

WHATCOM COUNTY

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Mark Personius, AICP
Director

Memorandum

TO: County Council
Jack Louws, County Executive

FROM: Cliff Strong, Senior Planner

THROUGH: Mark Personius, Director

DATE: May 20, 2019

SUBJECT: Tree Canopy Permit Procedure and SMP CAO Reference Update Amendments (PLN2019-00012)

Attached for your review and action are some proposed amendments to the Whatcom County Code.

The first set deals with clarifying what type of permit is needed to remove trees within the Lake Whatcom Watershed and the Water Resource Protection overlay districts¹. In 2012 Council adopted tree canopy retention regulations as part of its strategy to manage stormwater in these sensitive areas. The regulations require that a certain amount of canopy be retained on each lot, though allows for removal if mitigated (i.e., by planting new trees). Canopy retention is monitored through the requirement to apply for a tree removal permit. Through the proposed amendments, staff is attempting to clarify what permits are needed to avoid any misinterpretation or confusion. The proposed amendments do not change the intent or operation of any existing tree canopy retention regulations.

The second amendment is a follow up from the 2018 Code Scrub, in which Council adopted one definition of "hazard tree" to replace four different ones found in various sections of the code. One of those amended definitions was in the Critical Areas Ordinance (CAO). As you know, the CAO is adopted by reference into our Shoreline Master Program (SMP). Thus, amending the CAO requires an amendment to the SMP for it to take effect in the shoreline jurisdiction. This is what the second proposed amendment does: It amends the SMP to adopt the recently amended CAO and directs PDS to submit it to the Department of Ecology for their review and approval.

Please review the attached staff report, ordinance, and amendments for more detailed information.

¹ Such regulations only apply in the Lakes Padden, Samish, and Whatcom watersheds, not countywide.