

ESTHETIC VALUES OF WHATCOM COUNTY SHORELINES AND VISUAL ACCESS IN SHORELINE AREAS

An analysis of the policies and regulations within the Whatcom County Shoreline Management Program which serve to protect esthetic values and visual access in shoreline areas; and recommendations for improved protection.



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Prepared for Whatcom County
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CHAPTER 1

**MANAGING WHATCOM COUNTY SHORELINES TO PROTECT
ESTHETIC VALUES AND VISUAL ACCESS**

**MANAGING WHATCOM COUNTY SHORELINES TO PROTECT
ESTHETIC VALUES AND VISUAL ACCESS**

A. ESTHETIC VALUES AND SCENIC RESOURCES

Esthetics, according to the Webster's New World Dictionary, is "the study or theory of beauty and of the psychological responses to it". Esthetic values are, therefore, the values placed on the beauty as well as the psychological response which the beauty stimulates. Scenic resources are those features and processes of both the natural and man-made environment which stimulate positive responses that people wish to experience over and over again. These responses may include joy, excitement, peacefulness, serenity, a feeling of being alive, awe, inspiration, a feeling of closeness to nature, a spiritual fullness, and many others. Such feelings are highly valued and are essential to a balanced productive life.

All five senses contribute to the depth of the psychological response stimulated by scenic resources. The response stimulated by seeing the variety of color and texture and form of a feature can be enhanced by things such as the taste of salt in the air, the smell of aquatic life or shoreline vegetation, the sound of the surf, or the feel of the stream water flowing around one's feet or of waves under a boat. While visual access to a scenic resource often includes the opportunity to taste, smell and hear, actual physical access is necessary to experience the sense of touch. Although both physical and visual access to scenic resources of high esthetic value are important, the intent of this paper is to focus on visual access.

Whatcom County shorelines contain significant scenic resources of high esthetic value. These include natural features such as: coastal beaches, high erosional bluffs, and accretion shoreforms including spits and tombolos; lakeside beaches and high bluffs; estuaries, marshes and bogs; streams; steep river valleys and broad shallow floodplains; rocky shores; islands (marine and freshwater) and channel bars; and wooded hillsides. Natural processes such as the coastal surf, with its constant wave and tidal action, and the rising and setting of the sun, with its changing colors reflected on the water, are also highly valued scenic resources. Man-made features may also be considered scenic resources and include such things as marinas, historic buildings, and various forms of architecture. The presence of vegetation, both natural and landscaped, as well as animals, birds and fish can increase the esthetic value of a feature.

**B. ESTHETIC VALUES AND VISUAL ACCESS PROTECTION
THROUGH SHORELINE MANAGEMENT**

Local, state and federal governments recognize the value of esthetically attractive areas and require their protection from unnecessary degradation. One of the goals of the National Environmental Policy Act of 1969 is to "assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings" (Public Law 91-190, Sec. 101, b, 2). Impacts to

esthetics must be considered in environmental impact assessments, because many forms of development can adversely impact the esthetic quality of an area, often resulting in irreversible damage to scenic resources and a decrease in the market value of nearby properties. The federal Coastal Zone Management Act of 1972 recognizes the dangers of unrestricted development and points out that "important ecological, cultural, historic, and aesthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost; special natural and scenic characteristics are being damaged by ill-planned development" (Public Law 92-583, Sec. 302, e, f). Adverse effects on esthetic values can be avoided or minimized through sensitive planning. State and local governments have adopted many plans, programs, and ordinances in an attempt to ensure such sensitivity in planning.

The Washington State Shoreline Management Act of 1971 finds that "the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation" (RCW 90.58.020). This Act requires local governments to prepare master programs for the regulation of uses of the shorelines. Master programs are to include: "A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection." (RCW 90.58.100(2)(f)) The Shoreline Management Act Guidelines for Development of Master Programs (WAC 173-16) contains guidelines for the local regulation of use activities proposed for shorelines (WAC 173-16-060). These guidelines include measures for the protection of esthetic values and visual access to scenic shoreline resources (refer to Appendix A).

The Whatcom County Shoreline Management Program (SMP), contains the following objective within the Conservation Element (Sec. 2.7.2(e)): "Aesthetic and recreational qualities of natural and developed shorelines are valuable social resources, and should be given adequate protection." The SMP recognizes shoreline viewing as an appropriate shoreline use (Section 6.10.2.G) and includes many good policies which encourage protection of esthetic values and visual access to the shorelines; however, few regulations exist to implement these policies. (All of the current policies and regulations in the SMP which include references to esthetic values and visual access are contained within Appendix B.)

C. AN ANALYSIS OF WHATCOM COUNTY SHORELINE MANAGEMENT PROGRAM POLICIES AND REGULATIONS

Among the policies that address esthetic values are those for **Agriculture** which promote the protection of the "valuable scenic beauty of natural shorelines" and the "high scenic" value of agricultural landscapes (Section 6.2.1.I). The potential for adverse impacts to high esthetic values from aquaculture development is recognized (Section 6.3.1.H) and minimized through the permit process that includes a design review to assure consistency with the policies and regulations of the SMP (Section 8.4.3).

Section 6.4, which regulates **Commercial Development** in shoreline areas, is very good. It contains a number of policies which are supported by setback standards and a landscape and buffer regulation which requires all new or expanded commercial developments to "be landscaped and buffered so that they

do not significantly detract from shoreline scenic qualities". Landscaping must also "take into account the view of the shoreline from land" and "the view of the shore from the water surface" (Section 6.4.4.B(1)). The blocking of views of the shoreline by commercial structures, including high rise buildings, is discouraged in several policy statements (Sections 6.4.1.E and G). These policies, along with their supporting regulations which require setbacks and other bulk restrictions, serve to protect both the view of nearby residents, and the view of the public in general.

Potential damage to scenic and unique shore features caused by **Dredging** is minimized through the policy that promotes "maximum feasible conservation of valuable shore features" (Section 6.5.1.F). The County must seriously consider such policies when reviewing proposals for shoreline substantial development permits involving dredging and disposal of spoils (Section 8.4.3). Protection against damage to esthetic resources by stream control works is the intent of a number of policies, including one that states that channelization projects "which would result in significant damage to ... esthetic resources ... should not be permitted when alternatives are available" (Section 6.6.2.C) and one that states that "all stream control works should be sited and designed to provide ... preservation of valuable recreation resources and esthetic values such as point and channel bars, islands, and braided streamway banks" (Section 6.6.2.D.(4)(c)).

The only policy within the **Forest Practices** section which specifically addresses esthetic concerns states that forest practices, including slash burning, clear cutting and debris disposal, should "aim at preventing or minimizing" potential conflicts with other shoreline uses, such as scenic drives (Section 6.7.1.D). Although there are no specific regulations within this section which address esthetic values or visual access, compliance with the shoreline area regulations and the general regulations in this section would provide some protection from harm to esthetic values. For example, timber cutting on shorelines of state-wide significance is restricted to selective commercial timber cutting resulting in no more than thirty percent of the merchantable timber being harvested in any ten year period (Section 6.7.3.B(2)(a)). This is a good regulation which could serve to protect esthetic values in other shoreline areas which may be subject to intensive forest practices that result in significant adverse impacts to scenic shoreline resources (ie. clear cut logging). The County could protect esthetic values in Urban and Conservancy shoreline areas, which are particularly sensitive to such impacts, by limiting timber cutting to that which results in no more than perhaps fifty percent of the merchantable timber being harvested in any ten year period. A limit of fifty percent, rather than thirty percent, reflects the relative sensitivity of these shoreline areas.

Natural diversity is an important feature of scenic resources which, when present, increases the esthetic value of the resource. The County recognizes that **Landfills** "normally and permanently replace natural diversity with artificial uniformity" (Section 6.9.2.F) and the SMP contains several policies which call for the "protection of valuable scenic features" (Section 6.9.2.F) and scenic values (Section 6.9.4.B(2)), as well as "lawful access and enjoyment of scenery" (Section 6.9.4.C). Landfills, when permitted for port and road development, shore feature restoration or enhancement, or biologic habitat development, must be consistent with "applicable policies" of the SMP (Section 6.9.5.B.3).

The SMP discourages **Marinas and public Launch Ramps** from unreasonably

impairing shoreline views of local residents and user groups (Section 6.10.2.I) and gives special attention to the potential impact on shoreline views caused by covered moorages and boathouses (Section 6.10.4.J). These are good policies which are supported by regulations on setbacks and design review. The SMP also contains a policy which states that marinas and public launch ramps should be "located, designed and operated" so that shoreline viewing is not adversely affected (Section 6.10.2.G). The provision of as many public access opportunities as possible, including viewing platforms, is encouraged in another policy for marina and public launch ramp development (Section 6.10.4.B). The policies and regulations for this land use are very good and should serve to adequately preserve visual access in areas developed with marinas and public launch ramps.

Esthetic values are protected from potential adverse effects caused by **Mining** in shoreline areas through several policies and regulations (Section 6.11.1-4) which are supported by established procedures for permit review, including the requirement of consistency with the applicable SMP policies and regulations (Section 8.4.3).

Piers and Docks, according to SMP policies and regulations, should "be designed and maintained to avoid unnecessary adverse impact on shore scenery and/or to enhance such values" (Section 6.12.1.E), and shall not have railings which "unreasonably interfere with shoreline views of adjoining properties" (Section 6.12.4.B(5)(b)). In addition, developers of new piers and community docks are encouraged to provide physical and visual public access to shorelines (Section 6.12.3.G).

Policies for **Port and Industrial Development** include those which "encourage" such development to "minimize negative impact on shoreline areas and scenery", to "enhance and maintain positive visual aspects of their development", to "provide opportunities for public viewing of such positive aspects" (Section 6.13.2.I), and to "provide physical or visual access to shorelines" (Section 6.13.4.D). The use of the word "encourage" in policy language tends to weaken the impact of such policies. These policies should be strengthened by regulations with stronger language. The policy for buffering is much better because it states that "buffers ... should be provided" (Section 6.13.4.B) rather than encouraged. This policy is also supported by a strong regulation which requires that "all new or expanded industrial development on land shall be set back and buffered from the shoreline and from adjacent shoreline properties which are used for nonindustrial purposes. Buffers shall ... effectively protect shorelines and such other properties from visual or noise intrusion" (Section 6.13.5.B(4)(a)).

The general policy for views and esthetics in the **Recreation** section says that such development should "wherever appropriate, preserve or enhance scenic views and vistas as well as improve the esthetic values of the area" (Section 6.14.1.E). A regulation which provides guidance on determining when such preservation and improvement is appropriate would be helpful when proposals for recreational development are reviewed for consistency with the SMP.

The **Roads and Railways** section contains a policy which states that new road and railway development "should aim to maximize protection and enjoyment of shore esthetic values wherever possible; old bypassed routes in scenic areas should be considered for appropriate recreational use" (Section 6.16.1.F). The phrase "should aim to maximize" tends to weaken the impact of this policy and should be replaced with stronger language.

Utility Development can adversely impact visual access and local esthetic values. This is recognized within the SMP and is addressed through policies that promote utility location, design and management which prevent or minimize adverse visual effects (Section 6.19.1.B); and that promote the prohibition of indiscriminate, random disposal of solid waste on shorelines or in water bodies due to the potential for severe adverse effects, including those to local esthetic values (Section 6.19.2.C(3)). These policies are supported by regulations which restrict maintenance activities and the location of overhead wiring, and require setbacks and buffers (Section 6.19.4).

The SMP recognizes that "**Shore Defense Works** frequently lower the esthetic quality and diversity of natural shorelines, especially those works which fail" (Section 6.17.1.E). The SMP then specifies that the use of gabions "may result in adverse impacts on shore scenic values" when the bindings deteriorate and should, therefore, "not be used as a defense work where alternatives more consistent with this program are feasible" (Section 6.17.1.K). This policy is supported by the shoreline area regulations which require a conditional use permit for gabions in Urban, Urban Resort and Rural shoreline areas. Conditional uses must be consistent with the policies of the program (Section 8.6.2.A). The SMP also prohibits the use of gabions in Conservancy and Natural shoreline areas.

The policies and regulations for **Sign Development** in shoreline areas are very good. The SMP recognizes that there is potential for damage to the high scenic values of shorelines "from unrestricted and uncoordinated sign development" (Section 6.18.1.A) and potential for signs to interfere with visual access to shorelines (Section 6.18.1.B). Policies for sign development include those that promote visual compatibility of signs with local shoreline scenery (Section 6.18.1.A); promote locations and designs which do not significantly impair visual access to shorelines (Section 6.18.1.B) including tight restrictions on message, number, location and height of signs near valuable scenic vistas and viewpoints (Section 6.18.2.D); discourage the use of billboards and other off-premise signs (Section 6.18.2.C); prefer low profile, on-premise wall signs over free-standing signs or off-premise wall signs (Section 6.18.3.A); and, promote visual harmony among signs in built-up or commercial districts (Section 6.18.3.B). These excellent policies are supported by regulations which prohibit free-standing signs "between a public right-of-way and the shoreline where the right-of-way generally parallels the shore and where the water body is visible from the right-of-way" (Section 6.18.4.B(6)(a)), and "between the primary building and OHWM, and between a line drawn from the shore side corners of said building to the corner nearest the shore of any building on adjacent shoreline property; PROVIDED, that if a road or path used by the public separates said building from OHWM, then free-standing signs are permitted between the road or path and said building" (Section 6.18.4.B(7)).

Residential Development "should not result in significant adverse effects upon other nearby shoreline uses" (Section 6.15.1.D) and "should protect and enhance scenic shoreline features ... including ... views" (Section 6.15.1.F) according to two SMP policies. Another policy states that the development of residential uses on sites which contain "natural and cultural features ... having significant value for ... esthetic enjoyment should be maintained in a manner which conserves their intrinsic value and enables maximum human benefit from such features" (Section 6.15.3.C). In addition, when sites encompass areas that are hazardous, sensitive, or otherwise not suitable for intensive

use, it is the policy of the County that such areas be left "undeveloped as open space" and that adjacent uses should not "encroach physically, so as to impair recreation or esthetic uses" (Section 6.15.3.E). These policies are given serious consideration during the design review stage of the permit process (Section 8.4.3).

Other policies for residential development include a policy which promotes the provision of "ample open space between structures and water bodies or natural wetlands, and along site boundaries, so as to ... preserve views" (Section 6.15.3.D); and, a policy which says that high rise and other multi-unit buildings should have open space areas "large enough so that local views are not extensively blocked" (Section 6.15.3.H(2)(a)). These types of policies are supported through regulations requiring setbacks and lot coverage limitations that effectively preserve view corridors between structures.

Structures and development for **uses accessory to residential** use are also addressed in policies and regulations within the SMP. These uses include but are not limited to recreational piers and floats, garages and shops, parking areas, water craft storage, shore defense works, fences, cabanas, tennis courts, swim pools, saunas, and guest cottages (Section 6.15.1.E(1) and (3)). The policy for piers and floats accessory to residential use states a strong preference for "joint or community use of private piers or floats" because of the "loss of esthetic values" caused by a continued proliferation of piers and floats for individual lots (Section 6.15.1.E(3)). Another policy for accessory uses in residential areas states that accessory uses, including fences, should be "visually and physically compatible with adjacent cultural and natural features and be reasonable in size and purpose" (Section 6.15.1.E(1)). Accessory buildings, structures and development are subject to the same shore and sideyard setbacks and height limitations as the primary residential development (Section 6.15.4.C). The setbacks and other bulk restrictions help preserve esthetic values and visual access to shorelines by providing corridors between buildings which are free of significant visual obstructions. However, the County has chosen not to apply these restrictions to fences, because, although fences are considered accessory structures, it is unlikely that the setbacks were intended for fences. An administrative policy has been established to fill this gap in the SMP until specific provisions are adopted. The policy states that fences should be limited in height to four feet along the front yard and six feet along the sideyards and back yard, and that fences over four feet high must adhere to the adopted shore setbacks for accessory uses. This policy does little to protect esthetic values and only by chance preserves visual access. The four and six foot height limits preclude shoreline viewing from public roadways in many locations throughout the county. The need for specific policies and regulations for the development of accessory uses including fences is discussed in detail in the next section.

Another accessory structure which deserves attention is the antenna. Antennas are not specified within the SMP as accessory uses at the present time, although administrative policy treats them as such. If the SMP was amended to include antennas in the list of accessory uses, they would be clearly subject to setbacks and other bulk restrictions. Such regulation of antenna development would reduce the potential for large antennas, such as satellite dishes, to significantly block the view of nearby residents and the public in general. Other policies and regulations which could help protect esthetic values from adverse impacts caused by the development of antennas within shoreline areas are included among the recommendations within Chapter 2.

C. A PROBLEM EMERGES

Whatcom County contains a number of public roadways which provide significant views of water bodies and the natural shoreline for motorists, bicyclists and pedestrians. Visual access to the shoreline from such roadways is a recognized social, cultural, spiritual, recreational, esthetic, and economic resource of great value to the general public. The preservation of visual access to the County's shorelines protects the general welfare of the public by safeguarding scenic resources which are vitally important to the quality of life for Whatcom County residents. The outstanding visual resources in shoreline areas are also of prime importance to the promotion of tourism and economic development, now and in the future.

Visual access to the scenic shorelines of Whatcom County is noticeably reduced each time shoreline property is developed with structures which block the view of the shoreline from the public right-of-way. Development of primary use structures is regulated through setbacks and bulk requirements contained in the SMP and the county zoning ordinance. While the development of most accessory uses is regulated the same way, some structures such as fences, walls and hedges have not been subjected to similar setbacks or bulk restrictions. This has resulted in the ongoing construction of many fences which effectively block the view of the shoreline from public roadways.

Many public roadways have high scenic values because of the views of the shoreline across the private property which exists between the public right-of-way and the shoreline. When such property is undeveloped or developed for accessory uses only, such views usually have a higher value than when such property is developed with a primary use structure. This is because primary uses generally obstruct more of the view than accessory uses. However, accessory uses such as fences, walls and hedges can effectively block the entire view of the shoreline from the roadway. Therefore, to adequately protect visual access to the shoreline, regulations governing the size, location and relative transparency of fences, walls and hedges are needed.

A fence or other enclosure or separation is usually intended to provide the owner with privacy and a (possibly false) sense of security. In addition to problems of trespassing and vandalism, land owners express concern about litter cast on their property; however, a barrier may simply cause litter to accumulate near the roadway instead of scattered about the property. Barriers provide a target for such debris to be thrown at and are not likely solutions to the litter problem. To provide real security, a barrier would have to completely enclose the property on all sides, be solid, tall and topped with a prohibitive material such as barbed wire. Barriers which extend along the sideyard boundaries and the roadway, but which leave the property open to the shoreline do not provide any real security because the water body is public and anyone could approach the property from the shoreline. In fact, such barriers give added security to trespassers who are less likely to be seen while occupying or vandalizing someone's property. Except in unique situations where security needs are critical, the County should recognize privacy rather than security as the essential benefit of such barriers.

The construction of fences, walls and hedges has increased in frequency over the past few years and the cumulative effect of these barriers has greatly reduced the views and esthetic quality of some Whatcom County shorelines. According to the SMP (Section 4.3.3(d)), protection or enhancement of esthetic

values should be actively promoted in shorelines of state-wide significance, yet the regulations needed to adequately protect esthetic values, such as shoreline views, are non-existent or too weak. A case in point is Lake Whatcom, a shoreline of state-wide significance which is suffering a significant loss of public visual access to the shorelines due to the construction of fences which block the view of the shoreline from the roadway. The problem of view obstructing fences offers a vivid example of the weaknesses in the existing SMP (refer to the photos and discussion in Appendix C).

Fences, walls and hedges, however, are not the only accessory structures which degrade the quality of scenic areas. The private use of satellite dishes (antennas) for uses such as television reception has increased immensely in recent years. These devices have appeared throughout the county and have the potential to degrade the quality of scenic resources when placed between the shoreline and areas where significant numbers of people view the shoreline.

In the regulation of all structures and development for esthetic and view protection purposes, it is important to recognize and protect private property rights from unreasonable restrictions. It is equally important to protect the quality and distribution of scenic resources and the public right to view significant scenic resources. Local governments have the authority and responsibility to regulate land use in response to esthetic concerns (Scott, 1987). State and federal courts have indicated in recent cases that regulation of land use for the protection of esthetic values, such as visual access, is appropriate when it serves a valid public purpose and the requirements are reasonable. In their decision (June 1987) on the *Nollan v. The State of California* case, the United States Supreme Court "clarified the procedures by which a government can attach conditions for public access to a permit.... ..the Supreme Court wrote that there must be a direct connection - a nexus-between the public interest the government seeks to protect and the attached condition" (Scott, 1987). Shoreline permit administrators may require a developer to provide some form of visual access to the shoreline when a development is found to significantly reduce visual access to the water. The same is true for esthetic values: conditions which protect esthetic values are legally acceptable when they are directly connected to the impact the development would have on esthetic values. Esthetic values and private property rights can both be protected and conflicts reconciled through sensitive planning and appropriate development regulations. The Whatcom County Shoreline Management Program is the tool which can be used to ensure sensitive planning.

In this analysis of the SMP, a prime consideration is the effectiveness of the present program. As discussed, most development types are well regulated. However, the current Whatcom County SMP does not effectively protect esthetic values and visual access from adverse impacts caused by accessory structures such as fences, walls, hedges and antennas. New policies and regulations should be proposed and adopted which will serve to improve the effectiveness of the program in these areas. The following chapter contains recommendations for such policies and regulations.

CHAPTER 2

**RECOMMENDATIONS FOR WHATCOM COUNTY SHORELINE
MANAGEMENT PROGRAM AMENDMENTS TO IMPROVE
PROTECTION OF ESTHETIC VALUES AND VISUAL ACCESS**

**RECOMMENDATIONS FOR WHATCOM COUNTY SHORELINE MANAGEMENT
PROGRAM AMENDMENTS TO IMPROVE PROTECTION OF
ESTHETIC VALUES AND VISUAL ACCESS**

The effectiveness of a shoreline management program is dependent upon how well the policies and regulations within it support each other. Policies provide guidelines for how things should be, while regulations define how things shall be. Direct correlation between the two is essential. The implementation of a policy which is not supported through regulation is not mandatory, although the administrator may require conformance with such a policy as a condition for permit approval when warranted. Conformance with program regulations, however, is mandatory, whether a permit is required or not. Regulations must, therefore, be written with enough specificity, clarity and flexibility so as to not result in unreasonable restrictions. Sometimes to achieve the necessary flexibility a regulation may be quite vague. These types of regulations are dependent upon clear policies which express the intent of the regulation and provide guidance for case-by-case assessments.

The following is recommended for incorporation within the Whatcom County Shoreline Management Program (SMP) during its update in 1987-88. These policies and regulations are designed primarily to protect esthetic values and preserve visual access to shorelines from public roadways by placing restrictions on the development of fences, walls, hedges, antennas and similar obstructions on property which is undeveloped or developed for accessory uses only and exists between public roadways and the shoreline. As discussed in the preceding analysis, good policies and regulations exist for most development types and only minor changes in wording appear necessary.

If any of the following recommended policies and regulations are adopted, Appendix C, Definitions, of the SMP should be updated accordingly with definitions (and graphics) which are new to the program (i.e. Shoreline View Area; Line Of Sight - definition and graphics; Visual Access; Public Access; Fence; Wall, free-standing; Hedge; and, Antenna).

ABSTRACT FOR SHORELINE BACKGROUND DOCUMENT

Whatcom County contains a number of public roadways which provide significant views of water bodies and the natural shoreline for motorists, bicyclists and pedestrians. Visual access to the shoreline from such roadways is a recognized social, cultural, spiritual, recreational, esthetic, and economic resource of great value to the general public. The preservation of visual access to the County's shorelines protects the general welfare of the public by safeguarding scenic resources which are vitally important to the quality of life for Whatcom County residents. The outstanding visual resources in shoreline areas are also of prime importance to the promotion of tourism and economic development, now and in the future.

While all areas which provide views of the shoreline from public roadways are highly valuable resources, those areas which contain several contiguous properties which, together, provide continuous visual access to the shoreline are of the highest value.

Shoreline viewing is an appropriate shoreline dependent use. County shorelines are of high scenic value, and there is potential for damage to such values from unrestricted development of fences, walls, hedges, antennas and similar obstructions.

The County could protect esthetic values and visual access from adverse impacts, caused by the development of accessory uses that obstruct the view of the shoreline from public roadways, by adopting policies and regulations which limit the size, location, color, and construction material of such accessory uses, particularly fences, walls and hedges.

Satellite dish antennas can be made less visually obtrusive without adversely affecting reception capabilities. This can be achieved through careful selection of color and material. Neither a solid nor a wire-mesh material offers better reception capabilities to a satellite dish antenna. Also, satellite dish antennas can be painted any color, and painted repeatedly, without loss of receptivity, so long as lead-base paints are not used (Roth).

RECOMMENDED DEFINITIONS

Shoreline View Areas

A Shoreline View Area shall be defined as that land which:

- a) exists between a public roadway and the shoreline; and
- b) is undeveloped or developed for accessory uses only; and
- c) does not physically obstruct the view of the shoreline from the public roadway, or, would not obstruct the view if the natural vegetation were thinned or removed, or, if any existing fences, walls, hedges, antennas or similar obstructions were removed.

Line of Sight

The line of sight, which determines the maximum height of a fence, wall or hedge within a Shoreline View Area shall be defined as: that imaginary line which extends from a point three (or ?) feet above the roadway surface at the center of the landward driving lane, perpendicular to the roadway, to the nearest point on the water which can be seen from the point above the roadway, or could be seen if the natural vegetation were thinned or removed.

Satellite Dish Antenna

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas. (Roth, 1986)

RECOMMENDED POLICIES AND REGULATIONS

GENERAL POLICIES

Esthetic Values

The County recognizes Shoreline View Areas along public roads as having great esthetic value to the general public. Those Shoreline View Areas which contain several contiguous properties which, together, provide continuous visual access from the public roadway to the shoreline are recognized as having exceptionally high esthetic value. Visual access for the public should be preserved or enhanced by development. Fences, walls, hedges, landfills and antennas should be discouraged within Shoreline View Areas and should not obstruct views of the shoreline from public rights of ways.

Publicly-owned Property

(a) Natural Vegetation -

The maintenance of natural vegetation on publicly-owned property should be conducted in a manner consistent with all the policies and regulations of this program.

(b) Development -

Development on publicly-owned property should be located and designed so that esthetic values and visual access are preserved.

GENERAL REGULATIONS

Height Limitation

Fences, walls and hedges within Shoreline View Areas shall:

(a) be no higher than three (3) feet; or

(b) not extend higher than the line of sight as defined in this program.

Hedge Maintenance

Hedges within Shoreline View Areas shall be regularly maintained to assure compliance with the above.

Publicly-owned Property

(a) Natural Vegetation -

Natural vegetation on publicly-owned property shall be maintained in a manner which aids in slope stabilization, erosion and sedimentation control, protects fish and wildlife habitat, and accomodates visual access to water bodies and shorelines from public areas, including roadways.

(b) Development -

All permits or exemptions for development on publicly-owned property shall not allow fences, walls, hedges, antennas or any other accessory structure to be placed on publicly-owned property if that structure would block the view of the shoreline from a public right-of-way or significantly degrade local esthetics.

GENERAL POLICIES cont.

Multiple Use

Scenic bicycle/pedestrian routes should be developed adjacent to public roadways with significant views of the shoreline.

Recreation

Turnouts, vistas and view points should be provided along public roadways where significant views of the shoreline exist or could be developed.

Forest Practices - Esthetic Values

Protection for the valuable scenic beauty of forested shorelines should be provided whenever possible.

GENERAL REGULATIONS cont.

Multiple Use

Route planning, acquisition, design and improvement of public rights of way shall, when topography allows, provide space for the development of scenic bicycle/pedestrian routes adjacent to or near the waterward side of rights-of-ways located in Shoreline View Areas.

Recreation

Route planning, acquisition, design and improvement of public rights of way shall, when topography allows, provide space for the development of turnouts, vistas and viewpoints along public roadways where significant views of the shoreline exist or could be developed.

Related Development

Policies and regulations in all other sections of this program shall apply to development within Shoreline View Areas.

Forest Practices - Esthetic Values

No more than fifty percent of the merchantable timber may be harvested in any ten year period in Urban and Conservancy Shorelines; PROVIDED, that clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this program may be permitted.

GENERAL POLICIES, cont.

Forest Practices - Visual Buffer

Where slopes are highly visible to significant numbers of people, special practices should be considered which minimize the adverse visual and esthetic impact of extensive timber harvesting operations.

Antenna - Coloration

An antenna which is painted with a dark, non-reflective paint is strongly preferred over bright, reflective paint which adds to the obtrusive nature of the antenna.

Antenna - Material

Satellite dish antennas made of a wire-mesh material are strongly preferred over the more obtrusive solid dish antennas.

Antennas With Elevated Bases

(a) Preferred Alternative -
Antennas which are not elevated by bases which extend above the ground surface are strongly preferred in Shoreline View Areas.

(b) Screening -
All antenna bases which extend above the ground surface in Shoreline View Areas and are made of concrete or a similar substance should be screened from view by a more natural substance such as wood or vegetation.

GENERAL REGULATIONS, cont.

Forest Practices - Visual Buffer

A buffer of forest vegetation which effectively screens extensive timber harvesting operations from adjacent scenic drives, highways and waterways shall be left relatively undisturbed and protected from fire if nearby slash is burned.

Antenna - Coloration

Antennas within Shoreline View Areas shall be painted with a dark, non-reflective paint.

Antenna - Material

Satellite dish antennas within Shoreline View Areas shall be made of a wire-mesh material.

Antennas With Elevated Bases

All antenna bases which extend above the ground surface in Shoreline View Areas shall be screened from view by wood or vegetation.

RECOMMENDED TRANSPARENCY CONSIDERATION

Fence, Wall and Hedge - Transparency:

A fence, wall or hedge which utilizes a substantially transparent material, such as cyclone fencing, open lattice or plexiglass, for that portion which extends above the line of sight, as defined in this program, is strongly preferred over such barriers which utilize less transparent or opaque materials above the line of sight.

INCENTIVES RECOMMENDATION

The County should actively promote or develop new and existing programs which provide incentives for landowners to preserve and/or enhance visual access and esthetic quality in shoreline areas. These include open space tax benefits which compensate for the protection of important natural features on private land which might also be made available for public enjoyment. Density bonuses, the transfer of development rights, conservation easements and outright public acquisition are other techniques the County could encourage. However, these require careful consideration and are beyond the scope of this study.

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APPENDIX A

**INVENTORY OF STATE GUIDELINES FOR USE
ACTIVITIES WHICH PROMOTE THE PROTECTION OF
ESTHETIC VALUES AND VISUAL ACCESS**

**INVENTORY OF STATE GUIDELINES FOR
USE ACTIVITIES WHICH PROMOTE THE PROTECTION OF
ESTHETIC VALUES AND VISUAL ACCESS**

The Shoreline Management Act Guidelines for Development of Master Programs (WAC 173-16) contains guidelines for the local regulation of use activities proposed for shorelines (WAC 173-16-060). These guidelines include the following measures for the protection of esthetic values and visual access to scenic shoreline resources:

(2)(a)(ii) "Recognition should be given to the possible detrimental impact aquaculture development might have on the visual access of upland owners and on the general aesthetic quality of the shoreline area."

(3)(c) "Shoreline areas having scenic qualities, such as those providing a diversity of views, unique landscape contrasts, or landscape panoramas should be maintained as scenic views in timber harvesting areas. Timber harvesting practices, including road construction and debris removal, should be closely regulated so that the quality of the view and viewpoints in shoreline areas of the state are not degraded."

(4)(c) "An assessment should be made of the effect a commercial structure will have on a scenic view significant to a given area or enjoyed by a significant number of people."

(7)(c) "Vistas and viewpoints should not be degraded and visual access to the water from such vistas should not be impaired by the placement of signs."

(8)(b) "Subdivisions should be designed so as to adequately protect the water and shoreline aesthetic characteristics."

(9)(b) "Whenever these facilities [utilities] must be placed in a shoreline area, the location should be chosen so as not to obstruct or destroy scenic views. Whenever feasible, these facilities should be placed underground, or designed to do minimal damage to the aesthetic qualities of the shoreline area."

(10)(b) "Port facilities should be designed to permit viewing of harbor areas from view points, waterfront restaurants and similar public facilities which would not interfere with port operations or endanger public health and safety."

(11)(d) "Bulkheads and seawalls should be designed to blend in with the surroundings and not to detract from the aesthetic qualities of the shoreline."

(13)(b) "Special attention should be given to the effect these structures [jetties and groins] will have on wildlife propagation and movement, and to the design of these structures which will not detract from the aesthetic quality of the shoreline."

(18)(e) "Scenic corridors with public roadways should have provision for safe pedestrian and other nonmotorized travel. Also, provision should be made for sufficient view points, rest areas and picnic areas in public shorelines."

(18)(f) "Extensive loops or spurs of old highways with high aesthetic quality should be kept in service as pleasure bypass routes, especially where main highways, paralleling the old highway, must carry large traffic volumes at high speeds."

(19)(a) "The use of floating docks should be encouraged in those areas where scenic values are high and where conflicts with recreational boaters and fishermen will not be created."

(19)(b) "Open-pile piers should be encouraged where shore trolling is important, where there is significant littoral drift and where scenic values will not be impaired."

(21)(e) "Master programs should develop standards for the preservation and enhancement of scenic views and vistas."

APPENDIX B

**INVENTORY OF PROTECTIVE MEASURES WITHIN
THE SHORELINE MANAGEMENT PROGRAM FOR
ESTHETIC VALUES AND VISUAL ACCESS**

**INVENTORY OF PROTECTIVE MEASURES
WITHIN THE SHORELINE MANAGEMENT PROGRAM FOR
ESTHETIC VALUES AND VISUAL ACCESS**

The current Whatcom County Shoreline Management Program contains many policies which promote the protection of esthetic values and visual access to the shorelines. The following is an inventory of the findings, policies and regulations contained within the Program which include references to esthetic values and visual access. (The regulations have been emphasized by enclosing them within a box of asterisks *****.)

Chapter 1 Purposes

- 1.4 Purpose It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. ... In the implementation of this policy the public's opportunity to enjoy the physical and **aesthetic qualities** of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally.

Chapter 3 Shoreline Areas

Section 3.4 Shoreline Area Designations

- 3.4.1(d)(ii) Physical and **visual access** to shorelines for the public
Urban Shoreline should be strongly encouraged and planned for.
Area
- 3.4.2(d)(ii) Physical and **visual access** to shorelines for the public
Urban Resort should be strongly encouraged and planned for.
Area
- 3.4.3(d)(iv) New development in Rural Areas should protect or enhance the
Rural Shoreline area character by limiting building density and height,
Area providing ample shore setbacks and open space, and **promoting
visual harmony**.
- 3.4.4(c)(v) ...secondary criteria for Conservancy designation:The
Conservancy area has recreational or **esthetic qualities of high value to
Shoreline Area the region** which would likely be diminished by moderate to
intense development.
- 3.4.4(d)(v) Outstanding recreational or **scenic values** should be preserved
Conservancy and protected from incompatible development.
Shoreline Area

3.4.5(d)(iii) Development should be limited to low key recreational facilities which are **visually** and physically compatible with the area's unique character; such development should be severely restricted in density and design so as to be clearly subordinate to the area's natural character.

Chapter 4 Shorelines of State-wide Significance

4.3.3(d) In design review of new or expanding development, **protection or enhancement of esthetic values** should be actively promoted.

4.3.4(a) Shoreline Area designations, policies and regulations should conserve valuable shoreline resources and processes including **esthetic values** to the maximum extent possible.

Chapter 6 Policies and Regulations

Section 6.2 Agriculture

6.2.1.I Protection for **valuable scenic beauty** of natural shorelines as well as the **high scenic** and historic value of many rural agricultural landscapes should be provided whenever possible.

6.2.2.C(1) A buffer of perennial vegetation should be maintained between water bodies, including natural wetlands and agricultural lands used for crops or intensive grazing. The purpose of the buffer is to reduce harmful bank erosion and resulting sedimentation, to enhance water quality by slowing and filtering runoff, to maintain habitat for fish and wildlife, and to **maintain scenic values of rural shoreline landscapes**.

Section 6.3 Fisheries and Aquaculture

6.3.1.H Finding: The extensive natural shorelines of the county have a **high esthetic value**. The high value of local shoreline properties is largely based upon **scenic shorelines and water bodies**. Certain forms of aquaculture or fisheries enhancement have potential for adverse impact upon such values.

Policy: Aquaculture development and fisheries enhancement should be located, designed and operated so that **esthetic values** of local shorelines in general are maintained.

6.3.3.C(2) Private development should be encouraged to provide physical
Design Policies and/or **visual public access** to shorelines, if compatible.
Public Access

Section 6.4 Commercial

6.4.1.C **Finding:** Public shoreline access, particularly marine, is
General Policies increasingly scarce in spite of the ever increasing demand
Multiple Use/ for **visual** and physical access. Certain commercial
Public Access development has a tendency to stimulate and increase such
demands.

Policy: New shoreline business should be encouraged to
provide access for their customers and the public whenever
feasible and appropriate.

6.4.1.E **Policy:** Development should not detract from the **scenic**
General Policies **qualities** of the shoreline; it should be **visually compatible**
Views and in design with its surroundings and should **not significantly**
Esthetics **block scenic vistas**. Also, protection of the **view of the**
shoreline from the water surface should be considered.

6.4.2.B(2) Commercial uses which meet one of the following two
L o c a t i o n conditions should be given preference over other commercial
Policies uses in securing shoreline locations: Uses which promote
Preferred Use physical or **visual** use of shorelines by the public, including
but not limited to resorts, rental campgrounds, and
restaurants.

6.4.3.C Where the development site encompasses shoreline segments
Design Policies which are hazardous, sensitive or otherwise not suitable for
Hazardous and intensive use, such areas should be left undeveloped as open
Sensitive Areas space. Commercial uses should not be permitted to impair
natural features of such areas, nor to encroach physically so
as to impair recreation or **esthetic values**, nor to create
unnecessary additional hazardous conditions.

6.4.3.D Commercial resorts and rental campgrounds should conserve
Design Policies natural and cultural features on the development site having
Amenities significant value for recreation, fish and wildlife habitat
or **esthetic enjoyment**.

6.4.3.G(1) As mandated by the Shoreline Management Act (RCW 90.58.320),
Design Policies no permit may be issued for any new or expanded building or
High Rise structure of more than 35 feet above average grade level on
Buildings shorelines that will **obstruct the view of a substantial**
number of residences on areas adjoining such shorelines,
except where this program does not prohibit such development
and only when overriding considerations of the public
interest will be served.

6.4.3.G(2)(a) Open space areas and setbacks should be required along
Design Policies shorelines and between buildings. These areas should be
High Rise **large enough so that local views area not extensively**
Buildings **blocked**, and building clientele have privacy and ample space
for outdoor recreation and circulation. The amount of open
space should increase as density and/or height increase.

6.4.3.G(2)(c) Circulation, parking areas, and outdoor storage or loading
Design Policies areas should be adequate in size and designed so that the
High Rise public safety and **local esthetic values are not diminished.**
Buildings Such areas should be screened from open-space areas by
landscaping, structures, or grade separation.

*6.4.4.B(1) All new or expanded developments shall be landscaped and *
* G e n e r a l buffered so that they **do not significantly detract from** *
*Regulations **shoreline scenic qualities** or adjoining properties. Such *
*Landscaping and **landscaping shall take into account the view of the** *
* **shoreline from land (beyond the boundary of shoreline** *
*Buffer **management jurisdiction) and the view of the shore from the** *
* **water surface.** The width and physical nature of the buffer *
* shall be established by the County commensurate with local *
* conditions. *

Section 6.5 Dredging

6.5.1.E Finding: Dredging has potential for short and long term
General Policies adverse impact upon **scenic** and unique shore features.
Esthetic Values Policy: Protection of **such values** should be given serious
consideration in public review of dredging proposals.

6.5.1.F Finding: Many farm operations desire to minimize adverse
General Policies impact from flooding and abnormally slow drainage on
Stream Dredging agricultural lands along low gradient streams; however,
dredging for this purpose has potential for long term damage
to water quality, stream banks, fish and wildlife, and **rural**
scenic values, and inadequate streamway management following
dredging will cause excess erosion and sedimentation which
may soon require additional dredging.
Policy: Projects should be designed to provide maximum
feasible conservation of **valuable shore features** including
land.

6.5.2.A(2)(c) Spoil disposal on land away form the shoreline is generally
L o c a t i o n preferred over open water disposal, but should be permitted
Policies only under the following conditions: Sites will be
Spoil Disposal **adequately screened from view of local residents or passersby**
on public rights-of-way.

Section 6.6 Stream Control Works

- 6.6.1.B Policy: Flood control programs should be long term and coordinated among persons and agencies. In cooperation with other concerned agencies and persons, the County should develop a long term, comprehensive plan for management of local streamways, and especially for the Nooksack River. Such a plan should aim toward preventing needless flood damages, maintaining the natural hydraulic capacity of floodways, and conserving valuable, limited resources such as fish, water, soil and recreation and **scenic** areas.
- 6.6.1.E Policy: Stream control works for primary purposes other than flood control should be permitted only when the primary development will be consistent with the policies and regulations of this program and the stream control works can be developed in a manner compatible with the multiple use of the streamway and associated resources, such as wildlife habitat, water quality, **esthetics** and recreational resources.
- 6.6.1.I Finding: Certain stream control measures have adverse impact upon generally **high esthetic values** of local shorelines.
Policy: Such works should be located and designed to minimize negative impact on **shoreline scenery** and natural diversity or shore features whenever possible.
- 6.6.2.A(4) Estuarine Zone - In this lowest gradient zone, channels are relatively stable and erosion free, especially in the low surge plain reach. Dense root mattings hold water-saturated, adhesive clay-silt soils in place, and currents are periodically reversing due to tidal currents. For the above reasons, because the highest and best use of local estuaries is multiple use for seafood nurseries, fish and wildlife habitat, **nature observation** and open space, and because such shorelines are unsuitable for or less productive for other uses, stream control works should not be permitted on estuarine shorelines.
- 6.6.2.C Channelization projects which would result in significant damage to fish and wildlife resources, recreation and **esthetic resources**, or high flood stages and velocities should not be permitted when alternatives are available, particularly on Gravel Zone streamways.
- 6.6.2.D(1) Types of control works which are **more natural in appearance**, more compatible with on-going shore processes, and more flexible for long term streamway management are preferred, such as protective berms, or vegetative stabilization including brush matting and buffer strips; existing trees, bushes and grasses should be left on stream banks whenever possible.
- 6.6.2.D(4)(c) All stream control works should be sited and designed to provide: Preservation of valuable recreation resources and **esthetic values** such as point and channel bars, islands, and braided streamway banks.

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*6.6.3.B(7)(b)   Cut-and-fill slopes and backfilled areas shall be
*General Regula-  revegetated, with grasses, shrubs, or trees visually
*tions            compatible
*Bank Vegetation with natural stream bank vegetation.
*Maintenance
*
*****

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Section 6.7 Forest Practices

6.7.1.D Finding: Certain forest practices (slash burning, clear cutting, debris disposal) have potential for adverse effects upon other nearby users of shorelines. Certain forest lands are located in close proximity to residential neighborhoods, public parks, trails, and **scenic drives**, and quasi-public recreational facilities.

General Policies Policy: Forest practices should aim at preventing or minimizing such potential conflicts.

Use Conflicts

Section 6.8 Historic Sites

6.8.2.E Finding: Some types of historic site development have potential for adverse impact upon neighboring properties and other shore uses through noise, crowds, dust, or **negative esthetics**.

General Policies Policy: Such development should be planned and carried out so as to prevent **such impacts** or hold them to temporary or reasonable levels.

Use Conflicts

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*****
*6.8.3.A(5)(a)   Interpretive centers compatible with and subordinate to
*Regulations      the area's physical and visual character are permitted as a
*Shoreline Area   conditional use.
*Regulations
*Natural
*****

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*****
*6.8.3.B(3)(a)   In order to protect shoreline features, public safety,
*General Regula-  properties and other uses during or after excavations or
*tions            other development of historic sites, the County may impose
*Environmental    reasonable conditions on such development including but not
*Impact           limited to surface runoff control, spoil or waste disposal,
*                 operating hours, noise or dust control, or visual screening.
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Section 6.9 Landfill

6.9.2.A Policy: Landfill in water bodies, flood plains, and natural
General Policies wetlands should not be permitted for creation of new uplands
for uses which are not shoreline dependent, nor where
adequate upland area already exists for appropriate uses.
Landfill should be permitted in limited instances to restore
uplands where recent erosion has rapidly reduced upland area,
to build beaches and protective berms for shore defense or
recreation, to develop or enhance biologic habitat, or to
moderately elevate low uplands in order to make such uplands
more useful for purposes consistent with this program.
However, general **scenic** and ecological values of natural
shorelines should be protected from adverse impact in such
development.

6.9.2.F Finding: Diversity of natural physical and biologic features
General Policies is a primary factor in the **high scenic value** of county
Esthetic Values shorelines. Landfills normally and permanently replace
natural diversity with artificial uniformity, especially when
combined with defense works.
Policy: Protection of **valuable scenic features** should be
given serious consideration in reviewing landfill proposals.

6.9.4.B(2) Material for proposed fills including beach feedings should
Design Policies be selected and placed so as to prevent water quality
Environmental problems and degradation of other shore resources including
Protection **scenic values**.

6.9.4.C Landfills, beach feeding and related cuts should be designed
Design Policies to blend physically and **visually** with existing topography
Topography whenever possible, so as not to interfere with long term
appropriate use including **lawful access and enjoyment of
scenery**.

Section 6.10 Marinas and Launch Ramps

6.10.1 ...Marinas and public launch ramps may provide physical and
Background **visual access** to shorelines and water bodies for large
Information numbers of people including non-boaters. They are essential
to the regional economy and there is potential for even more
benefits to the region. Some marinas **enhance local esthetic
values** as well, depending upon their design and ratio of
covered moorages to open.

- 6.10.2.F
General Policies
Accessory Uses
- Accessory uses at marinas or public launch ramps should be limited to those which are truly shoreline dependent, or which provide physical or **visual shoreline access** to substantial numbers of the general public free or at a reasonable cost. Accessory uses should not be permitted at a specific site unless consistent with the county Comprehensive Plan and permitted by county zoning. A greater variety of accessory uses should be permitted in an Urban or Urban Resort Shoreline Area than in either Rural or Conservancy Shoreline Areas.
- 6.10.2.G
General Policies
Local Compatibility
- Marinas and public launch ramps should be located, designed and operated so that other appropriate shoreline dependent uses are not adversely affected, whether such other uses are existing or officially planned. Such uses include but are not limited to navigation, fishing, hunting, pleasure boating, swimming, beach walking, picnicking and **shoreline viewing**.
- 6.10.2.I
General Policies
Esthetic Impact
- Marinas and public launch ramps should be located and designed so their structures, other features, and operations will be **esthetically compatible with or will enhance the area visually affected, and will not unreasonably impair shoreline views of local residents or user groups**.
- 6.10.4.B
Design Policies
Multiple Use
- Marinas and public launch ramps should be designed to provide public access for as many shoreline dependent recreational uses as are possible, commensurate with the particular proposal. Features for such access could include artificial pocket beaches created by foreshore defense structures, pedestrian bridges to offshore structures, fishing, or **viewing platforms, and underwater diving and viewing platforms**.
- 6.10.4.C
Design Policies
Sensitive Areas
- Marinas and public launch ramps should be designed so that adjacent fragile or unique natural and cultural features are preserved or enhanced so that they continue to provide public benefits through biological productivity and **esthetic appreciation**.

6.10.4.J
Design Policies
Covered Moorage

While covered moorages and boathouses in marina basins are desired by some boat owners, these structures do have potential for adverse impact on **shoreline views** and on the interests of other boat owners. Much of a marina's **attractive appearance** may be lost if all or a major portion of moorage spaces are roofed and/or walled, or if boathouses are scattered throughout the marina.... Thus, marina developers should be required to provide a detailed plan for covered moorage development before permits are granted. Such a plan must indicate: (a) covered moorage location, size, and general design; (b) that **shoreline views in the marina and from adjacent private and public properties** will not be adversely affected to a significant degree; and (c) that the structures will be built to withstand stresses from storms and weather or damage by fire.

6.10.4.K
Design Policies
Parking and
Storage

Parking, dry moorage, and other storage areas should be located well away from the shoreline, and planted or landscaped to provide a **visual** and noise buffer for adjoining dissimilar uses or **scenic areas**.

*6.10.5.B(1) The developer is required to demonstrate how the marina or *
General Regula- launch ramp will provide space and facilities for pedestrian
*tions and **visual access** to water bodies as well as for feasible *
*Multiple Use types of general shore recreation for the public or large *
* quasi-public groups. *

Section 6.11 Mining

6.11.1.E
General Policies
Reclamation

Policy: Mining and particularly surface or strip mining should provide for timely restoration of disturbed areas to a biologically productive, **attractive semi-natural**, or other useful condition through a reclamation process consistent with the 1971 State Surface Mining Act, RCW 78.44, and regulations adopted pursuant thereto by the State Natural Resources Board, which are administered by the Department of Natural Resources.

6.11.1.I
General Policies
Esthetics

Policy: Mining should be sited and operated, including reclamation, so that **esthetic values of natural and cultural features** are preserved or enhanced.

6.11.3.A(2)
Operating Poli-
cies
Shore Setback

Mining operations other than accretional bar scalping should be set back from water bodies or natural wetlands a distance sufficient to permit natural vegetation and surface topography to prevent erosion, protect water quality, and to protect other resources and **esthetic values**.

 *6.11.4.B(4)(a) Overburden or other mining spoil or non-putrescible solid *
 *General Regula- wastes shall be disposed in a manner which provides short *
 *tions and long term protection of any affected natural features, *
 *Overburden other uses, and **esthetic values**. *

Section 6.12 Piers and Docks

6.12.1.E Finding: Certain aspects of pier and dock development have
 General Policies potential for adverse impact upon **high esthetic values of**
 Esthetic Values **local shorelines**. Such development often has potential for
enhancement of such values as well as **people's enjoyment of**
shorelines.

Policy: Piers and docks should be designed and maintained
 to avoid unnecessary adverse impact on **shore scenery** and/or
 to **enhance such values**.

6.12.3.G New pier and dock development should be designed so as not
 Design Policies to interfere with lawful public access to or use of
 Public Access shorelines. Developers of new piers and community docks
 should be encouraged to provide physical and **visual public**
access to shorelines whenever safe and compatible with the
 primary uses and shore features.

 *6.12.4.A(5) Dock and pier development are not permitted except public *
 *Shoreline Area access, interpretive or **nature observation facilities** which *
 *Regulations are compatible with and subordinate to the area's physical *
 *Natural and **visual character**, subject to policies and regulations. *

 *6.12.4.B(5)(b) If a dock is provided with railing, such railing shall be *
 *General Regula- an open framework **which does not unreasonably interfere** *
 *tions **with shoreline views of adjoining properties** nor lawful use *
 *Dock Construc- of water surfaces. *
 *tion Standards *

Section 6.13 Port and Industrial Development

6.13.2.B Finding: Puget Sound is endowed with a unique complex of
 General Policies natural resources including clean water and air, abundant
 Optimum Use of sea life, deep water harbors, and **shoreline and mountain**
 Shoreline **natural beauty**. This resource base is renewable for economic
 Resources and social activities of great value regionally and
 nationally including tourism, recreation, international
 trade, sea food production, scientific research, and
 waterfront living. These compatible, shoreline dependent or
 related uses have great potential for additional economic
 and social benefits.

6.13.2.I Finding: Certain aspects of port and industrial development
General Policies have potential for adverse impact upon **high esthetic values**
Esthetic Values **of regional shorelines.** Other aspects of such development
 are interesting and **attractive** to many people.

Policy: Ports and industry should be encouraged to minimize
negative impact on shoreline areas and **scenery**, to enhance
and maintain **positive visual aspects of their development** and
to provide opportunities for **public viewing of such positive**
aspects whenever practical and safe.

6.13.4.B Buffers, preferably of natural character plants and terrain,
Design Policies should be provided on the shore side and between industrial
Buffers areas and adjacent land areas used for less intense purposes
 such as residential or recreation. They should be of such
 width and composition so as to mitigate potential adverse
 visual or noise impact. Use of such buffers for employee
 rest areas, public access or recreation, or limited auto
 parking is encouraged.

6.13.4.D New development, particularly public ports, should be
Design Policies encouraged to provide physical or **visual access to shorelines**
Public Access and **visual access to facilities** whenever possible when such
 access does not cause interference with operations or hazards
 to life and property.

* * * * *
*6.13.5.B(4)(a) All new or expanded industrial development on land shall be *
*General Regula- set back and buffered from the shoreline and from adjacent *
*tions shoreline properties which are used for nonindustrial *
*Buffer purposes. Buffers shall be of adequate width, plant and *
* soil composition as reasonably determined by the County to *
* effectively protect shorelines and such other properties *
* from **visual** or noise intrusion which would otherwise occur. *
* * * * *

Section 6.14 Recreation

6.14.1.E Recreational and access developments should, wherever
General Policies appropriate, **preserve or enhance scenic views and vistas** as
Views and Esthe- well as **improve the esthetic value of the area.**
tics

6.14.1.I Finding: There is a scarcity of suitable sites for public
General Policies shoreline-oriented recreation and stiff competition for such
Multiple Use sites from other uses in the region.
Policy: Provision for a reasonable form of physical or
visual public access or recreational use should be encouraged
in other new developments such as ports and industry,
commercial, and residential.

6.14.3.E Safe, environmentally sound and **esthetically compatible** utilities should be provided commensurate with the type of development, and the anticipated intensity of use or population density. These utilities include water systems, sewage and waste disposal facilities, electrical and electronic systems, and, where deemed necessary by appropriate authorities, fire protection equipment.

 *6.14.4.A(5)(b) Essential minor structures such as trails, small picnic *
 *Shoreline Area areas, primitive roads, **viewpoints**, restrooms, or *
 *Regulations interpretive facilities, or development which preserves or *
 *Natural restores natural features is permitted, subject to policies *
 * and regulations. *
 *

Section 6.15 Residential

6.15.1.D Development should not result in significant adverse effects upon **other nearby shoreline uses** including but not limited to forestry, agriculture, sea food harvest, or recreation; nor in their displacement if such uses have no comparable alternate sites locally.

6.15.1.E(1) Structures or development for uses accessory to residential use should preserve shore open space, be **visually** and physically **compatible** with adjacent cultural and natural features and be **reasonable in size and purpose**. Accessory development common to residences includes but is not limited to recreational piers and floats, garages and shops, parking areas, water craft storage, shore defense works, **fences**, cabanas, tennis courts, swim pools, saunas, guest cottages.

6.15.1.E(3) Joint or community use of private piers or floats is to be strongly preferred to continued proliferation of piers and floats for individual lots, which has led to unnecessary obstruction of water areas and **loss of esthetic values**.

6.15.1.F Development should **protect and enhance scenic shoreline features** whether natural or cultural, including scarce or valuable shoreforms, historical features and **views**; the development should be **visually compatible with the local area**.

6.15.3.C Natural and cultural features on the development site having significant value for outdoor recreation, open space, fish and wildlife habitat or **esthetic enjoyment** should be maintained in a manner which **conserves their intrinsic value** and enables maximum human benefit from such features.

6.15.3.D Design Policies Open Space Recognizing the sprawling and single purpose character of much existing residential development, future development should provide ample open space between structures and water bodies or natural wetlands, and along site boundaries, so as to provide space for outdoor recreation, protect natural features, **preserve views**, or to minimize use conflicts.

6.15.3.E Design Policies Hazardous and Sensitive Areas Where the development site encompasses shoreline segments or enclaves which are hazardous, or sensitive, or otherwise not suitable for intensive use, such areas should be left undeveloped as open space. Adjacent uses should not be permitted to impair natural features of such areas, nor to encroach physically, so as to impair recreation or **esthetic uses**, or to create unnecessary additional hazardous conditions.

6.15.3.H(1) Design Policies High Rise and Other Multi-unit Buildings As mandated by the Shoreline Management Act (RCW 90.58.320), no shoreline permit may be issued for any new or expanded building or structure of more than 35 feet above average grade level on shorelines that will **obstruct the view** of a substantial number of residences on areas adjoining such shorelines, except where this program does not prohibit such development and only when overriding considerations of the public interest will be served.

6.15.3.H(2)(a) Design Policies High Rise and Other Multi-unit Buildings Open space areas and setbacks should be required along shorelines and between buildings. These areas should be large enough so that **local views are not extensively blocked**, and building residents have privacy and ample space for outdoor recreation and circulation. The amount of open space should increase as density and/or height increase.

6.15.3.H(2)(c) Design Policies High Rise and Other Multi-unit Buildings Circulation, parking areas, and outdoor storage or loading areas should be adequate in size and designed so that the public safety and **local esthetic values are not diminished**. Such areas should be screened from open space areas by landscaping, structures, or grade separation.

Section 6.16 Roads and Railways

6.16.1.B General Policies Multiple Use **Finding:** Road and railway development are consumptive and irreversible in nature.

Policy: Route planning, acquisition, and design should provide space wherever possible and safety for compatible multiple uses such as utility lines, other forms of land transport, pedestrian shore access or **view points**, or recreational trails.

6.16.1.F Finding: Land transport development has potential for both beneficial and adverse effect upon people's physical and Esthetic Values **visual enjoyment of shorelines.** Great changes in transport technology have and will occur requiring new routes together with less use of certain existing routes.

Policy: New development should aim to **maximize protection and enjoyment of shore esthetic values** wherever possible; old bypassed routes in **scenic areas** should be considered for appropriate recreational use.

Section 6.17 Shore Defense Works

6.17.1.E Finding: Shore defense works frequently **lower the esthetic quality** and diversity of natural shorelines, especially Esthetic Values those works which fail. **Such esthetic values** and diversity are limited and are irreplaceable.

Policy: Protection of **esthetic values** should be given serious consideration in reviewing defense work proposals.

6.17.1.H Finding: Erosion, littoral drift, and accretion are primary General Policies and inseparable components of the dynamic natural process Shore Process which has created much of the unique and **scenic shorescape of Integrity Puget Sound.** Interruption of one component process for any purpose will often affect shore features adversely to some degree.

Policy: Owners of shore property should consider the probable effects of their shore defense works on other properties and shore features.

6.17.1.K Finding: Gabions may represent an economical alternative to General Policies more complex and durable defense works, but deterioration of Gabions the bindings may result in adverse impacts on **shore scenic values** and hazardous conditions for shore users.

Policy: Gabions should not be used as a defense work where alternatives more consistent with this program are feasible.

6.17.3.B More flexible defense works of natural materials such as Design Policies protective berms, rip rap, beach feeding, or vegetative Preferred Alter- stabilization are to be strongly preferred wherever possible natives over rigid works of artificial materials such as concrete because the former have less adverse impact on shore features and are not so irreversible. Proposals for rigid works should include some indication that more flexible, natural works are infeasible. Materials for defense works should be selected for long term durability, ease of maintenance, compatibility with local shore features including **esthetic values**, and for flexibility in future uses.

Section 6.18 Signs

6.18.1.A Finding: County shorelines are of **high scenic value**, and General Policies there is potential for damage to such values from Esthetic Values unrestricted and uncoordinated sign development.

Policy: Signs should be located, designed and maintained to be **visually compatible with local shoreline scenery** as seen from both land and water.

6.18.1.B Finding: Signs have potential for interference with **visual** General Policies or lawful physical access to shorelines. Use Conflicts

Policy: Sign location and design should not significantly impair such access.

6.18.2.C Billboards and other off-premise signs are not shoreline Location Poli- dependent, **reduce people's enjoyment of** or access to cies shorelines, and often lower values of nearby properties. Off-premise Such signs should not generally be located on shorelines Signs except for approved community gateway or directional signs.

6.18.2.D Signs near **valuable scenic vistas and viewpoints** should be Location Poli- tightly restricted in message, number, location, and height cies so that **lawful enjoyment of these limited and scarce areas is not impaired.** Vistas and Viewpoints

6.18.3.A In order to **minimize negative visual impacts** and obstructions Design Policies to shoreline access and use, low profile, on-premise wall Preferred Design signs are strongly preferred over free-standing signs or off-premise wall signs. It should be recognized that this program will encourage foot traffic while discouraging vehicle traffic in intensely used or builtup shoreline districts, thus signs should be oriented to such non-motorized traffic in terms of height and appearance; signs should be no higher than exterior wall height of the premises advertised, and illumination should be steady, non-glare and indirect.

6.18.3.B Finding: There is potential for negative economic and Design Policies **esthetic impact** upon communities from indiscriminately and Harmony Among often intensely concentrated collections of polyglot, Signs discordant signs. A vicious circle of competition in distracting devices often results, leading to needless escalation in number and offensiveness of nuisance signs, while investment in existing signs depreciates rapidly, causing losses to local proprietors.

Policy: Signs in builtup or commercial districts should be designed or selected in terms of material, color, height, size, illumination, and other characteristics to achieve **visual harmony**.

 *6.18.4.B(6)(a) Free-standing signs are prohibited between a public right *
 *General Regula- of-way and the shoreline where the right-of-way generally *
 *tions parallels the shore and where **the water body is visible** *
 *Roadside View **from the right-of-way.** *
 *Protection *

 *6.18.4.B(7) Free-standing signs are prohibited between the primary *
 *General Regula- building and OHWM, and between a line drawn from the shore *
 *tions side corners of said building to the corner nearest the *
 *Open Space and shore of any building on adjacent shoreline property; *
 *View Protection PROVIDED, that if a road or path used by the public separates *
 * said building from OHWM, then free-standing signs are *
 * permitted between the road or path and said building. *

Section 6.19 Utilities

6.19.1.B Finding: Utility location requirements are often critical.
 General Policies A high potential for adverse physical and **visual effects**
 Use Conflicts upon other users exists, as well as potential hazards to the
 and Safety public.

Policy: Such development should be located, designed, and managed to prevent hazardous conditions and adverse effects or hold them to a publicly acceptable minimum.

6.19.2.C(3) Indiscriminate, random disposal of solid waste on shorelines
 Location Poli- or in water bodies has potential for severe adverse effects
 cies upon property values, public health, natural resources, and
 Solid Waste **local esthetic values**, and should not be permitted.

APPENDIX C

**VISUAL ACCESS TO LAKE WHATCOM,
A SHORELINE OF STATE-WIDE SIGNIFICANCE**

**VISUAL ACCESS TO LAKE WHATCOM,
A SHORELINE OF STATE-WIDE SIGNIFICANCE**

A look at the impact of fences along Lake Whatcom Boulevard between Geneva and Sudden Valley on visual access to the shoreline.

The Institute for Watershed Studies of Western Washington University prepared the "Lake Whatcom Watershed Management Plan" for the Whatcom County Planning Department in December of 1986 (revised in July 1987). The plan includes the results of a public opinion poll conducted by the Institute which, among other things, asked the individuals surveyed to rank the beneficial uses of the lake by importance. Over ninety (90) percent of those surveyed, considered "scenic value" as extremely important or very important. Seventy (70) percent of the respondents to the survey were residents of the City of Bellingham, while the other thirty (30) percent were residents of the Lake Whatcom watershed. Eighty-five (85) percent of those surveyed said that they use the lake or watershed for scenic quality. "Too much development" was identified as the major problem affecting the scenic quality of the lake and watershed (by those who said that there were such problems). In summary, Lake Whatcom is valued highly for its scenic beauty.

The following is the discussion on aesthetics contained in the plan under issue number six:

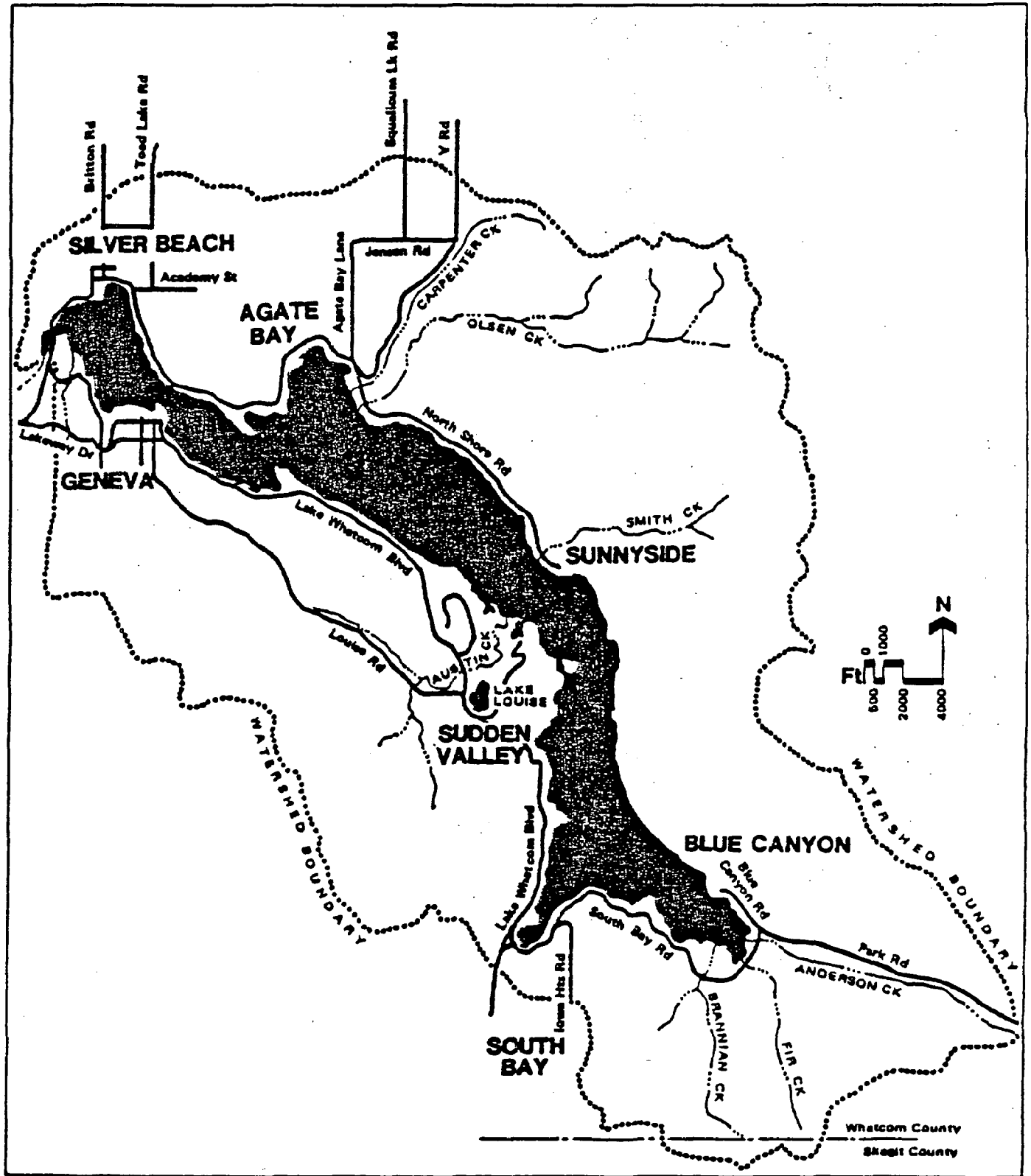
Lake Whatcom is located in a narrow, glacially carved valley, surrounded by steep, forested hills. The long lake and adjacent hillsides present panoramic views for residents, and view property is highly valued. The current high water quality is important to the lake's scenic value. The EPA defines aesthetically pleasing waters, as waters free from substances attributable to wastewater or other discharges that settle or form objectionable deposits; float as debris, scum, oil or other nuisances; produce undesirable color, odor, taste or turbidity; are toxic or produce adverse physiological response in humans; or produce undesirable or nuisance aquatic weed growth (EPA, 1976). Besides being dependent on the lake water quality, the scenic value is also affected by the appearance of the surrounding hillsides. Clearcuts and increased development around the lake can decrease the scenic quality of the area.

Enjoyment of the scenic beauty of Lake Whatcom is not limited to watershed residents. The lake and surrounding watershed is also a highly valued scenic area for people who do not reside within the watershed. The watershed contains several day use areas and is a sightseeing destination for many people on weekends, holidays, and throughout the summer. Nearly everyone surveyed in our public opinion poll, regardless of proximity to the lake, considered the scenic quality of Lake Whatcom to be very important. Therefore, management decisions for the watershed should take aesthetics into account.

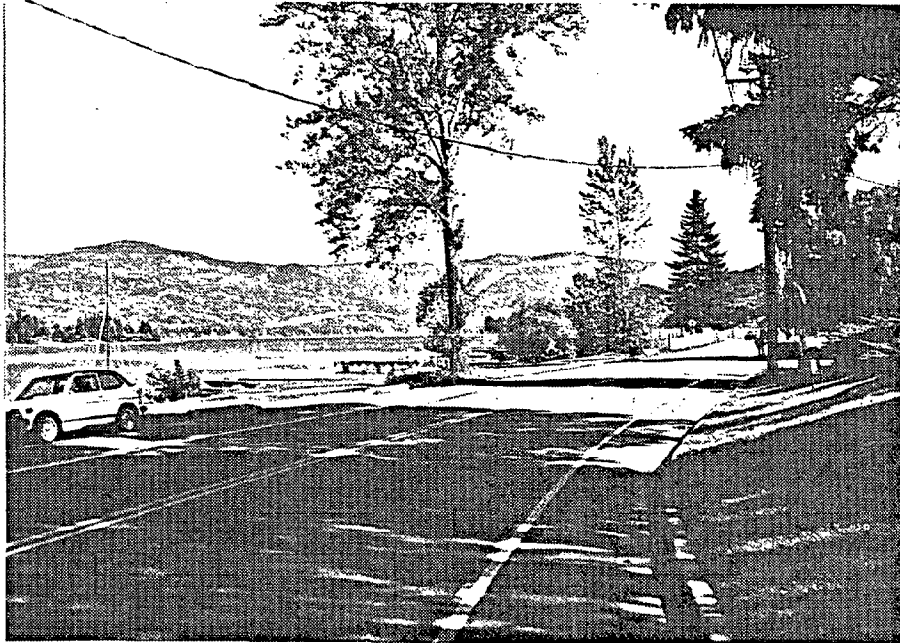
For lakeshore residents, daily and continuous visual access is essentially guaranteed as a matter of ownership. For those not residing on the lakeshore, namely the public, the surveys reflect a much greater concern for visual access. The public's view of the lake is generally limited to one public park (Bloedel-Donovan City Park), road segments which parallel the shoreline (North Shore Drive, Lake Whatcom Boulevard and South Bay Drive), and the County trail along the southeast shore of the lake. Although forest clearcutting and development activity can significantly affect esthetic values in the watershed, only that portion within 200 feet of the shoreline is subject to regulation under the SMP. Other than the development of new park, trail and viewpoint facilities for the public, the most important step the County can take is to preserve the view of the lake from the scenic roads along the lakeshore.

Fences between the shoreline and public roadways which generally parallel the shoreline often block the public's view of the shoreline. Many such fences exist around Lake Whatcom and the cumulative impact of these fences greatly reduces visual access and the scenic quality of the lake. As discussed above, the scenic quality of Lake Whatcom is highly valued and should be protected from adverse impacts.

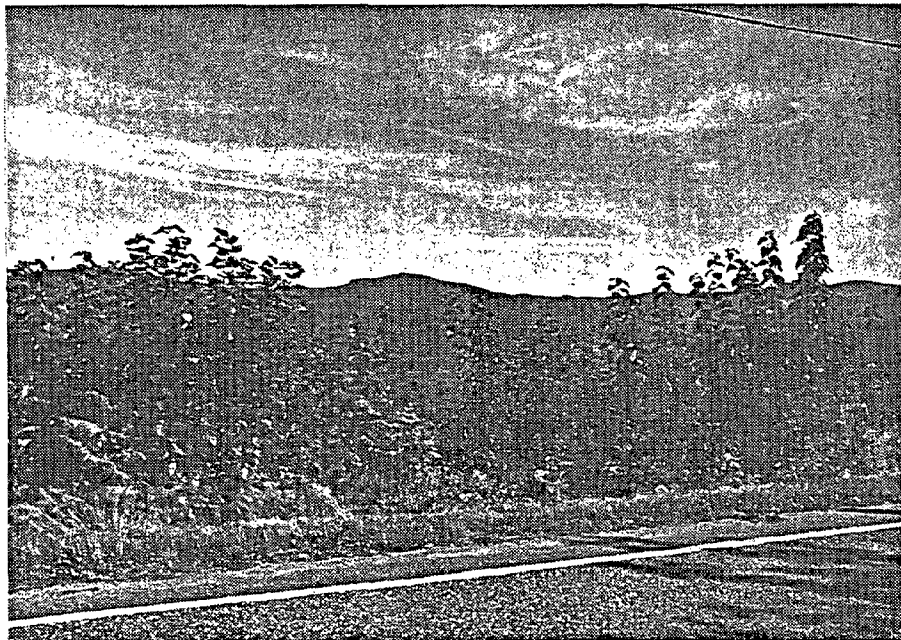
The following pages contain pictures which show some of the fences along Lake Whatcom Boulevard between Geneva and Sudden Valley. This is an area which is experiencing an increase in the number of fences which block the view of the shoreline from the boulevard. Regulations are needed to end this "walling of the lake" before the public is deprived of all visual access to the lake from the boulevard.



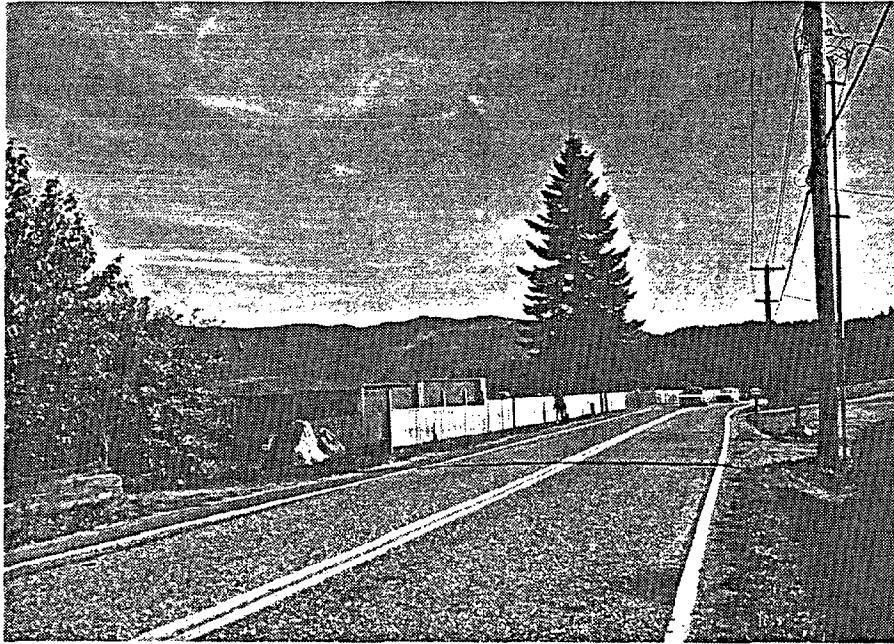
Lake Whatcom Watershed



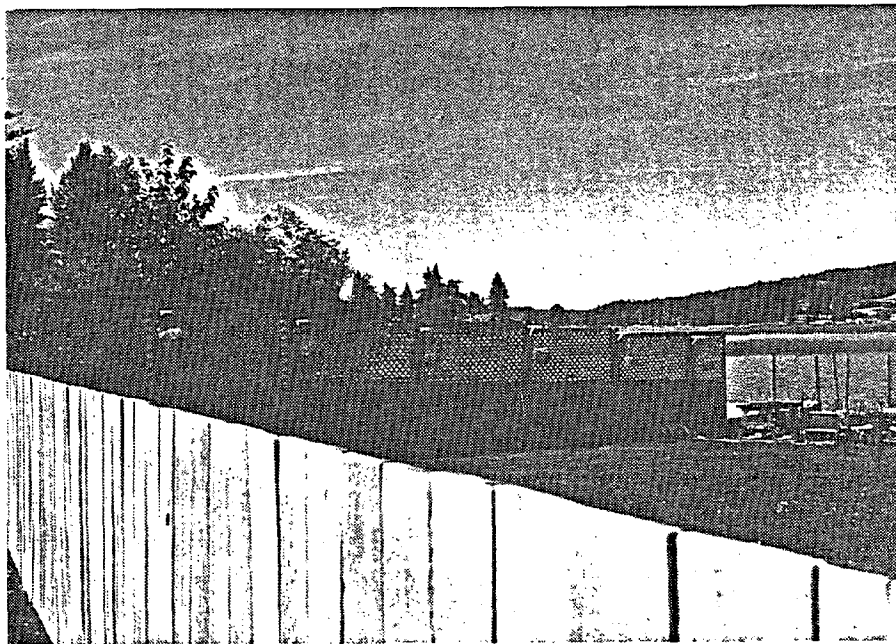
Lake Whatcom Boulevard has historically provided significant views to motorists, bicyclists and pedestrians where it closely parallels the lake. The increasing number of solid fences along the lakeside of the boulevard block visual access to the shoreline and greatly reduce the scenic value of the area. (9/87)



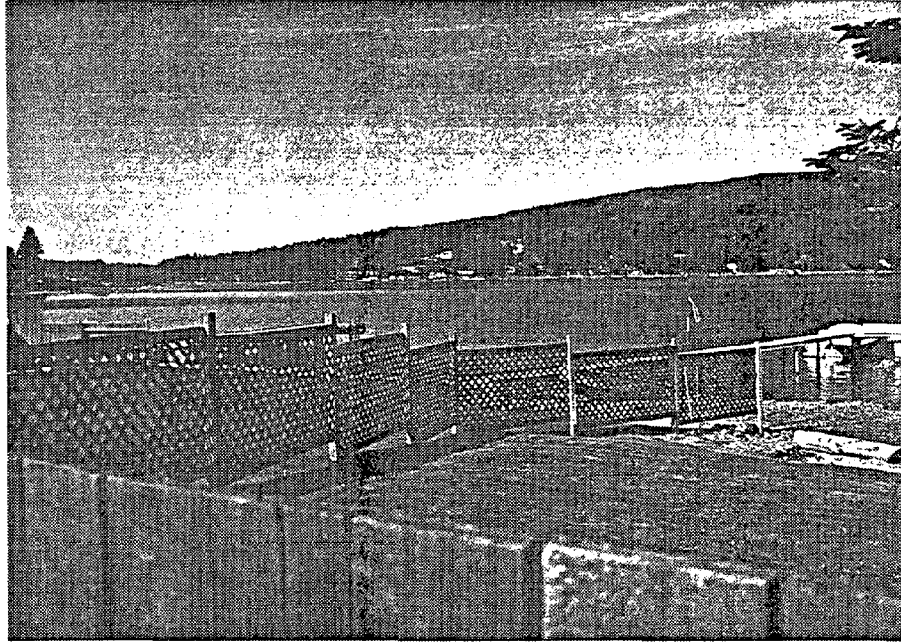
Natural vegetation on undeveloped lots between the roadway and the shoreline may block the visual access just as effectively as fences and other solid structures. However, such blockage is often seasonal. (Lake Whatcom Blvd., 9/87)



The fences pictured here effectively block visual access to the shoreline for motorists, while most adult pedestrians walking close to the fence can view the shoreline over the fence. (Lake Whatcom Blvd., 9/87)



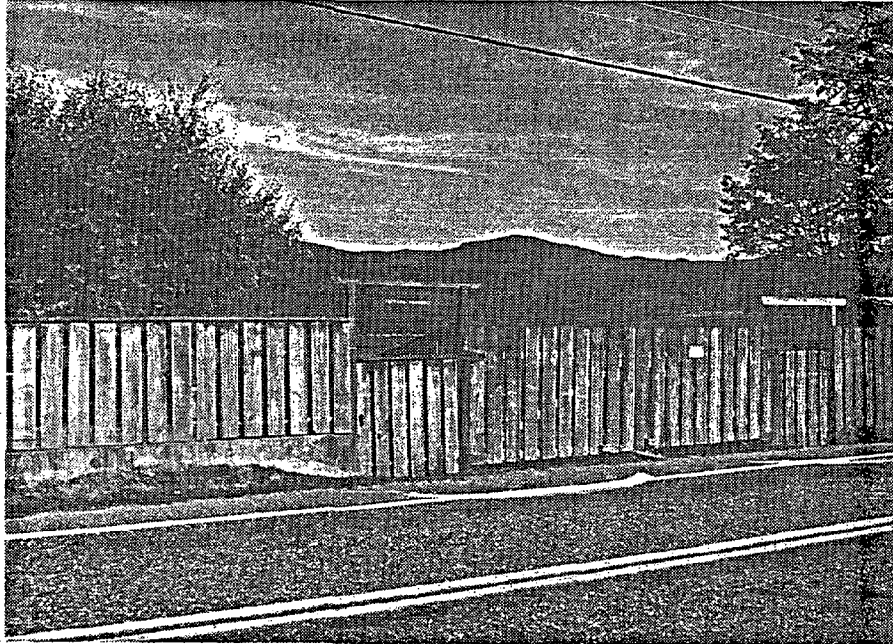
Sideyard fences perpendicular to the roadway can obstruct the view of the shoreline just as effectively as fences parallel to the roadway. Note that the visual access provided through the lattice portion of the fence is of very poor quality. (Lake Whatcom Blvd., 9/87)



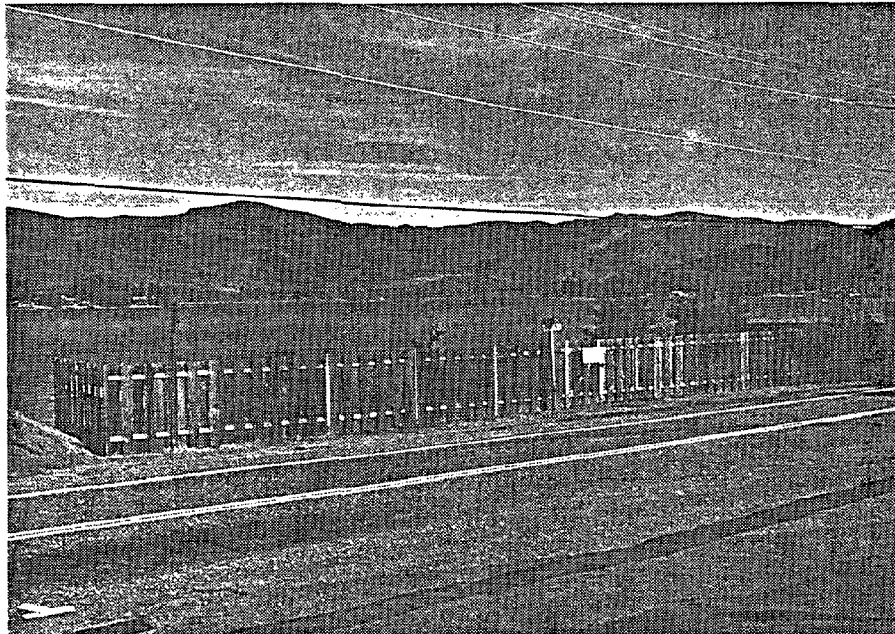
Although this sideyard fence is of an open lattice construction, the visual access to the shoreline through the fence is of poor quality. (Lake Whatcom Blvd., 9/87)



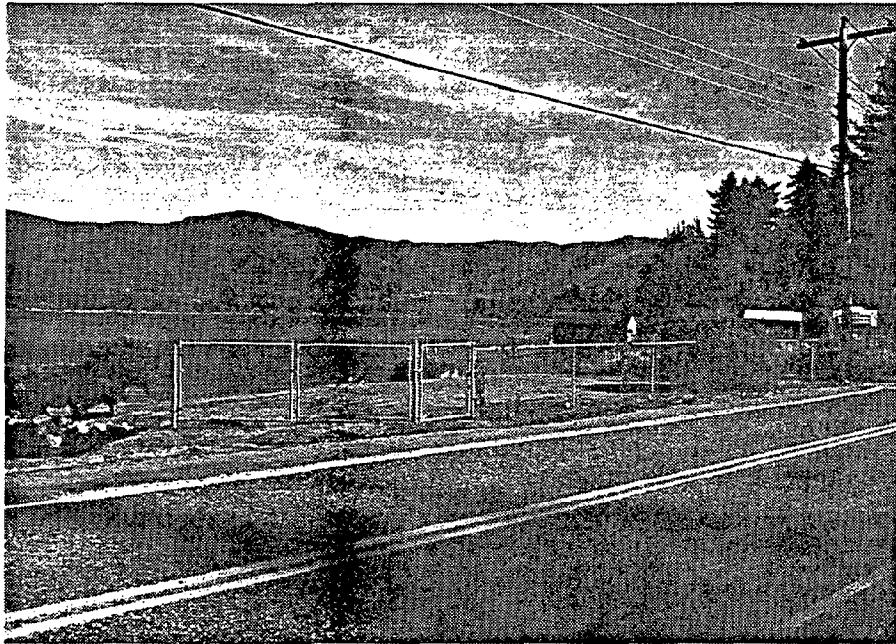
This fence constructed of a combination of solid boards and open lattice blocks the view of the shoreline almost as effectively as the solid board fence adjacent to it. This is due to the poor quality of visual access provided through the narrow band of open lattice. (Lake Whatcom Blvd., 9/87)



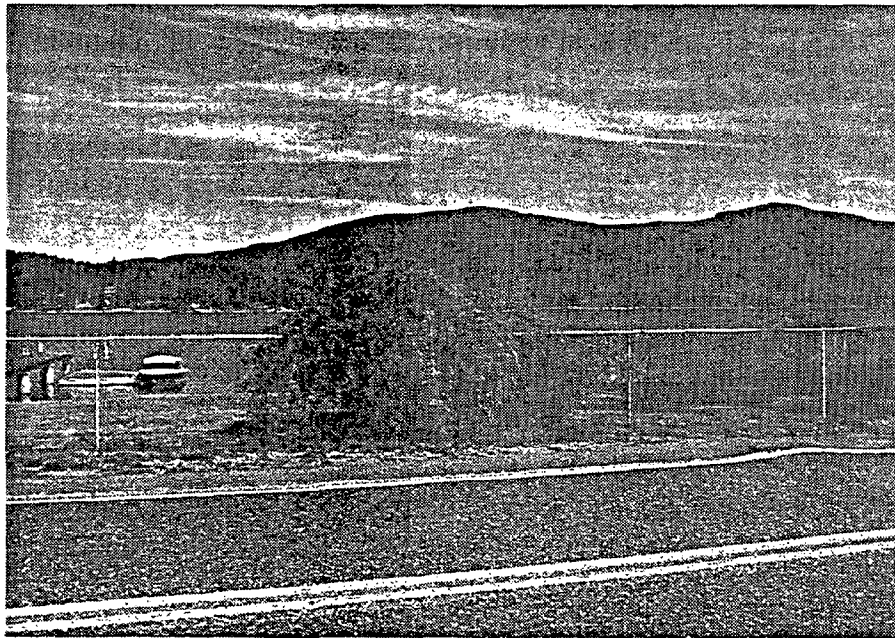
This fence constructed of boards which are spaced apart from each other blocks the view of the shoreline just as effectively as a solid board fence. Note the "Private Property" sign above the gate. (Lake Whatcom Blvd., 9/87)



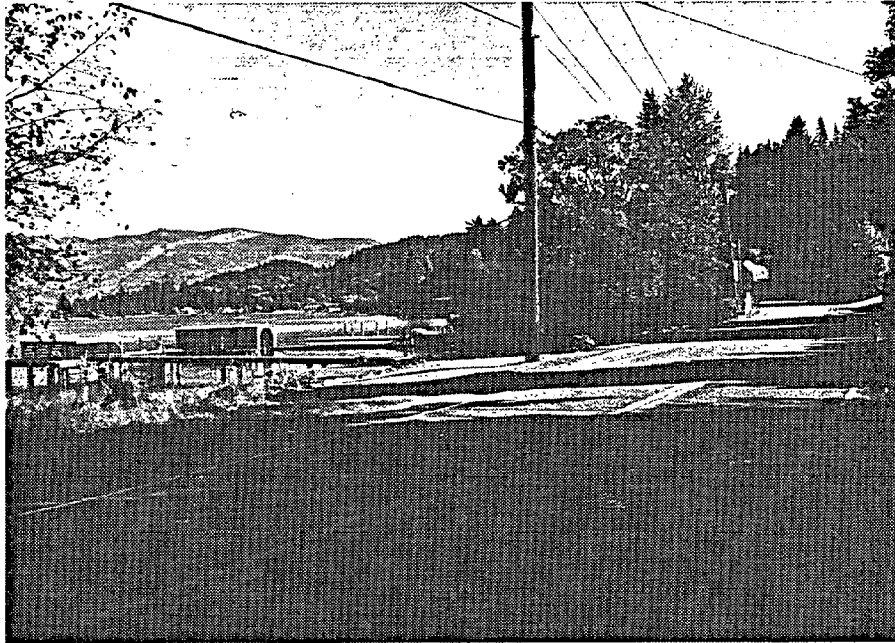
Scattered fences along the shoreline adversely effect the scenic quality of the area. (Lake Whatcom Blvd., 9/87)



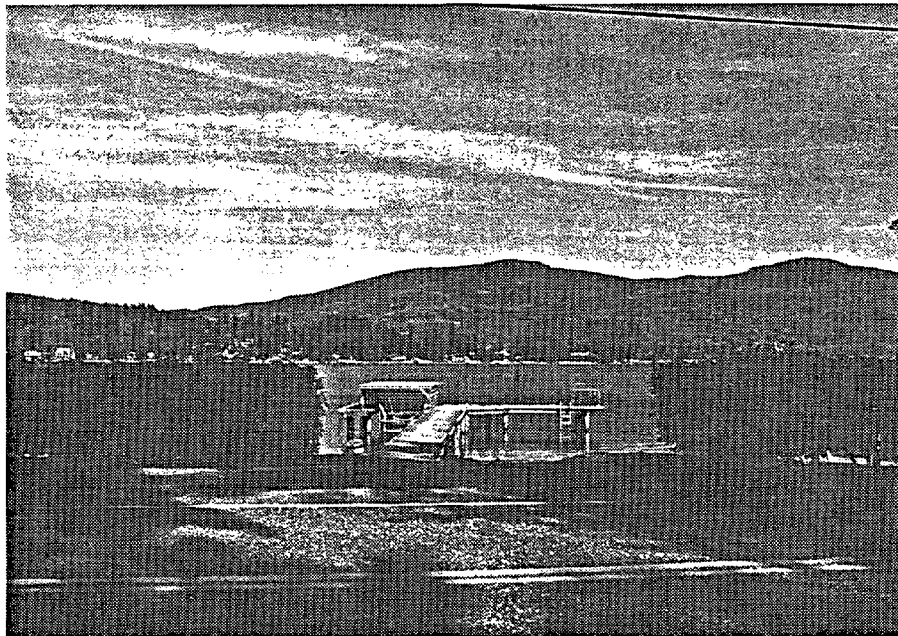
Cyclone fencing preserves almost all visual access to the shoreline while degrading the scenic quality of the area much less than a solid barrier. (Lake Whatcom Blvd., 9/87)



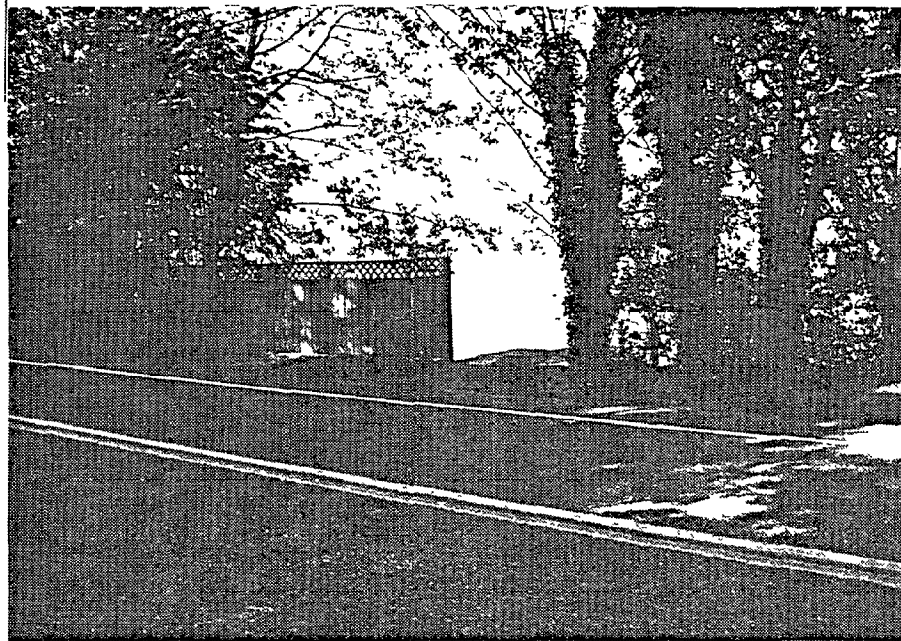
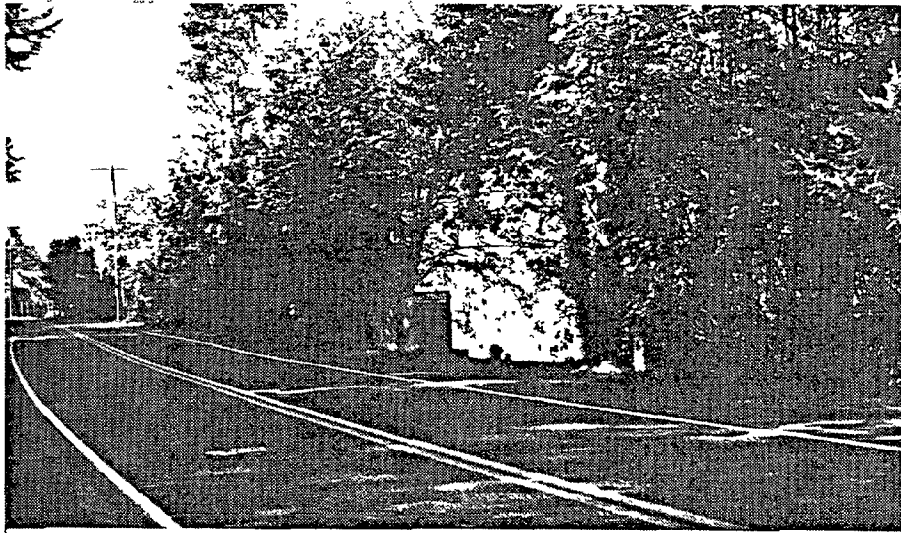
Dense vegetation growing on a relatively transparent fence can become a solid obstruction to visual access to the shoreline. The height and density of such vegetation should be controlled through regular pruning and thinning. (Lake Whatcom Blvd., 9/87)



Lake Whatcom Boulevard has historically provided significant views to motorists, bicyclists and pedestrians where it closely parallels the lake. (9/87)



To the left of the dock in this picture is a hedge with a fence behind it and to the right is just a hedge. Both the hedge with fence and hedge alone block the view of the shoreline just as effectively as a solid board fence. (Lake Whatcom Blvd., 9/87)



Scattered fences along the shoreline adversely effect the scenic quality of the area. (Lake Whatcom Blvd., 9/87)



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