j: The term "appropriate uses" is too vague.	citation doesn't match		no change		no action		
374	05/22/06	Wendy Steffensen	22.03.30E5b: She would like the word "also" stricken.	noted		revised		22.03.30 E 5 b		
375	05/22/06	Wendy Steffensen	22.03.30E5: Add a provision for mooring and anchorage in City and Port managed areas. There should be designated anchorages in order to not harm eelgrass and other species of submerged aquatic vegetation and in order to not disturb any contaminated sediment left in place.	noted		added		22.03.30 E 5 c, e-f		
376	05/22/06	Wendy Steffensen	22.05.10G: She asked if there is such a thing as "lands held in trust for individuals".	individuals are not exempt but lands held for conservation in perpetuity by individuals may not be developable.		revised.		22.05.10 G		
377	05/22/06	Wendy Steffensen	22.05.20A: She expressed concern that this is not clear that a developer must comply with the program regardless of whether they need a shoreline permit. She suggested adding what permits or exceptions might be needed and where those can be found. She would like a section added to describe the substantial shoreline development permit and list the exemptions. She would like a description of when a conditional use permit is required.	noted		no change		22.05.20 A 1-3		

	A	B	C	D	E	F	G	H	I	J
378	05/22/06	Wendy Steffensen	22.05.20A7: Exemptions can only be conditioned if the developer gets a shoreline conditional use permit or a statement of exemption, yes? Otherwise, how will these permits be tracked?	not exactly. Exemptions may be conditioned such that the request complies with the requirements in the SMP.		no change		no action		
379	05/22/06	Wendy Steffensen	22.05.20B1: She wonders how the exemptions are permitted.	exemptions are permitted via the building permit process but not until a shoreline review, compliance check and exemption letter have been issued.				no action		
380	05/22/06	Wendy Steffensen	22.05.20B1o: She suggested changing "plan" to "project" in the 4th paragraph: "Watershed restoration project means a project..."	noted. The plan implements the project and the plan is reviewed for exemption				no action		
381	05/22/06	Wendy Steffensen	22.05.40B, C: When replacing structures, these new structures should comply with the present code, with the stipulation that reasonable use should be allowed if doing so would diminish the available buildable land.	noted - can't exceed or increase existing nonconformity.		no change		no action		
382	05/22/06	Wendy Steffensen	22.05.40G3: The sentence is incomplete.	noted		eliminated		no action		
383	05/22/06	Wendy Steffensen	22.06.30: She would like mitigation and no net loss included in this section.	noted. Already included		no change		22.06.30 D and E		
384	05/22/06	Wendy Steffensen	22.06.30F: No development activity should be allowed waterward of the OHWM or in Class 1 or 2 wetlands.	noted. There are situations that arise where this is necessary; roadway for necessary circ.		no change		no action		
385	05/22/06	Wendy Steffensen	22.08.10B3a: How close can clearing and grading occur next to a shoreline?	as close as necessary for a permitted use or activity but still subject to mit sequen		no change		no action		
386	05/22/06	Wendy Steffensen	22.08.10B3b: Name bulkheads as part of "shoreline erosion control measures".	bulkheads are categorized as shoreline modification and stabilization		no change		22.08.110		
387	05/22/06	Wendy Steffensen	22.08.10B3h: Add a provision for stormwater conveyance facilities: Water quality shall be tested twice per year, once in the rainy season and once in the dry season, for DO, pH, oil & grease, and zinc, with results submitted to the City.	noted. This section only speaks these being allowed features. 22.09.170 speaks to requirements of these.		no change		22.08.10 B 3 g		

	A	B	C	D	E	F	G	H	I	J
388	05/22/06	Wendy Steffensen	22.08.20A1: Change the first sentence to "No net loss of ecological functions or processes shall occur in critical areas or shorelines of the state..."	noted		revised somewhat		22.08.20 A 1		
389	05/22/06	Wendy Steffensen	22.08.30A2: Include the Nooksack Tribe in the list of government entities.	noted		revised		22.08.30 A 2		
390	05/22/06	Wendy Steffensen	22.08.40A2: She asked if this includes the PaddenCreek restoration and how the policy is enacted.	this is for those streams that are shorelines of the state only. Padden is managed by CAO.		revised somewhat		22.08.40 A 2		
391	05/22/06	Wendy Steffensen	22.08.60A6: She expressed concern that this statement is unclear.	noted		revised		22.08.60 A 6		
392	05/22/06	Wendy Steffensen	22.08.60B1a: Strike the phrase: "when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures."	noted		revised		22.08.60 B 1 a		
393	05/22/06	Wendy Steffensen	22.08.60B4: In order to obtain public access, will an access fee on property be assessed for those who did not grant or dedicate easements?	no. granting a public access easement is required when providing public access is also req'd		no change		22.09.70 B 9		
394	05/22/06	Wendy Steffensen	22.08.80B3f: What ensures compliance after the 5 year period?	nothing. 5 years has been proven effective for veg to have successfully established.						
395	05/22/06	Wendy Steffensen	22.08.70B: These regulations do not state what is required for public access, given type and size of development. They also do not state how the public access requirement is met through the variety of methods listed; conservation easement, outright purchase, via an existing parks plan, etc.	reviewed and approved on a case-by-case basis		revised		22.08.70 B 2		
396	05/22/06	Wendy Steffensen	22.08.80B3b: Parenthetical sentence is incomplete. Also, please specify what happens in the urban maritime designations, in order to ensure no net loss.	noted. See new standards for New Whatcom shoreline designation veg management		revised		critical area report is submitted per BMC 16.55.210-.220 and .480 so that baseline can be established. See ATTACHMENT 1		
397	05/22/06	Wendy Steffensen	22.08.80B5: It is not clear when a conservation easement is required. In the third line, strike the repeated words "includes the".	noted, subsection eliminated and placed into shoreline desig regulations		revised		now required in the NAT and UC shoreline designations; 22.03.30 A and B		
398	05/22/06	Wendy Steffensen	20.08.90A2: Add a provision that boats, water taxis or jitneys along lake and marine shorelines should use minimal to non-polluting power sources, such as a 4-stroke motor or better.	noted		revised		22.08.90 A 1 f		
399	05/22/06	Wendy Steffensen	22.08.110B2e: Append the following [hrase, "nor will it contribute to the degradation or erosion of other stretches of shoreline and properties"	noted - already addressed in B 2 a		no change		22.08.110 B 2 a		
400	05/22/06	Wendy Steffensen	22.09.10A2: Change this to "aquaculture should only be used for shellfish, algal, and plant species. Aquaculture of finfish shall not be allowed."	noted		revised		22.09.10 A 2 -3		
401	05/22/06	Wendy Steffensen	22.09.20A: She suggested adding "Improvements to existing boating facilities should be made as to minimize their impacts, restoring hydrologic function of the water body and maintaining viability of aquatic organisms.	noted		revised		22.09.20 A 10		

	A	B	C	D	E	F	G	H	I	J
402	05/22/06	Wendy Steffensen	22.09.20B2: Strike "that are previously disturbed or"	noted, the intent of this phrase allows redevelopment of a disturbed / impacted area for boat facilities		no change		22.09.20 B 2		
403	05/22/06	Wendy Steffensen	22.09.20B4: Add the regulation "Boating facilities shall be designed with Whatcom County residents in mind. The anticipated demand should include only those people from Whatcom County, and the numbers of slips in wach size class should proportionately reflect those needed by residents in Whatcom County.	preferential treatment to Whatcom County		no change		22.09.20 B 4		
404	05/22/06	Wendy Steffensen	22.09.20B: Add "The minimum level of management of pollution at new and existing marinas shall be the best management practices for marinas.	noted.		no change		22.09.20 B 8		
405	05/22/06	Wendy Steffensen	22.09.30B3: The cited reference should be 22.08.70. It must be stated what kind of public access is required and what percent of space the access should entail.	it is		no change		22.09.30 B 3		
406	05/22/06	Wendy Steffensen	22.09.40B4: Contaminated dredge material should be removed upland. She did not want to allow in water disposal sites.	defers to state law for DOE has authority		no change		22.09.40 B 4		
407	05/22/06	Wendy Steffensen	22.09.40B: Add a policy that dredging activity will be well-publicized to the local fishers and crabbers associations.	noted		revised		22.09.40 A 7		
408	05/22/06	Wendy Steffensen	22.09.60A1: For clarity strike "but in both".	noted		revised		22.09.60 A 1		
409	05/22/06	Wendy Steffensen	22.09.60A2: Expansions should be encouraged, only where it will not adversely affect ecological functions and processes.	noted		revised		22.09.60 A 2		
410	05/22/06	Wendy Steffensen	22.09.60A5: What is the meaning of "on shorelines with severe physical limitations?"	noted		revised		22.09.60 A 7		
411	05/22/06	Wendy Steffensen	22.09.60B6: It must be stated what kind of public access is required and what percent of space the access should entail.	no. public access form and quantity shall be determined on a case-by case basis		no change		22.09.60 B 4		
412	5/22/006	Wendy Steffensen	22.09.70B5: Add pentachlorophenol-treated wood to the list of prohibitions.	noted		revised		22.09.70 B 6		
413	05/22/06	Wendy Steffensen	22.09.90B: Add a prohibition on shading of the photic zone, where such shading would interfere with fish migration.	noted and addresssed		reivsed		22.09.90 B 2		
414	05/22/06	Wendy Steffensen	22.09.90: Add: "Shading of the photic zone is not allowed because such shading interfere with natural fish movement." She suggested prohibiting single use docks, and require multiple use docks that would service a certain number of homes or a certain length along the shoreline.	its allowed but it has to be minimized. Single use docks are associated with SFR's which are a preferred use on shorelines		no change		22.03.30 C 6 k and 22.09.90 A 2 and		
415	05/22/06	Wendy Steffensen	22.09.100A5: Strike "when located over a critical area" and add the prohibition on floats over critical areas.	these are not prohibited but need to be minimized and mitigate impacts		no change		defers to 22.08 which deals with development in buffers and types of critical areas		
416	05/22/06	Wendy Steffensen	22.09.110A2: Remediation should not be held for concurrent redevelopment.	noted - eliminated		revised		22.09.110 A		
417	05/22/06	Wendy Steffensen	22.09.100B1: It is not clear how the lighting plan will be used or approved.	noted		revised		22.09.120 B 3		

	A	B	C	D	E	F	G	H	I	J
418	05/22/06	Wendy Steffensen	22.09.115B: Add "Parking should only be allowed to encroach into the shoreline zone if it supports a water dependent recreational or public access feature or if no other reasonable alternative exists, such as development on a small parcel.	noted		no change		22.09.130		
419	05/22/06	Wendy Steffensen	22.09.115B3: She would like this stricken.	no. water-dependent uses are preferred and parking is accessory to those		no change		no action		
420	05/22/06	Wendy Steffensen	22.09.120B5: What was the reason for striking the WFG framework plan? She suggested it be reinstated.	noted		re-instated		22.09.140 B 5		
421	05/22/06	Wendy Steffensen	22.09.120B6: The public access requirement needs to be defined.	noted		revised		22.09.140 B 6		
422	05/22/06	Wendy Steffensen	22.09.140B1: She asked if this is for Lake Whatcom only. It makes it sound as if a dock must be built.	noted		revised		22.09.150 B 1		
423	05/22/06	Wendy Steffensen	22.09.140B3,4,5: She asked for clarification on the public access requirements.	noted. References public access section 22.08.70		no change		22.09.150 B 3-5		
424	05/22/06	Wendy Steffensen	22.09.150B1: This regulation undoes much of policy A2. She suggested striking regulation B1 and replacing it with policy A2.	noted		whole section revised		22.09.170		
425	05/22/06	Wendy Steffensen	22.09.150B3: She does not want transportation circulation next to the shoreline. She suggested striking the exception and make this an outright prohibition.	noted		whole section revised		"		
426	05/22/06	Wendy Steffensen	22.09.150B6: Development of new public streets and street ends should not be allowed within shoreline jurisdiction.	noted		whole section revised		"		
427	05/22/06	Wendy Steffensen	22.09.150B8: This does not tell me what the consequences of boring under the shoreline are.	noted		whole section revised		"		
428	05/22/06	Wendy Steffensen	22.09.150B14: It is not clear why the requirement does not apply.	noted		whole section revised		"		
429	05/22/06	Wendy Steffensen	22.09.170B: Add a regulation that details where stormwater facilities are required.	BMC 15.42 specifies when and a project proponent determines where.		no change		22.09.190		
430	05/22/06	Wendy Steffensen	22.09.170B6: She wondered what happens after 5 years and who takes on the management.	after 5 years the owner is responsible for managing		no change		no action		
431	05/22/06	Wendy Steffensen	In the definitions section: check the definition on the bottom of page 133 - dredging.	noted		revised to 'bedlands'		22.10 A 30		
432	05/22/06	Wendy Steffensen	APPENDIX B page 3: She suggested not using "restoration" in the broad sense. She suggested using restoration, conservation or enhancement.	noted		revised		2007 DRAFT REST PLAN: APP B, Section 3		
433	05/22/06	Wendy Steffensen	APPENDIX B page 3: She suggested adding to the benefits listed in urban restoration "Restored habitat can provide a connectivity to adjacent, more functional habitats".	noted		revised		2007 DRAFT REST PLAN: APP B, Section 3		
434	05/22/06	Wendy Steffensen	APPENDIX B page 4: Additional restoration objectives should be "Removal of contaminated sediments; Reduction in contaminant loading into waterways, and; Removal of overhanging shading structures over deep water. She would like this inserted into Table 1.	noted and added into Section 3 and is captured in parts of TABLE 2.		revised		2007 DRAFT REST PLAN: APP B, Section 3		
435	05/22/06	Wendy Steffensen	APPENDIX B page 12: In table 2 change "Restoration objectives by water-body type" with "Restoration opportunities".	noted		revised		REST PLAN: APP B; TABLE 2		
436	05/22/06	Wendy Steffensen	Table 2 pages 13-21: She suggested amending the heading "Restoration Activity" in table 2 to say "Ongoing Restoration Activity (as of April 2006)."	noted		no change		REST PLAN: APP B; TABLE 2		

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437	05/22/06	Wendy Steffensen	Table 2 pages 13-21: Information listed under Restoration activity and Monitoring Activities should include a statement of who is doing the work and any citation to the work, if applicable.	no change at this point as this is not a required element of the REST PLAN: APP B		no change		no action		
438	05/22/06	Wendy Steffensen	Table 3 pages 23-36: The third heading "Who" should be removed.	noted		revised		TABLE 3		
439	05/22/06	Wendy Steffensen	Table 3 pages 23-36: She would like the opportunities from the Waterfront Futures Group report listed.	noted. Added to TABLE 3		revised		TABLE 3		
440	05/22/06	Wendy Steffensen	Table 3 pages 23-36: She felt that the statement "work will begin when funding is available" is misleading because some projects do not have a proponent actively seeking funding.	noted. The projects don't get started unless \$ is available		no change		no action		
441	05/22/06	Wendy Steffensen	Table 2 & 3, pages 13-36: The distinction between table 2 and 3 is not very great. She suggested merging them with the headings of restoration opportunity, restoration objective, project detail (including basic background info, proponent, monitoring basics) and status.	noted. TABLE 2 is meant to be directed towards the objectives and TABLE 3 is meant to be project specific and may be altered as necessary w/out a formal amendment process.		revised		no action		