

ECOLOGY MAY 25, 2011 PUBLIC HEARING COMMENT SUMMARY MATRIX – CITY OF BELLINGHAM SHORELINE MASTER PROGRAM

Section	Comment/Concern	Requested Change	Source of Comment	Resolution/Response
1. Inventory Characterization	Inventory is out-of-date and under reports fish, wildlife and habitat occurring in reaches.	Update the inventory and establish the correct baseline for determining no-net-loss of shoreline functions.	Wendy Harris	The City intends to update the 2004 Shoreline Characterization and Inventory (SCI) when the next SMP update is due in 2018.
2. Cumulative Impacts Analysis	Flawed due to out-dated information on land use, population, and recent development in past 5 yrs.	Fully consider the impacts of future development and identify mitigation to support no-net-loss of shoreline functions.	Wendy Harris	Cumulative Impacts Analysis does fully consider impacts FOR EACH REACH as well as at the watershed scale. Implementation of the Restoration Plan in order to develop non-water-oriented uses (NWO) goes above and beyond basic mitigation sequencing in order to achieve No Net Loss (NNL).
3. Cumulative Impacts Analysis	Intensified shoreline use by humans, pets, and recreational vehicles will cause a loss of habitat in the long-term.	Discuss how these increased human scale impacts, such as from improved public access, will be addressed and made compatible with restoring habitat and protecting shoreline functions.	Wendy Harris	The SMP cannot necessarily regulate who goes to public access areas. Shoreline designations have been established which identify appropriate uses for appropriate reaches where long-term impacts to habitat will not occur. Furthermore, IMPROVING (and providing) public access are one of the key elements within the SMA and therefore within the SMP.
4. No Net Loss	The proposal does not contain adequate measures to meet the “no net loss” standard. Specifically, the provisions for the Waterfront District, Lake Whatcom, In-Water Structures, Docks and Moorage are lacking “no net loss” standards.	Put objective, quantifiable standards to measure shoreline ecological functions in the SMP and Restoration Plan, and devise a specific method to measure “no net loss” on a project level.	Wendy Harris	This is precisely what the City intends to do at the time we perform our next inventory as part of our next update, due in 2018. The data field topics were specifically set up so that when we go back for our next update we can demonstrate no net loss has occurred. Ecological functions are different in each shoreline reach. It would be difficult to specify such standards. Instead, project proponents must document what pre-project functions do exist. SMP standards are performance based – except for buffer widths – in order to maintain the existing functions at a particular reach.
5. Ch 22.08.120 Shoreline Modification /Stabilization	The SMP doesn’t restrict the net amount of shoreline modifications that can be constructed.	Avoid or severely restrict shoreline modifications in sensitive shoreline areas.	Wendy Harris	Correct. The SMP does not regulate the net <i>amount</i> of shoreline modification. Rather the SMP specifies that this type of activity is only allowed as an element of a water-oriented uses, or, as restoration. However, there are other types of activities – such as Public Flood Protection Measures specified in 22.08.10.B.4.e where those features may also be necessary. It should also be noted that there is a reference to 22.08.120 (B.4) which includes criteria that limits when engineered modifications / stabilization techniques can be used. POTENTIAL REVISION: 22.08.10.B.4.b. should be rewritten in order to account for other types of activities / uses as specified above in order to be an accurate cross-reference.
6. Ch 22.02 Shoreline Goals & Objectives	Conflicts in priorities not addressed. In particular, public access and habitat protection in the same location are not compatible.	Provide a specific method that resolves the inherent conflict between the various shoreline goals.	Wendy Harris	The shoreline goals are intended to be considered evenly or, balanced according to WAC 173-26-176(2). Specifically, 22.08.90.B.13 addresses conflicts between public access and shoreline ecological function: shoreline ecological function takes precedence.

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7. Ch 22.02.20.B.2.d ; 22.02.20.C.2.a &g	Shoreline development improperly used to achieve no-net loss of shoreline functions.	Revise the goals and regulations to more realistically reflect the impacts of development on ecological functions.	Wendy Harris	22.02.20.B.2.d. does not say... "in order to" improve ecological function. 22.02.20.C.2.a, g. "encouraged" is used as a way to improve shoreline function above and beyond what mitigation requires.
8. Ch 22.03.30.C Shoreline Residential Environment designation	Ecological functions need to be protected before development is allowed.	Revise section so that ecological functions are prioritized for protection over accommodating residential development.	Wendy Harris	The goal is to do both simultaneously, bearing in mind that SFR's are a preferred use on shorelines.
9. Ch 22.03.30.F Waterfront District Environment designation	The process is flawed in that it bases the proposed designation on a future master plan yet to be developed. Where are the mitigation requirements to compensate for increased development and activity impacts to wildlife and habitat?	Base the environment designation on an adopted master plan, and increase the buffers.	Wendy Harris	No. The shoreline designation is Waterfront District based upon the <i>boundaries</i> of an anticipated master plan at some point in the future. Furthermore, the MAXIMUM buffers and setbacks apply if a master plan for the site (or a portion of it) is NOT adopted. Finally, the existing condition is heavily impacted – especially at the shoreline edge. The objective of implementing buffers at all in this designation will be a major improvement beyond what currently exists in terms of FUNCTION.
10. Ch 22.09; Ch 22.02.20H.2.a	Reference to outside documents creates confusion and problems over time.	Take the relevant provisions and place them directly into the SMP.	Wendy Harris	No. Each time a separately referenced document is amended then an SMP amendment also has to be completed which we wish to avoid as it is lengthy process.
11. Format & Organization	Many of the provisions are scattered and not well cross-referenced or indexed.	Include in the index a section that references the provisions that apply to each of the different watersheds. Add section numbers to the top or bottom of the page.	Wendy Harris	POTENTIAL REVISION: Add section numbers on each page, move some subsections from 22.08, General Regulations into 22.09, Use Regulations and vice-versa to be more consistent to the Guidelines.

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12. Mitigation Sequencing Ch 22.08.20	The terms "mitigation, minimization and compensation need to be clearly defined and applied.	Using the phrase "The <u>type of</u> development shall be designed using mitigation sequencing and shall provide compensatory mitigation for its remaining impacts" would be clearer.	Futurewise/People for Puget Sound	The Mitigation Sequencing language is taken from the Guidelines in WAC 173-26-201(2)e. POTENTIAL REVISION: Add clarity that specifies sequencing is listed in priority order and other clarifications that refer to NNL.
13. Ch 22.110.30.A; 22.110.30.B; 22.110.30.C;	In the Natural, Urban Conservancy, and Shoreline Residential designations, uses are deferred to what is allowed under the city's zoning code which is not specifically provided.	Establish a Use Matrix that clearly states what uses are permitted, permitted by conditional use, and prohibited in each designation.	Futurewise/People for Puget Sound	POTENTIAL REVISION: Eliminate reference to BMC 20.16, Conditional Uses. Add a use matrix at the beginning of each shoreline designation that specifies whether or not W-D, W-R, W-E or N-W-O uses are allowed outright, require a Shoreline CUP or are prohibited. (Please see each designation in 22.03.30)
14.	SMP is silent on mining and agriculture thereby allowing these uses everywhere as an unclassified CUP.	Address specifically in SMP by permit type or list as prohibited, and provide development standards where allowed.	Futurewise/People for Puget Sound	POTENTIAL REVISION: Prohibit these activities as these are not uses that are permitted outright within the City limits.
15. No Net Loss Ch 22.08.20	Should also apply to other shoreline values besides ecological functions	Add all ecological functions (regardless of location), wildlife habitat (regardless of location), navigation, public access, visual access, and water quality.	Futurewise/People for Puget Sound	No. The requirement is to apply the standard of "No Net Loss of ecological functions of the shoreline" to each shoreline development application as specified in WAC 173-26-186(8) and as further identified in WAC 173-26-201(3)(d)(i)(C). Navigation, public and visual access are not ecological functions, although

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				still require mitigation in some form if impacted.
	No environments include the concept of “use-intensity” therefore high-intensity uses may inappropriately be allowed in low-intensity or sensitive environments such as Natural or Urban Conservancy.	Include “use-intensity” provisions in the SMP particularly in the Natural and Urban Conservancy designations.	Futurewise/People for Puget Sound	The shoreline designations ARE based upon use-intensities and have been assigned in accordance with WAC 173-26-211(3). For example, all but one of the NATURAL designations are in areas that are zoned low-density single family residential or within City parks. Further, the URBAN MARITIME designations allows for the highest intensity uses consistent with the underlying zoning of marine or light industrial. The 2004 SCI and the Cumulative Impact Analysis (CIA) includes additional rationale for the designations based upon physical / ecological characteristics as well as underlying zoning and project development / growth.
16. Ch 22.09	Shoreline Modifications are treated like “uses” and allowed everywhere independent of the primary use; thus modifications can be allowed whether the primary use can justify it or not.	Link shoreline modifications to primary uses where appropriate and prohibit shoreline modifications when not so justified. Prohibit structural modifications in the Natural designation.	Futurewise/People for Puget Sound	POTENTIAL REVISION: Revise language that clarifies differences between uses and activities and that there are those occasions where an activity is the sole action. Sections to be revised; 22.08.10.B.4 and 22.08.120.
17. Ch 22	Explicit use limits, contained in the SMP Guidelines, on several different uses in the Natural and Urban Conservancy designations have not been applied.	Include use-intensity limits in the Natural and Urban conservancy designations such that uses that inherently cause damage to the intact shoreline resources are prohibited.	Futurewise/People for Puget Sound	As stated above, the NATURAL designation has been applied to either very low single family density (Marine 18-20) where very steep slopes also occur. Squalicum Creek reaches 6-8 occur within industrial zoned areas yet, Section 22.08.10.B.2 specifies that buffer extends to outer edge of FEMA floodplain – which is also present. The NATURAL designation allows for N-W-O uses which are required to implement elements of the RESTORATION PLAN which is consistent with the ‘purpose’ of such designation in the GUIDELINES. The URBAN CONSERVANCY designation has been rightfully applied to shorelines where either development is expected but in low-density areas such as Chuckanut reach 4 and Squalicum reaches 9-11 or, where development has already occurred (Marine reaches 9 and 13-17) or, where redevelopment is expected but has historically been allowed to be as close as 25-feet (Whatcom reaches 2-3). URBAN CONSERVANCY also allows N-W-O uses which require same implementation of the RESTORATION PLAN.
18. Ch 22.	Uses and modifications need to be clearly differentiated. Modifications should only be allowed to support a primary use and, all modifications need to meet general principles and standards.	Modifications for non-water-dependent uses should be prohibited or meet special conditions. Allow only modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.	Futurewise/People for Puget Sound	Agreed. See Response to comment #16.
19. Ch 22.08.10.B4.b Buffers	All modifications are allowed in the buffer even for non-water oriented uses. Buffer impacts need to be avoided, and if not possible, provided compensatory mitigation.	Limit the allowed items to only those for water-dependent uses, water-related uses, authorized due to a reduction for hardship, emergency damage prevention, or for linear facility water crossings when no other alternative is feasible.	Futurewise/People for Puget Sound	Section 22.08.B.4 specifies that additional requirements apply such as those in Chapter 22.09; Use Regulations which address feasibility, NNL, etc. POTENTIAL REVISION: Ensure that 22.08.10.B.4.b and 22.08.120 correctly reference one another and specify that shoreline modification / stab should only be allowed for public W-E uses, NOT private W-E uses. Also see response to comment #16.

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20. Ch 22.08.10.B4.b Buffers	It is unclear whether any marine nearshore areas are critical areas or are protected with buffers.	Apply scientifically-based buffers to marine nearshore areas such as areas used by juvenile salmonids and forage fish.	Futurewise/People for Puget Sound	Tables in 22.11.30 A-F specify buffer widths for all marine reaches according to their shoreline designation.

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21. Ch 22.08.100 Vegetation Management	Compensatory mitigation must accompany development in a buffer.	Add a clear statement requiring compensatory mitigation for buffer impacts. Require that a buffer be made fully functional in instances where the impact is in an undisturbed area.	Futurewise/People for Puget Sound	Section 22.08.100.B.1.c.ii specifies that vegetation required as mitigation is to be installed within required buffer.
22. Ch 22.09.30.10 Commercial.	This provision should also be placed in section 22.09.120 Lighting.	Add provision to Lighting section to apply in general.	Futurewise/People for Puget Sound	There are several use regulations that should be placed in the General Provisions such as Lighting and potentially vice versa POTENTIAL REVISION: Check all Use Regulations and place appropriate ones in General Provisions if applicable.
23. Aquaculture	Regulations should distinguish between highly-functioning aquatic areas and already impacted areas.	Intensive aquaculture should be prohibited in highly functioning aquatic areas and adjacent to Natural shoreline designations.	Futurewise/People for Puget Sound	Section 22.09.10.B.1 specifies this.
24. Boating Facilities	Modifications such as ramps and gatehouses should only be allowed in marinas or for public facilities.	Limit the location of ramps, gatehouses and other modifications to marinas and public facilities. Exclude only docks serving four or fewer residences from this category.	Futurewise/People for Puget Sound	POTENTIAL REVISION: Revise narrative in Section 22.09.20 and clarify when / where ramps, gatehouses can be allowed.
25. Ch 22.09.20 Boating Facilities	The definition for “boating facilities” doesn’t match the SMP Guidelines.	Change from “more than nine motorized craft” to “serving five or more residences” so that multi-family residential, upland residential moorage, and small marinas are included.	Futurewise/People for Puget Sound	POTENTIAL REVISION: Revise to be consistent with Guidelines narrative.
26. Ch 22.09.20 Boating Facilities	Live-a-boards and barge homes should not be allowed to discharge grey/black water etc and should only be allowed in marinas where septic facilities are available.	Prohibit live-a-boards and barge homes except in marinas having required grey water and septic hookups.	Futurewise/People for Puget Sound	POTENTIAL REVISION: Include live-aboard, vessel, boathouse in definitions section (22.10) and clarify either prohibition or reference to 22.03.30.E. (Aquatic Designation) The Port has requirements for live-aboards within the marinas and they are the appropriate agency to monitor hookups / pump-outs.
27. Ch 22.09.80 Piers, Floats, Pilings – Lake Whatcom & Lake Padden	The standards are too lenient and should be written to minimize overwater coverage. Additional standards are needed for lifts, and related accessories.	Provide a minimum dock length and require that if an adequate depth for the intended moorage cannot be reached at that length then alternative moorage methods such as a buoy, mooring piles, etc must be used. A requirement that “the minimum length necessary to meet the needs of the water-dependent use” needs to be added per the SMP Guidelines.	Futurewise/People for Puget Sound	POTENTIAL REVISION: Revise dimensional standards to be consistent with current application of limits: 4-foot width, one 8’ x 16’ float, length relative to depth needed – as opposed to an average – minimum height above OHWM, grating, etc., remove allowance for ‘bump-out’ at end of pier.
28. Ch 22.09.90 Piers, Floats, Pilings – Protected Marine Shorelines	It isn’t clear if the float dimensions are limited to 8 ft x 16 ft per Ch 22.09.08 for saltwater locations. No length limit appears to be in effect for marine shorelines.	Clarify what the float size and dock length limits are for marine locations and require that over-sized boats use a marina. A requirement that “the minimum length necessary to meet the needs of the water-dependent use” needs to be added per the SMP Guidelines.	Futurewise/People for Puget Sound	Performance standards already exist in 22.09.90.A – B.
29. Ch 22.09.30.B.11a Commercial & Ch 22.09.60.B11a - Industrial Uses	Allowing non-water oriented development in conjunction with water-oriented uses is not consistent with SMP Guidelines.	Revise to read “in conjunction with water-dependent uses” not water-oriented uses. Establish a ratio of water-dependent to water-oriented uses in a mixed-use development.	Futurewise/People for Puget Sound	The URBAN MARITIME and WATERFRONT DISTRICT “water-oriented use” sub-areas do NOT allow stand alone N-W-O uses – only those that support or are accessory to a W-O use UNLESS they are proposed as temporary within either the two large warehouses at the shipping terminal or in any remaining historic structures. N-W-O uses in these building requires a shoreline conditional use permit wherein the time period for

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				<p>operation would be specified. (Shoreline CUP's are approved by DOE.)</p> <p>URBAN MARITIME and WATERFRONT DISTRICT "shoreline mixed-use" sub-areas DO allow N-W-O uses in conjunction with W-O uses due to the existing nature and intensity of existing development, planned restoration activities, existing habitat functions and consistency with either adopted plans (Waterfront Futures Group Framework Plan) or those master plans that are under development (Waterfront District Master Plan.)</p> <p>Furthermore, allowance of N-W-O uses in these locations allows the City to require implementation of a minimum of three objectives within the RESTORATION PLAN.</p> <p>A ratio is too restrictive, or overly burdensome. Finally, there are performance standards dealing with N-W-O uses when part of a shoreline mixed use; no residential on ground floor, N-W-O uses have to be either on second story or on portion of ground floor opposite the shoreline.</p> <p>POTENTIAL REVISION: It could be further clarified in the URBAN CONSERVANCY marine reaches that if N-W-O uses are developed simultaneous with a W-R or W-E use the same performance standards shall apply.</p>
30. Ch 22.09.70 – In-Water Structures and other Modifications	Modifications such as dredging, breakwaters, stabilization etc should only be allowed for water-dependent uses and only when impacts are fully mitigated.	Place limits on these modifications so that they are only allowed for water-dependent uses, water-crossings, or hardships.	Futurewise/People for Puget Sound	<p>Some of these features are more of an AQUATIC use and therefore are regulated in Section 22.03.30.E.</p> <p>POTENTIAL REVISION: Examine opportunity to clarify between these and shoreline stabilization, determine if cross-referencing to other sections is adequately covered.</p>
31. Ch 22.03.10.B Shoreline Jurisdiction	Although the applicant should be responsible for providing jurisdiction information e.g. OHWM, it is the city that needs to make the actual shoreline jurisdiction determination.	Clarify that the applicant provides the required information but that the city makes the shoreline jurisdiction determination.	Futurewise/People for Puget Sound	POTENTIAL REVISION: Clarify as suggested.
32. Ch 22.05.20.B.2d Statements of Exemption	It isn't clear when a statement of exemption is required by the city in this clause.	Revise the sentence to read, "...a statement of exemption shall be required, as determined by the city, prior to issuance of the building permit."	Futurewise/People for Puget Sound	POTENTIAL REVISION: Clarify as suggested.
33. Ch 22.02.20 C.2.a	A clearer link to the Restoration Plan and how no net loss can be achieved should be provided throughout the document. A net gain in ecological functions should be the goal in order to overcome cumulative impacts and losses over time.	Revise the sentence to read, "Development on shorelines should result in no net loss of ecological function. <u>Mitigation should be carried out in accordance with the Restoration Plan, Appendix B, such that a net gain in ecological function is achieved in the areas being restored, enhanced or conserved.</u> Redevelopment should be encouraged to improve ecological functions and restore riparian buffers."	ReSources for Sustainable Communities	<p>Mitigation may only address expected impacts of a project and must be implemented via the sequential order specified in 22.08.20; Mitigation Sequencing.</p> <p>The RESTORATION PLAN is intended to help achieve a net-gain over time by implementing it in concert with N-W-O uses.</p> <p>POTENTIAL REVISION: Clarify in 22.02.20.B.1.a, "Restoration and Conservation," the intent of the RESTORATION PLAN.</p>
34. Ch 22.02.20 – C.2.c	Clarify this provision by adding the word "enhancing" and by using more direct language.	Revise the sentence to read, "Economic development on City shorelines should focus on a multi-use concept with emphasis on 'infill' areas identified in the 2004 Comprehensive Plan EIS. Providing public access to the shorelines should be an integral element of mixed-use development. Restoring, <u>enhancing</u> and protecting shoreline ecological functions <u>should also be implemented such that a no net loss of</u>	ReSources for Sustainable Communities	POTENTIAL REVISION: Add 'enhancing' as suggested.

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		shoreline ecological function is achieved.”		
35. Ch 22.02.20 – C.2.f	Use “net gain” rather than “no net loss” when referring to the ecological function of a natural system only as supported by the Restoration Plan.	Revise the sentence to read, “Riparian corridors should be protected and restored such that there is a <u>net gain</u> in shoreline ecological function.”	ReSources for Sustainable Communities	POTENTIAL REVISION: Add and / or clarify how and when restoration is achieved via the RESTORATION PLAN and in concert with N-W-O uses.
36. Ch 22.02.20 – F.2.f.	There should be a link between improving circulation and analysis of cumulative impacts, in addition to emphasizing that “no net loss” be achieved through restoration, enhancement and conservation actions.	Revise the sentence to read, “Existing water transportation systems for industrial, commercial and recreational uses should be maintained. Where feasible and consistent with the Waterfront Futures Group Framework Plan, access points at the aquatic / upland interface should be installed where water-borne circulation can provide alternate means of mobility throughout the City and the region, as well as enhance the economic and recreational benefits to the public. <u>All efforts to this end should be analyzed for cumulative impacts, and appropriate restoration, enhancement and conservation of shoreline areas should be implemented such that there is no net loss of shoreline ecological function.</u> ”	ReSources for Sustainable Communities	Using the term ‘cumulative impacts,’ generally, can be problematic because there are several different applications for the term cumulative impacts; cumulative impacts of a specific project, cumulative impacts of multiple same type of projects in a specific area and a cumulative impacts analysis that is required as an element of an SMP Update. The total cumulative impacts of a specific project are required to be considered when reviewing a shoreline permit application and applying mitigation. Cumulative impacts of multiple similar projects are required to be analyzed via the shoreline variance and shoreline conditional use permit procedures. A cumulative impacts analysis was performed as an element of the City’s SMP Update process. This analysis concludes that by implementing the updated SMP the City intends to achieve NNL and in some reaches a net gain in existing shoreline ecological function.
37. Ch 22.08.20 – A.3.	The Restoration Plan states that a net gain in ecological function is necessary to offset cumulative impacts. Restoring the affected area to “near” its initial condition implies that a degraded condition would be adequate. The language here needs to be stronger in addressing restoration resulting in a net gain in ecological function of the affected environments, which is essential in obtaining the objective of no net loss.	Revise the sentence to read, “Rectifying the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas and their associated buffers, by repairing, rehabilitating, or restoring the affected environment <u>so that there is a net gain in ecological function of the impacted system.</u> ”	ReSources for Sustainable Communities	Please response to comment #12. Please also see Section 22.04.10.A.8.b.i, “Governing Principles.”
38. Ch 22.08.20 – A.4	Clearly define “life of the action”. Continued monitoring needs to be emphasized to ensure that a net gain in ecosystem function has occurred, to offset development and use cumulative impacts.	Revise the sentence to read, “Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action, <u>and by continued monitoring of the affected environment so that preservation and maintenance operations can be revised to ensure no net loss.</u> ”	ReSources for Sustainable Communities	POTENTIAL REVISION: Clarify the phrase ‘life of the action.’
39. Ch 22.08.20 – D	It should be stated clearer that developers are responsible for mitigating for immediate and cumulative impacts and that the monitoring of restoration efforts is required to ensure that there is no net loss	Revise the provision to read, “ <u>Appropriate and adequate application of the mitigation sequencing in A., above, shall achieve no net loss of shoreline ecological functions for each new development. Required mitigation shall be appropriate to the magnitude of the immediate and cumulative impacts of each new development, shall proceed according to the Restoration Plan, Appendix B, and shall result in no net loss of shoreline ecological function.</u> ”	ReSources for Sustainable Communities	The intent of this section is to further emphasize that mitigation sequencing cannot be applied in order to achieve a “net gain.” Please also see Section 22.04.10.A.8.b.i, “Governing Principles.”

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40. Ch 22.08.50 – A.1	The term “net gain” refers to ecological functioning of natural systems and habitats apart from human impacts and is more consistent with the Restoration Plan objectives.	Replace “no net loss” with “net gain” to maintain consistency with language and intention.	ReSources for Sustainable Communities	The section of the SMP where the phrase “net gain” is commonly used in 22.02.20, “Shoreline Goals” as opposed to policy and regulatory sections in Chapter 22.08, “General Provisions.” POTENTIAL REVISION: Add “net gain” to 22.08.50.A.1 because it is in the context of “comprehensive watershed planning” as opposed to regulatory.
41. Ch 22.08.60 – C.2.c	With higher habitat function scores, 50 feet is significantly less than the low impact buffer. Any reduction should not lower the buffer width to less than that for low intensity development.	Revise the provision to read, “The buffer of a Category II or III wetland shall not be reduced to less than <i>the low intensity buffer width as defined by the habitat function scores in 22.08.60 B., Tables 1, 2 and 3, and provided that the development is of sufficient low intensity.</i> ”	ReSources for Sustainable Communities	This section specifies a reduction down to either 75% of the required width OR 50-feet WHICH EVER IS GREATER. Nearly all developments that would require a shoreline permit are considered “high intensity.” A 25% reduction for buffer width of a CAT III wetland in Table 1 would = 112.5-feet which is a much wider buffer than what would be required for low-intensity uses (75-feet)
42. Ch 22.08.60 – C.2.d	A 50 percent reduction in all cases is 25 feet. Again, a reduction should not occur unless the Director has determined that the development will be of sufficient low intensity, or that mitigation actions will allow the development to be classified as low intensity.	Revise the provision to read, “The buffer of a Category IV wetland shall not be reduced to less than <i>the low intensity buffer width as defined by the habitat function scores in 22.08.60 B., Tables 1, 2 and 3, and provided that the development is of sufficient low intensity, and</i> ”	ReSources for Sustainable Communities	This section also specifies that ALL the criteria in 22.08.60.C.2 must be satisfied in order to reduce the buffer width.
43. Ch 22.09.170, A2	A problem with this section is that it predominantly emphasizes new roads, and gives little attention to the expansion of existing roads within shorelines.	Amend, not only section A2 as above but all relevant policies and regulations to include “expansion of existing roads.” Applicable policies and regulations include; Section 22.09.170 A2, A3, A5, A6, B1, B2, B4, B5, and B6.	ReSources for Sustainable Communities	POTENTIAL REVISION: Include language that addresses expansion of existing roads as suggested.
44. Ch 22.03.30 F4d iii – Waterfront District	All non-water oriented uses, including temporary non-water oriented uses, should provide habitat restoration/public access benefits, based upon a certain length of lease. How long is temporary?	Set a limit on “temporary” and require habitat restoration/public access on-site, off-site, or in another manner such as an in-lieu-of fee.	ReSources for Sustainable Communities	The intent of this section is to use the Shoreline Conditional Use Permit process to specify the length of time for a temporary use. The other intent is to facilitate a variety of uses in those buildings because presently they are largely unused and the shipping terminal in general, does not operate as such. If a potential tenant were to occupy the building by simply ‘moving in’ there very likely would be no impact because the site / area / vicinity is already developed.
45. Ch 22.03.30 F6f	The current draft of the Waterfront master plan has no concrete assurances that a reduction in buffers/setbacks will be compensated by on the ground habitat restoration and benefits.	The following should be added to this provision, “ <i>The Comprehensive Plan amendment or master plan shall contain specific habitat restoration actions to be completed prior to development of the Waterfront District to offset the habitat lost from the reduction of buffers.</i> ”	ReSources for Sustainable Communities	Section 22.03.30.F.6.h specifies that habitat restoration shall be provided with additional requirements in k. and l. concerning a restoration plan and financial surety in order to complete the work as required. NNL is required to be demonstrated by an applicant and the baseline is taken from existing function.
46. Ch 22.03.30 F8	The exemption of buffers from areas where there are sheet piles, bulkheads or other vertical structures is counter to the concept of habitat restoration and no net loss.	Strike section F8 and Footnote #2 in the Mixed Use Section of 22.110.30 F. - Development Regulation Matrix. The elimination of buffers is not needed; where needed for water oriented use, buffer encroachment is already allowed.	ReSources for Sustainable Communities	Buffers should not be applied where there is existing marine infrastructure in place to facilitate water-dependent uses, which, are a preferred use according to the policy enunciated in RCW 90.58.020. This is part of the balancing that is mandated in the SMA between reserving areas for appropriate uses, habitat / resource protection and fostering / providing public access.

ECOLOGY MAY 25, 2011 PUBLIC HEARING COMMENT SUMMARY MATRIX – CITY OF BELLINGHAM SHORELINE MASTER PROGRAM

Section	Comment/Concern	Requested Change	Source of Comment	Resolution/Response
47. Ch 22.09.170 – Roads, Railways, and Utilities	Policies 3, 4 and 5 could limit design options for roads serving waterfront parks or development. Policies 8 and 10 could limit stormwater treatment options.	Revise the policies to provide more design flexibility.	Port of Bellingham	This language was developed with full consideration of the alternatives for development of the Waterfront District. POTENTIAL REVISION: Revise policy #'s 8 and 10 to account for previously disturbed or impacted areas and potentially allow for broader range of stormwater options and locations.
48. Ch 23.03.30F	Delete obsolete “Special Development Area (NWSDA)” label	Delete old term.	Port of Bellingham	POTENTIAL REVISION: Delete old term
49. Ch 23.03.30.F2	Paragraph contains superfluous material.	Delete sentence in parentheses.	Port of Bellingham	POTENTIAL REVISION: Delete sentence
50. Ch 23.03.30.F3a	Incorrect number of sub-areas cited.	Revise from “two” to “three sub-areas”.	Port of Bellingham	POTENTIAL REVISION: Revise to include three sub-areas
51. Ch 23.03.30.F.5c,d and 6c,d.	It isn't clear which “program” is being referred to – the CAO or the SMP.	Clarify that it is the SMP if that is the case.	Port of Bellingham	POTENTIAL REVISION: Clarify as suggested
52. Ch 23.03.30.F6	It isn't clear what the buffers will be in the Waterfront District under the future “waterfront plan” or without it.	Clarify the buffer requirements so there is no ambiguity.	Port of Bellingham	22.03.30.F.6.f is clear; with an adopted master plan for all or a portion of the Waterfront District, buffers and setbacks may be reduced down to the minimums as specified in the table. Without a master plan for all or a portion of the WD, the maximums apply. POTENTIAL REVISION: Edit 2nd paragraph to fix incorrect cross reference and add recreational sub-area.

Bellingham SMP Hearing Comment Matrix: Oct. 7, 2011