

**WHATCOM COUNTY**  
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**Mark Personius, AICP**  
Director

August 2, 2019

Chad Yunge  
Department of Ecology, Bellingham Field Office  
1440 10th St #102  
Bellingham, WA 98225

**RE: Shoreline Management Program Limited Amendment**

Dear Chad,

On February 12, 2019, in an effort to standardize the County's definition of "hazard tree" (there were four different definitions in different parts of the code) the Whatcom County Council adopted an update to our Critical Areas Ordinance (CAO) by replacing its definition with a new one, as well as replacing the one in our zoning code (WCC 20.97.171.2) and deleting it elsewhere (Ord 2019-013, attached). As at that time it was not submitted to the Department of Ecology (DOE) as an amendment to the Shoreline Management Plan (SMP), for a while this year the CAO contained two such definitions, the new one for use outside the shoreline jurisdiction and the old one for use within.

However, on July 23, 2019, the Council adopted Ord. 2019-057 (attached), which amended our SMP to adopt the February 12, 2019, CAO by reference, thus finally deleting the old hazard tree definition (pending DOE approval of this amendment). Section 2 of that ordinance directed staff to forward this amendment to DOE for review and approval pursuant to WAC 173-26-100. The amended text reads as follows:

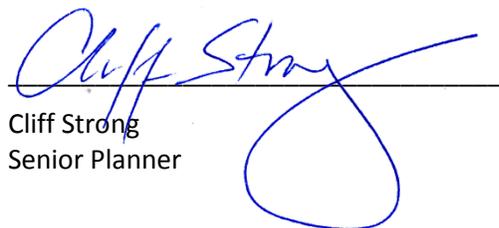
**23.10.060 References to plans, regulations or information sources.**

- A. The Whatcom County Critical Areas Ordinance, WCC Chapter 16.16 (as most recently amended by Ordinance No. ~~2017-077~~2019-013, dated ~~December 5~~February 12, 2019~~7~~), is hereby adopted in whole as a part of this program, except that the ~~permit, nonconforming use, appeal and enforcement~~ provisions of ~~the critical areas ordinance, WCC 16.16.270 (Reasonable Use Exceptions), 16.16.273 (Variances), 16.16.275 (Nonconforming Uses/Buildings), 16.16.280 (Appeals), and through 16.16.285 (Penalties and Enforcement) WCC 16.16.270 through 16.16.285~~ shall not apply within shoreline jurisdiction. All references to the critical areas ordinance (CAO), Chapter 16.16.WCC, are for this specific version.

Note that it also clears up some of the language regarding which portions of the CAO are not applicable in the shoreline jurisdiction, as we spoke about during the last limited update. Nothing else in the SMP is being amended. As such, this is considered neither a comprehensive master program update nor a periodic review, but rather a locally initiated amendment.

Our understanding is that the Department of Ecology now needs to do its review of this limited amendment. I look forward to working with you on gaining the Department's approval in the coming months. If you have any questions, please contact me at 360.778.5942 or [cstrong@co.whatcom.wa.us](mailto:cstrong@co.whatcom.wa.us).

Sincerely,

  
Cliff Strong  
Senior Planner