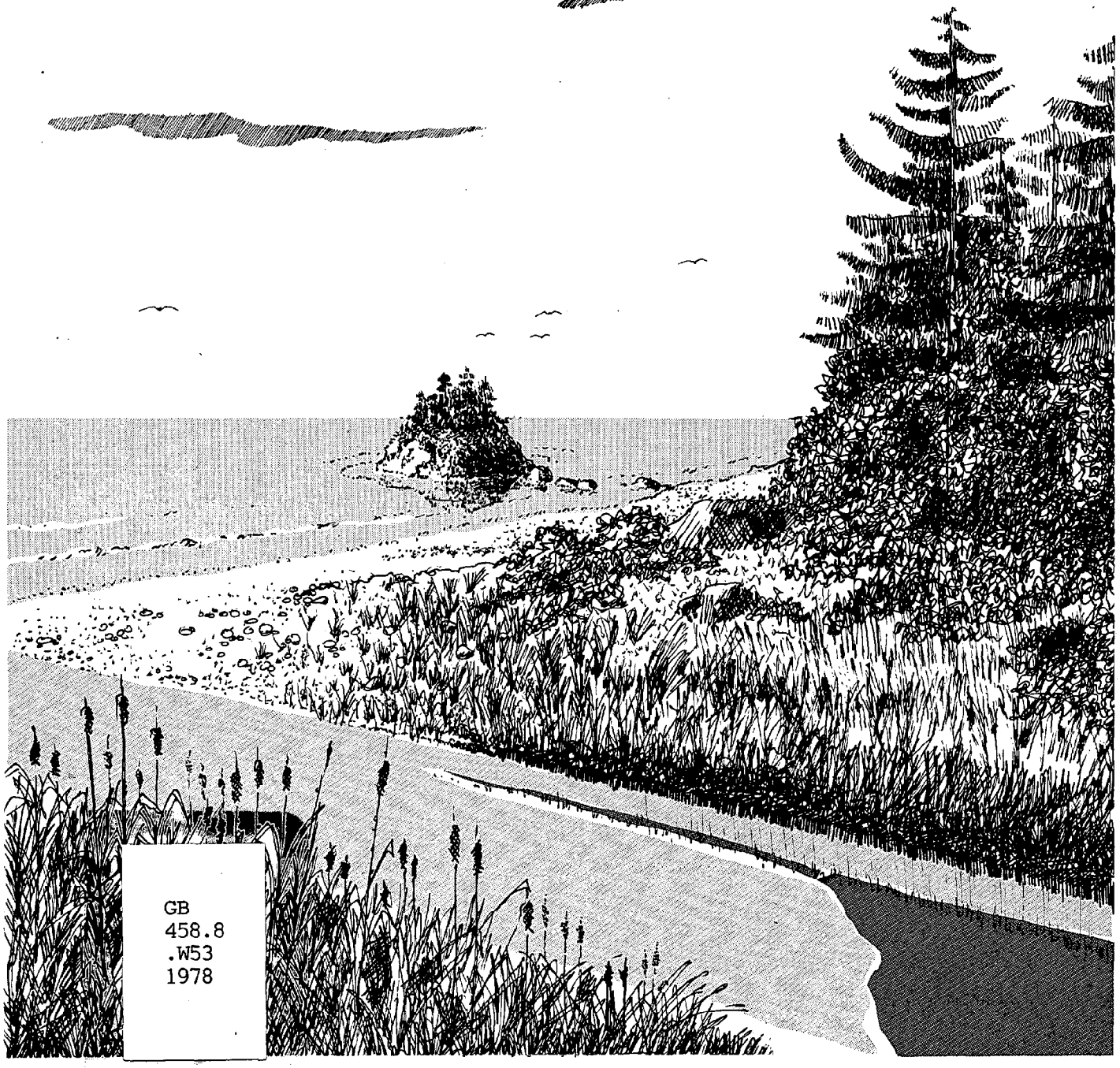
WHATCOM COUNTY SHORELINE MANAGEMENT PROGRAM



WHATCOM COUNTY PLANNING DEPARTMENT
JUNE 1978

Whatcom County, Washington

SHORELINE MANAGEMENT PROGRAM

Prepared pursuant to the Shoreline Management Act of 1971 (RCW 90.58) by the Whatcom County Planning Commission and Shoreline Citizen Committee as appointed by the Board of County Commissioners, with assistance from the County Planning Department and Shoreline Technical Panel Members.

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(See Appendix B for interests, communities, agencies or disciplines represented by the above persons)

HOW TO USE THIS DOCUMENT

In order to facilitate public use of the Whatcom County Shoreline Program, an explanation regarding its organization and use follows:

I. PROGRAM FORMAT

The purposes, goals, and objectives are in Chapters 1 and 2. Together they are a broad statement of intent underlying more specific policies and regulations in Chapters 3, 4, 5, and 6.

Chapter 3 describes the six shoreline area categories used on the Shoreline Map (Appendix D), as to interpretation, purpose, criteria for designation and development policy. These areas are similar to zoning districts in that they allow varying density and bulk of buildings on the shorelines. However, they are much more general in that a wide range of shore-oriented uses are allowed.

The County shorelines designated of state wide significance by the Act are listed in Chapter 4, along with supplemental policies for their use.

Chapter 5 explains what kind of development the program has jurisdiction over and its relationship to other ordinances and laws.

The focus of the program is Chapter 6; it contains comprehensive policies and regulations for 18 types of development, which are listed alphabetically in the Table of Contents. This Chapter also states which uses are to be allowed in the six shoreline areas. Complex developments may be subject to more than one of the 18 subsections.

Chapters 7, 8, and 9 contain procedures for administration of the program's regulations, as well as criteria for conditional uses and variances (Chapter 8).

II. INITIAL PROCEDURES

<u>If you intend to develop or use the shoreline, consult first with the County Buildings and Code Administration</u>. They will use Chapter 5 to determine if you need a shoreline permit; they will also tell you about any other necessary government approvals.

To find out if your proposal is permitted by the program on your site, determine which Shoreline Area category (Urban, Rural, etc.) applies to the site (consult the Shoreline Map, Appendix D), and if the Shoreline Area Regulations in Chapter 6 for that kind of development allow it. Your proposal may be allowed only as a conditional use, and it may also require a variance.

Although your proposal may be permitted by program regulations, it is also subject to Shoreline Area policies (Chapter 3) and development policies (Chapter 6). If it is on a shoreline of state-wide significance, it is also subject to Chapter 4 policies.

In order for a development to be allowed under this program, the County must find that the proposal is generally consistent with applicable policies, and that the proposal conforms to applicable regulations, unless a variance is to be granted.

When it has been determined that your proposal requires an approval or statement of exemption under this program, turn in the proper application to Buildings and Code. Processing of your application will vary depending on its size, value, and features. Refer to the County Development Procedures Manual or to Buildings and Code personnel for additional information.

Shoreline Management Program

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INTRODUCTION

Whatcom County has shoreline resources of great value including beaches, clean waters, fish, wildlife, aquatic plants, shellfish, deepwater port sites, views, flood plains, estuaries and marshes. Housing, industry, agriculture, logging, recreation, commerce and others all desire use of our limited shorelines. Some types of shorelines are unsuitable for some uses but suitable for others. Also, some uses are incompatible with others. Thus, there is a need for comprehensive planning and reasonable regulation of shoreline development.

This Shoreline Management Program is the result of two years work by the County Shoreline Citizen's Committee, Shorelines Technical Panel, and the County Planning Office. The effort began in May 1973, with the appointment of 22 people by the Board of County Commissioners to a citizen advisory committee and publication of the Whatcom County Shoreline Inventory. This committee represented a broad cross-section of interest groups concerned about shoreline use as well as shoreline communities.

Whatcom County undertook this planning program in order to fulfill the requirements of the Shoreline Management Act. The Act became law in June of 1971 at the state legislature's initiative in response to Initiative 43. Initiative 43 came about due to state-wide citizen awareness that resources unique to shorelines are sharply limited in quantity, yet were often subject to harmful development. Both initiatives 43 and 43B were aimed at protection of shoreline resources and shoreline users from piecemeal development or destructive use.

In November 1972, votes of the State and Whatcom County voted in favor of a Shoreline Management law, and selected the legislature's alternative (43B). The Act gives primary authority over shoreline development to local governments; the state is to review local action for consistency with the Act's policy. Each county or city was to prepare a "master program" for its shorelines in accord with Guidelines issued in 1972 by the State Department of Ecology. If a county or city was unwilling to prepare a shoreline master program, then the Department would do it.

This report constitutes the master program for Whatcom County, and has been approved as such by the State Department of Ecology.

The overall goal of this program is to achieve rational, balanced, and responsible use of our irreplaceable shorelines.

Chapter 1

PURPOSES

1.1 Authority

Authority for enactment and administration of this program is the Shoreline Management Act of 1971, Chapter 90.58, Revised Code for Washington.

1.2 Findings

1. The Board of County Commissioners concurs with the state legislature in finding that the shorelines of the state are among the most valuable and fragile of our natural resources and there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition, ever increasing pressures for additional uses are being placed on the shorelines necessitating increased coordination in their management and development. Furthermore, much of the shorelines and uplands adjacent thereto are in private ownership and unrestricted construction on the privately owned or publicly owned shorelines is not in the best public interest. Coordinated planning is necessary in order to protect the public interest associated with the shorelines while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational and concerted effort, jointly performed by local, state, and federal governments, to prevent the harm inherent in uncoordinated and piecemeal development of shorelines.

2. By ratifying Initiative 43B in the 1972 General Election, the people of the state approved the Shoreline Management Act of 1971 (RCW 90.58). This law vests counties and cities with the primary responsibility for conserving certain shorelines through comprehensive planning and reasonable regulation of development and use.

3. This Board deems the goals, objectives, shoreline area designation, policies, regulations, and procedures set forth in this shoreline management program to be essential to protection of the public health, safety and general welfare of the people of Whatcom County.

1.3 Enactment

The Board of County Commissioners of Whatcom County does hereby ordain and enact into law the following sections and paragraphs.

1.4 *Purposes*. *The purposes of this program are:*

1. *To promote the public health, safety and general welfare by providing long range, comprehensive policies and effective, reasonable regulations for development and use of Whatcom County shorelines; and*

2. *To implement this program in a positive, effective, and equitable manner; and*

3. *To further assume and carry out the responsibilities established by the act for Whatcom County, and to foster by adoption the policy contained in RCW 90.58.020 for shorelines of the state:*

> *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. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.*
>
> *The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The Department of Ecology in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:*
>
> *(1) Recognize and protect the state-wide interest over local interest;*
>
> *(2) Preserve the natural character of the shoreline;*
>
> *(3) Result in long term over short term benefit;*
>
> *(4) Protect the resources and ecology of the shoreline;*
>
> *(5) Increase public access to publicly owned area of the shoreline;*
>
> *(6) Increase recreational opportunities for the public in the shoreline;*

(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

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. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences; ports; shoreline; recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state; industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state; and other developments which are provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

1.5 Title

This document shall be known and may be cited as "the Shoreline Management Program of Whatcom County".

1.6 Short Title

This document may be referred to internally as "this program".

Chapter 2

GOALS AND OBJECTIVES

2.1 Adoption

In addition to the policy adopted in Section 1.4, the following goals and objectives related to the several program elements specified in RCW 90.58.100 (2) are hereby adopted. They provide the comprehensive foundation and framework upon which the shoreline area designations, policies, regulations, and administrative procedures were based. These goals and objectives reflect the level of achievement believed to be desirable for all shoreline uses including conservation for the forseeable future.

2.2 Economic Development

The economic development element is for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state.

1. *Goal Statement:*

   Create and maintain an economic environment which can coexist harmoniously with the natural and human environment.

2. Objectives:

   (a) Economic development should be encouraged which has minimal adverse effects upon the physical environment.

   (b) Economic development should be encouraged which has minimal adverse effects upon existing economic and social activities of value to the region.

   (c) New economic development should be encouraged which is either shore dependent or shore related.

   (d) New economic development should be encouraged to locate in areas already developed with similar uses.

(e) Expansion should not be encouraged for existing development if clearly incompatible with this program and the local area; more appropriate uses should be encouraged.

(f) Economic development proposed by the current Overall Economic Development Plan (OEDP) for Whatcom County should be encouraged.

2.3 Public Access

The public access element makes provision for public access to publicly owned areas.

1. *Goal Statement:*

Access of the public to all types of shorelines will be substantially increased, provided that private rights, the public safety, and natural shorelines will be preserved.

2. Objectives:

(a) Access development and management should respect and protect the enjoyment of private rights in shoreline property.

(b) Access development should be located, designed, and maintained so as to protect the natural environment and natural processes.

(c) Design of access should provide for the public health and safety.

(d) Access to publicly owned tidelands and shorelands should be acquired.

(e) Visual access to shorelines and tidelands should be developed and protected.

2.4 Recreation

The recreation element is an element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas.

1. *Goal Statement:*

Additional opportunities and space for diverse forms of recreation will be provided by public and private organizations.

2. Objectives:

(a) Development and management of recreational areas should include provisions for adequate conservation of all affected natural resources.

(b) Additional areas or access with high value for recreation should be obtained before other development makes such action impossible.

(c) A balanced choice of recreational opportunities should be provided regionally.

(d) Innovative and cooperative techniques among public agencies and private persons which increase and diversify recreational opportunities should be encouraged.

(e) Unsatisfied recreation needs of regional residents should be addressed before those of non-residents.

(f) Private investment in recreation facilities should be encouraged.

(g) Recreational development should be located, designed, and operated to minimize adverse effects on other social, recreational, or economic activities.

2.5 Circulation

The circulation element is an element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the Shoreline Use Element.

1. *Goal Statement:*

Circulation systems in shoreline areas will be shoreline dependent; and the physical and social environment will be protected from adverse effects of such circulation activities.

2. Objectives:

(a) Shoreline circulation development should provide for alternate modes of travel with some freedom of choice, and encourage multiple-use corridors where compatible.

(b) Circulation systems should be located and designed in harmony with other economic and social activities, both present and future.

(c) Circulation activities should neither unnecessarily nor unreasonably pollute the physical environment, nor reduce the benefits people derive from their property without compensation.

(d) Circulation systems should be located and designed so that natural shorelines remain substantially unmodified.

(e) Circulation systems which are not shoreline dependent should be located well away from the land-water interface unless no alternatives exist.

2.6 Shoreline Use

The shoreline use element is an element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land.

1. *Goal Statement:*

   The Shorelines will be preserved or developed for an orderly balance of shoreline dependent uses.

2. Objectives:

   (a) Shoreline land and water areas particularly suited for specific and appropriate uses should be reserved for such uses.

   (b) Like or compatible uses should be located in rational patterns.

   (c) All uses shall be located, sited, and managed so that they do not cause unnecessary or substantial adverse effects to other appropriate shoreline uses and the physical environment.

   (d) Multiple use of shorelines should be encouraged and protected where appropriate, especially upon water surfaces.

   (e) Proposed changes in use should be suitable for the specific site in terms of, but not limited to, physical geography, geology, available utilities and access, and local Comprehensive Plans.

   (f) Shoreline uses which enhance their specific areas or employ innovative features for purposes consistent with this program should be encouraged.

2.7 Conservation

The conservation element is an element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection.

1. *Goal Statement:*

   All natural and social resources in the shorelines will be conserved to the maximum extent.

2. Objectives:

   (a) Renewable natural resources should be managed on a sustained yield concept.

(b) Non-renewable natural resources should be extracted so as not to diminish the quality of other resources, and suitable reclamation shall be required.

(c) The integrity of significant natural resources and processes should be protected from unnecessary degradation or interference.

(d) Resources which are recognized to be scarce regionally or ecologically fragile should be preserved in a natural condition.

(e) Aesthetic and recreational qualities of natural and developed shorelines are valuable social resources, and should be given adequate protection.

(f) The design and operation of all types of shoreline use should incorporate appropriate conservation measures for resources significantly affected.

2.8 Historical-Cultural

The historical-cultural element is an element for protection and restoration of buildings, sites, and areas having historical, cultural, scientific, or educational values.

1. *Goal Statement:*

Additional shoreline features of significant historic, cultural, archeological, scientific, or educational value shall be protected and made accessible by public or private organizations.

2. Objectives:

(a) Cooperation among public and private parties is to be encouraged.

(b) Access to such sites must be designed and managed so as to give maximum protection to the resource.

(c) The need to provide clear interpretation of historical and cultural features, and natural areas, should be recognized.

2.9 Restoration

The act gives the County authority (RCW 90.58.100(2)) to include in its Shoreline Program "any other element deemed appropriate or necessary to effectuate the policy of this act."

The restoration element is an element for the timely restoration of shorelines blighted by pollution, derelict, improper, or abandoned development, hazardous features, or illegal acts.

2

Goals and Objectives

1. *Goal Statement:*

   Restoration of severely blighted shorelines shall be encouraged.

2. Objectives:

   (a) A cooperative restoration program between public agencies and landowners should be encouraged to correct blighted shorelines.

   (b) Care must be taken in restoration of shorelines to a natural condition that the key natural processes are re-established as well as more static natural features.

   (c) Restoration to a natural character should be the highest priority for blighted wetlands and other critical natural areas.

   (d) Development of severely blighted areas for beneficial use should be considered as an alternative if consistent with this program.

   (e) Restoration efforts following catastrophic events should be commensurate with the actual or potential harm to life, appropriate development and natural resources.

Chapter 3

SHORELINE AREAS

3.1 Shoreline Areas

1. There is hereby made a part of this program a set of six designations for shorelines called Shoreline Areas; the definitions, purposes, criteria for designation, and policies follow. The purpose of the Shoreline Area designations is to provide a systematic, rational, and equitable basis upon which to guide and regulate development within specific shoreline reaches having some degree of geographic unity but which differ from adjacent shoreline reaches and other areas in terms of natural features and development or potential development patterns.

2. Shoreline Area designations have been determined after consideration of: (a) existing development patterns together with the County Comprehensive Plan and other officially adopted plans; and (b) the physical and biological capabilities and limitations of such shorelines; (c) the goals of Whatcom County citizens for their shorelines; and (d) state policy for shorelines (RCW 90.58.020).

3. Pursuant to RCW 90.58.100(4), consideration has been given in designation of state-owned shorelines that such shorelines may be particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public.

3.2 Shoreline Map

1. There is hereby made a part of this program a map (Appendix D) which shall be officially known as the Shoreline Map. There shall be only one official copy of this map which shall reside in the custody of the Whatcom County Auditor.

2. (a) The Shoreline Map shall indicate which county shorelines together with their associated wetlands are subject to this program's jurisdiction; and (b) this map shall also indicate the Shoreline Area designations assigned to such shorelines by this program pursuant to Department of Ecology regulations (WAC 173-16-040(4)).

3. Those shoreline land and water areas in federal reserves which (1) are subject to this program because of ownership, lease, or other considerations as specified in Section 5; and (2) are not included on the Shoreline Map are hereby designated Conservancy or Aquatic Shoreline Areas as appropriate for the purposes of this program.

3.3 Interpretation

1. If disagreement develops as to the exact location of a shoreline management jurisdiction boundary line, the official jurisdiction maps received from the Department of Ecology hereinafter called the Shoreline Atlas, and maintained by the Administrator shall prevail.

2. If disagreement develops as to the exact location of a Shoreline Area boundary line, the following rules shall apply:

   (a) Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.

   (b) Boundaries indicated as approximately following roads or railways shall be respectively construed to follow their centerlines.

   (c) Boundaries indicated as approximately parallel to or extensions of features indicated in subsections a-b above shall be so construed.

   (d) Boundaries indicated as approximately occurring at definite changes in topography, shoreforms, geology, soils, or vegetative cover shall be so construed.

3. Whenever existing physical features are at variance with boundaries on the Shoreline Map or Shoreline Atlas, the Administrator shall interpret the boundaries. Appeals may be made from such interpretations pursuant to Section 12.1.3.

3.4 Shoreline Area Designations

1. Urban Shoreline Area

   (a) The Urban Shoreline Area is defined as an area of intensive development including but not limited to urban density residential, commercial and industrial uses.

   (b) The purpose of the Urban designation is to ensure optimum regional benefits through intensive development which is appropriate and which enhances the area.

   (c) In addition to the definition and purpose, the following are secondary criteria for Urban designation:

      (i) Areas with potential for a type of urban development which would be consistent with this program and other public plans; or

      (ii) Areas which do not contain natural limitations to urban use, and which have adequate utilities and access; or

      (iii) Areas where present urban development is scattered and where infilling with new development would be consistent

with this program as well as preferable to further scattering of development.

(d) The following policies are adopted for Urban areas:

(i) New urban character development should be directed toward already developed or developing areas where compatible.

(ii) Physical and visual access to shorelines for the public should be strongly encouraged and planned for.

(iii) Multiple use of shorelines should be sought and encouraged.

(iv) Additional density should be permitted and encouraged in exchange for additional open space and public access to shorelines.

2. Urban Resort Area

(a) The Urban Resort Shoreline Area is defined as an area developed with residential and commercial uses, with emphasis in the latter on hotels, motels, shops, restaurants, commercial rental campgrounds, rental cabins, and shoreline-related indoor recreation facilities, all geared to the needs of the tourist and day visitor.

(b) The purpose of the Urban Resort designation is to assure optimum regional benefits through intensive resort development which meets present and future tourist and day visitor demands in a manner compatible with the character of the area in which it is located.

(c) In addition to the definition and purpose, a basic criterion for designation of an Urban Resort Area is the presence of substantial natural attraction(s) which might reasonably attract resort development compatible with other development in the area. Additional factors which would support Urban Resort Area designation are:

(i) Concentration of existing resort or resort-oriented uses;

(ii) Existence of a limited amount of resort development where infilling with new development would be consistent with this program as well as preferable to further scattering of resorts;

(iii) Absence of natural limitation to resort use;

(iv) Existence of adequate utilities and access.

(d) The following policies are adopted for Urban Resort Areas:

(i) Scale and design of resort development should be such as to assure compatibility with existing and potential nearby development, with uses of adjacent shoreline areas, and with natural shoreline resources.

(ii) Physical and visual access to shorelines for the public should be strongly encouraged and planned for.

(iii) Additional building height over three stories should be permitted if additional open space and/or other amenities are provided.

3. Rural Shoreline Area

(a) The Rural Shoreline Area is defined as an area developed at a low overall density or used at a low to moderate intensity; including but not limited to residences, agriculture and outdoor recreation developments.

(b) The purpose of the Rural designation is to ensure that uses are compatible with area physical capabilities and limitations, natural resources and other appropriate low density development.

(c) In addition to the definition and purpose, the following are secondary criteria for Rural designation:

(i) Areas of low density development where natural vegetative cover and topography have been altered; or

(ii) Areas now used or potentially useable for agriculture including lowland tree farms; or

(iii) Areas where residential development is or should be of low density in order to be compatible with other uses, or, because of limitations by physical features, utility capabilities or access; or

(iv) Areas where a low intensity of outdoor recreation use or development would be appropriate and compatible with other uses and the physical environment; or

(v) Areas which would be of high benefit to the region as a low density buffer between other Environments for the purpose of minimizing conflicts among uses.

(d) The following policies are adopted for Rural Areas:

(i) Soils valuable for agriculture and commercial farms should be protected respectively from irreversible and incompatible uses.

(ii) Intensive, urban character development should be sharply limited and permitted only if substantial open space and/or public access to shorelines is provided.

(iii) Extensive, urban character or density development should be directed to Urban Areas.

(iv) New development in Rural Areas should protect or enhance the area character by limiting building density and height, providing ample shore setbacks and open space, and promoting visual harmony.

(v) Public or private outdoor recreation facilities should be encouraged if compatible with agriculture or other appropriate uses.

(vi) New large scale industrial or commercial development should be discouraged except in areas so designated on the County Comprehensive Plan.

4. Conservancy Shoreline Area

(a) The Conservancy Shoreline Area is defined as:

(i) A shoreline area containing natural resources which can be used/managed on a multiple use basis without extensive alteration of topography or banks; including but not limited to forest, agricultural and mineral lands, outdoor recreation sites, fish and wildlife habitat, watersheds for public supplies, and areas of outstanding scenic quality; and/or

(ii) A shoreline area containing hazardous natural conditions or sensitive natural or cultural features which require more than normal restrictions on development and use of such areas; including but not limited to: eroding shores, geologically unstable areas, steep slopes, floodways and natural accretion shoreforms, and valuable natural wetlands or historic sites.

(b) The purpose of the Conservancy designation is to obtain long term wise use of its natural resources, including multiple use whenever practical, and to prevent forms of development which would be unsafe or incompatible with more appropriate uses. This policy should be furthered by keeping overall intensity of development or use low, and by maintaining most of the area's natural character.

(c) In addition to the definition and purpose, the following are secondary criteria for Conservancy designation:

(i) The area contains renewable natural resources or processes which should be managed so that the resource base is maintained, such as on a sustained-yield basis; or

(ii) The area is more valuable to the region under multipurpose, sustained yield management of its natural resources than through any form of more intensive or single purpose development; or

(iii) The area contains valuable or sensitive natural or cultural features whose optimum use precludes more than a low overall density of residents, recreationists, structures, or livestock, as well as extensive alterations to topography or banks; or

(iv) The area is inherently hazardous for moderate to high density development or use in terms of public health, safety and property damage potential; or

(v) The area has recreational or esthetic qualities of high value to the region which would likely be diminished by moderate to intense development.

(d) The following policies are adopted for Conservancy Areas:

(i) Renewable resources should be managed on a sustained yield basis, and vital natural processes should be protected, so that the overall resource base is maintained. Non-renewable resources should only be consumed in a manner compatible with conservation of other resources and other appropriate uses.

(ii) Multiple uses of the shoreline should be strongly encouraged and maintained if such uses are compatible with each other <u>and</u> conservation of shoreline resources. Dominant, intensive single uses over large areas should be discouraged.

(iii) Area resources and natural shorelines should be protected whenever necessary from harmful concentrations of people, livestock, building or artificial character structures. Uses which require substantial alterations to the area's natural character, especially its topography and land-water edge, should be directed to Urban or Rural Areas.

(iv) Development of hazardous areas should be designed and/or located so as to reduce potential danger to people and property to publicly acceptable levels. Development of moderate to high density or requiring defense works should be directed to less hazardous areas.

(v) Outstanding recreational or scenic values should be preserved and protected from incompatible development.

5. Natural Shoreline Area

(a) The Natural Shoreline Area is defined as an area having high value in a natural condition which has either little or no development, including but not limited to estuaries, marshes, swamps, accretion shoreforms and gorges.

(b) The purpose of the Natural designation is to ensure long term preservation of those resources which yield optimum benefits to the community or region in their natural condition.

(c) In addition to the definition and purpose, the following are secondary criteria for Natural designation:

(i) The resource is unique or scarce in the region.

(ii) Preservation of the resource is more consistent with the purposes of this program than any other type of management.

(iii) The resource is most productive in biologic terms if left natural and undeveloped or else restored.

(iv) The resource as a natural system is intolerant of extractive or unrestricted uses, or physical modifications.

(d) The following policies are adopted for Natural Areas:

(i) Preservation of the area's natural features and overall character must receive priority over any other potential uses.

(ii) Private and/or public enjoyment of Natural Areas should be encouraged and facilitated whenever possible without damaging the Area.

(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.

(iv) Development which would adversely impact the area's natural features or overall character should be directed to other Areas.

6. Aquatic Shoreline Area

(a) The Aquatic Shoreline Area is defined as the surface of all rivers of statewide significance, all marine water bodies, and all lakes, together with their underlying lands and their water column; including but not limited to bays, straits, harbor areas, waterways, coves, estuaries, streamways, tidelands, bedlands and shorelands.

(b) The purpose of the Aquatic designation is to:

(i) Encourage and protect appropriate multiple uses, or dominant uses in limited areas, of navigable or open waters.

(ii) preserve the limited water surfaces, tidelands and shorelands from encroachment; and

(iii) preserve and ensure wise use of the area's natural features and resources which are substantially different in character from those of adjoining uplands and backshores.

(c) In addition to the definition and purpose, the following are secondary criteria for Aquatic designation:

(i) marine water areas seaward of the ordinary high water mark including estuarine channels and wetlands;

(ii) lakes subject to this program below the ordinary high water mark;

(iii) streamways of rivers designated shorelines of statewide significance by the Act, and

(iv) natural swamps, marshes, and bogs abutting the above three categories of water bodies.

(d) The following policies are adopted for Aquatic Areas:

(i) Development should be sharply limited to those uses which are compatible with conservation of Area resources including water, fish and wildlife, and recreation areas, as well as with other appropriate uses and the area's unique natural character. Development in conflict with these objectives should be directed to an onshore location.

(ii) Almost all marine, lake, and river surfaces are public property and as such their openness and extent must be protected from unnecessary obstruction or encroachment. Offshore development should be limited to those uses which are truly water-surface dependent, or which provide broad and substantial compensating benefits to the community or region.

(iii) Multiple use of water surfaces and structures in Aquatic Areas must be protected and encouraged whenever compatible with resource conservation and other apprpriate uses. The need for a specific shoreline development to be multiple-purpose increases as its impact on the shoreline increases.

(iv) As with Conservancy, multiple use and sustained yield are the two overriding policies for management of Aquatic Areas. Development in substantial conflict with these policies should not be permitted due to the public property nature of this Area and its natural features.

Chapter 4

SHORELINES OF STATE-WIDE SIGNIFICANCE

4.1 Adoption of Policy

In accordance with RCW 90.58.020, the following management and administrative policies are hereby adopted for all shorelines of state-wide significance in Whatcom County, as defined and identified in Section 13. The act requires that the County Shoreline Management Program give preference to uses which generally are consistent with the state-wide public interest in such shorelines. Also uses shall be given preference which are consistent with the following policies in following order of priority.

Conversely, uses which are not generally consistent with these policies should not be permitted on such shorelines.

4.2 Designation of Shorelines of State-wide Significance

In RCW 90.58.030 (2-E), the legislature designated the following shorelines of Whatcom County as having state-wide significance:

1. Lakes: Whatcom, Ross, Baker

2. Streams:
   (a) Nooksack River: its Main Stem, North Fork to mouth of Glacier Creek and South Fork to mouth of Hutchinson Creek.
   (b) Skagit River upstream of the Whatcom-Skagit County Line.

3. Marine:
   (a) Birch Bay from Birch Point to Point Whitehorn and the Nooksack River estuary.
   (b) All other marine waters, water column, and bedlands seaward of extreme low tide.

4.3 *Policies for Shorelines of State-wide Significance*

1. The state-wide interest should be recognized and protected over a local interest in shorelines of state-wide significance.

a. The programs and policies of state agencies which are consistent with the act should be recognized and supported in formulating and administering local policies and regulations. Due consideration should be given to the recommendations of such agencies on the developing program and on specific applications.

b. *Comments and advice from groups and individuals representing state-wide or regional interests should be solicited on this program and on specific applications.*

c. *Comments and advice should be solicited from individuals or groups with expertise in scientific, social science, and design disciplines applicable to shoreline management, including but not limited to biology, geology, engineering, geography, economics, law, oceanography and forestry.*

2. *The natural character of shorelines of state-wide significance should be preserved.*

a. *State-wide significant shorelines should be designated into shoreline area categories, and policies and regulations should be implemented which will prevent unnecessary artificial character intrusions.*

b. *Where intensive development already exists, policies and regulations should be carried out which will allow continued or increased use consistent with this program. Reduction of adverse impacts on shorelines should be encouraged through re-development to standards of this program. More intensive development for appropriate uses should be considered a preferable alternative to expansion into low density use areas.*

c. *Where commercial timber cutting takes place pursuant to Section 6.7.3 and RCW 90.58.150, reforestation as soon as it is feasible should be ensured.*

3. *Uses of shorelines of state-wide significance should result in long term benefits to the people of the state.*

a. *Activities which use shore resources on a sustained yield or non-consuming basis and which are compatible with other appropriate uses should be given priority over uses not meeting these criteria.*

b. *The range of options for shoreline use should be preserved to the maximum possible extent for succeeding generations. Development which consumes valuable, scarce or irreplaceable natural resources should not be permitted if alternate sites are available.*

c. *Potential short term economic gains or convenience should be measured against potential long term and/or costly impairment of natural features.*

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

4. *Resources and ecological systems of shorelines of state-wide significance should be protected.*

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

b. *Those limited shorelines containing unique, scarce or sensitive resources should be left in their natural state.*

c. *Erosion and sedimentation from development sites should be controlled at levels which will minimize adverse impact on hydraulic and hydrologic processes. If site conditions prevent effective, feasible erosion and sediment control, excavations, land clearing, or other activities likely to result in significant erosion should be severely limited.*

d. *Public access development in extremely sensitive areas should be restricted or prohibited. All forms of recreation or access development should be designed to protect the resource base upon which such uses in general depend.*

5. *Public access to publicly owned areas in shorelines of state-wide significance should be increased.*

a. *Public and private developments should be encouraged to provide trails and water access points along shorelines whenever possible. Such development is recognized as a high priority use.*

b. *Development not requiring a water-side or surface location should be located inland so that lawful public enjoyment of shorelines is enhanced.*

6. *Recreational opportunities for the public should be increased on shorelines of statewide significance.*

a. *Shorelines should be designated into Shorelines Areas and policies adopted that will encourage public and private development to provide facilities for shore related outdoor recreation.*

b. *Lodging and related facilities should be located inland with appropriate means of access provided.*

Chapter 5

APPLICABILITY

5.1 Geographic Jurisdiction

The provisions of this program shall apply to all shorelines as defined in Appendix C in unincorporated Whatcom County. The location and extent of such shorelines are shown on the Shoreline Map appended to this document (Appendix D) as an integral part of this program.

5.2 Application to Persons

This program shall apply to any person as defined in Appendix C.

5.3 Application to Development

1. This program shall apply to any development as defined in Appendix C. All development and use of shorelines of the state shall be carried out so as to be consistent with this program and the policy of the Act as required by RCW 90.58.140(1), whether or not a shoreline permit is required for such development.

2. No substantial development as defined in Appendix C shall be undertaken by any person or shorelines without first obtaining a shoreline permit from Whatcom County; PROVIDED, that such a permit shall not be required for the following classes of substantial development exempted from the shoreline permit requirement pursuant to RCW 90.58.030 as amended; PROVIDED FURTHER, that a statement of exemption as provided for in Section 5.4 of this program shall be obtained from the Administrator prior to beginning development if uncertainty exists regarding qualification for the exemption:

   (a) Normal maintenance or repair of existing structures or developments, including damage by fire, accident, or elements;

   (b) Construction of the normal protective bulkhead common to single-family residences;

(c) Emergency construction necessary to protect property from damage by the elements;

(d) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels; PROVIDED, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(e) Construction or modification of navigational aids such as channel markers and anchor buoys;

(f) Construction on wetlands by an owner, lessee, or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or local government having jurisidction thereof.

(g) Construction of a dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of a single-family residence, the cost of which does not exceed $2,500.

(h) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands.

(i) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

(j) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of this 1975 amendatory act which were created, developed or utilized, primarily as a part of an agricultural drainage or diking system.

(k) Development of a thermal power plant for which a valid certification from the Governor has been obtained pursuant to Chapter 80.50 RCW.

5.4 Statement of Exemption

1. The Administrator is hereby authorized to grant or deny requests for statements of exemption from the shoreline permit requirement for substantial development within shorelines. Such statements shall be applied for on forms provided by the Administrator. The statement or denial shall be in writing and shall identify the reason(s) for exemption or denial. The Administrator's actions on such matters are subject to appeal pursuant to Section 8.

2. In the case of certain types of shoreline development normally exempt from the shoreline permit requirement pursuant to Section 5.3, no dredging, flood control works, historic site alteration, landfill, shore defense works, or free standing signs may commence until a statement of exemption has been obtained from the Administrator; PROVIDED that no statement of exemption is required for development needed on an emergency basis to protect property from damage by the elements.

3. No statement of exemption may be required for other developments nominally exempt pursuant to Section 5.3 unless the Administrator has cause to believe a substantial question exists as to qualifications of the specific development for the exemption.

5.5 Relationship to Other Local Regulations

1. (a) In the case of development subject to the shoreline permit requirement of this program, the County Building Official shall not issue a building permit for such development until a shoreline permit has been granted; PROVIDED, that any permit issued by the Building Official for such development shall be subject to the same terms and conditions which apply to the shoreline permit.

   (b) In the case of development subject to regulations of this program but exempt from the shoreline permit requirement, the Building Official shall attach and enforce conditions to the building permit as required by applicable regulations of this program pursuant to RCW 90.58.140(1).

2. In the case of conditional use permits and/or variances required by County zoning regulations for development which is also within the jurisdiction of this program, the County Hearing Examiner and/or Board of Adjustment with the advice of the Administrator shall attach conditions to such permits and variances as are required to make such development consistent with this program.

3. In the case of subdivision of land including short subdivisions within the jurisdiction of this program which requires county approval, the Hearing Examiner, Board, or Planning Director as appropriate shall attach conditions to such approval as are required to make the design of such subdivision(s) consistent with this program.

4. Other local ordinances which may be applicable to shoreline development or use include but are not limited to:

a. County Building, Plumbing, Mechanical, and Fire Code,
b. County Water Safety Ordinance,
c. County-City Health District Sewage Disposal Regulation, and
d. County-City Health District Solid Waste Regulations.

5. Pursuant to RCW 90.58.340, the county shall review administrative and management policies, regulations, plans and ordinances relative to lands under county jurisdiction adjacent to shorelines so as to achieve a use policy on such lands that is consistent with the Act and this program.

6. The Act and this program adopted pursuant thereto comprise the basic state and county law regulating use of shorelines in the county. In the event provisions of this program conflict with other applicable county policies or regulations, the more restrictive shall prevail.

5.6 Relationship to Other State and Federal Laws

1. Obtaining a shoreline permit or statement of exemption for a development or use does not excuse the applicant from complying with any other state, regional, or federal statutes or regulations applicable to such development or use.

2. At time of application or initial inquiry the Administrator shall inform the applicant regarding such other statutes and regulations as may be applicable to such development or use to the best of the Administrator's knowledge; PROVIDED, that final responsibility for complying with such other statutes or regulations rests with the applicant.

3. Washington State statutes together with implementing regulations adopted pursuant thereto which may be applicable to shoreline development or use include but are not limited to:

a. Flood Control Zone Act; RCW 86.16,
b. Forest Practices Act; RCW 76.09,
c. Fish and Game Code; RCW 75,
d. Water Pollution Control Act; RCW 90.48,
e. Land Subdivision Act; RCW 58.17,
f. Surface Mining Act; RCW 78.44,
g. Air Pollution Act; RCW 70.94,
h. Environmental Policy Act (SEPA); RCW 43.21C,
i. Camping Club Act; RCW 19,
j. Environmental Coordination Procedure Act; RCW 90.62,
k. Log Patrol Act; RCW 76.40, and
l. Water Resources Act of 1971; RCW 90.54.

4. Regional authority regulations authorized by state law which may be applicable to shoreline development or use include but are not limited to:

a. Northwest Air Pollution Authority regulations.

5. Federal statutes together with implementing regulations adopted pursuant thereto which may be applicable to shoreline development or use include but are not limited to:

   a. Rivers and Harbors Act of 1899,
   b. Fish and Wildlife Coordination Act of 1958,
   c. National Environmental Policy Act of 1969 (NEPA),
   d. Coastal Zone Management Act of 1972,
   e. Federal Water Pollution Control Act, as amended,
   f. Flood Insurance Act of 1968, as amended, and
   g. Clean Air Act, as amended.

5.7 Application Within Federal Reserves

1. The shoreline permit procedure, policies and regulations established in this program shall apply to development on shorelines of the state within National Forests, National Parks and National Recreation areas by persons other than federal agencies.

2. The shoreline permit procedure, policies and regulations established by this program shall apply to development on shorelines of the state within the Lummi Indian Reservation except development on real property owned by persons having rights established by treaty to which the United States is a party pursuant to RCW 90.58.350.

5.8 Liberal Construction

As provided for in RCW 90.58.900, the Act is exempted from the rule of strict construction; the Act and this program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this program were enacted and adopted, respectively.

5.9 Program Effects on Property Values

1. As provided for in RCW 90.58.290, the restrictions imposed upon use of real property through implementation of policies and regulations of the Act and this program shall be duly considered by the County Assessor and the County Board of Equalization in establishing the fair market value of such properties.

2. Designation of private property as a Natural or Conservancy Shoreline Area pursuant to Section 3 fulfills the "open space land" definitional requirements of the Open Space Taxation Act of 1970, as amended, RCW 84.34.020(1).

5.10 Non-conforming Development

1. Non-conforming developments may continue to be utilized for the same purpose(s) as at time of program approval (August 27, 1976). If a change in use is proposed for such development, any new use must be permitted by applicable regulations and policies; PROVIDED, that a proposed new use for such development that does not conform to program policies may be allowed as a conditional use.

2. (a) This program shall not restrict the repair of any development existing on the effective date of this program. Such repair shall be allowed only to the extent that non-conformance with the standards and regulations to this program is not increased. (b) This program shall not restrict the reconstruction of any pre-existing single family residence or agricultural structure existing on the effective date of this program, which is damaged or destroyed by fire, accident or the elements, PROVIDED that any non-conformance with the standards and regulations of this program shall not be increased by such reconstruction. (c) Reconstruction of any development other than those mentioned in (b) above shall be done in accordance with the requirements of this program;

3. If use of a non-conforming development at time of program adoption ceases for more than one year, resumption of such use may be allowed as a conditional use; PROVIDED, that no such restriction shall apply to single family residences or agricultural structures which are not substantial developments.

4. If expansion of a non-conforming development is desired, such expansion may be allowed as a conditional use whether the use is permitted or not.

5.11 Property Rights and Public Access

1. This program does not alter existing law on access to or trespass on private property.

2. This program does not give the general public any right to enter private property without the owner's permission.

Chapter 6

POLICIES AND REGULATIONS

6.1 Policies and Regulations for Shoreline Development

1. The following policies and regulations for shoreline developments and uses are hereby adopted. The purpose of these policies and regulations is to implement the goals, objectives, and shoreline area policies of this program, together with the policies of the Act.

6.2 AGRICULTURE

1. AGRICULTURE -- GENERAL POLICIES

A. Optimum Use

Finding: Within this state and Whatcom County there are limited areas of land suitable in soil and topography for agriculture. Commercial agriculture is an extremely important sector of the local economy and requires extensive areas of land for continued operation. Much agricultural land is unsuitable or unnecessary for urban development.

Policy: Such land should generally be reserved for agriculture as the dominant use. Other intensive, unrelated uses including residential, industrial or commercial should be discouraged from locating on agricultural lands.

B. Multiple Use

Finding: Agriculture and outdoor recreation both are appropriate and preferred uses for large portions of county shorelines. These uses may be compatible if protection of the farmer's private rights is assured. Regional outdoor recreation needs will never be met without multiple use of shorelines.

Policy: Cooperative arrangements should be encouraged between farmers and public recreation agencies to allow increased public use of lowland shorelines while protecting the farmer and shoreline features.

C. Water Quality

Finding: Certain agricultural practices (tilling, chemicals, animal waste handling) have potential for adverse impact upon water quality through sedimentation and biologic pollution. All water users have a public responsibility for conserving water.

Policy: Practices should aim at maintaining water quality where high, and restoring water quality if it is degraded by agriculture.

D. Water Quantity

Finding: Certain agricultural practices (drainage, irrigation, cultivation) have potential for increasing storm runoff flood levels.

Policy: Practices should aim at minimizing adverse fluctuations in water levels, and at maintaining as much as possible the local hydrologic cycle. All water withdrawals must comply with state law on water rights (RCW 90).

E. Soil Conservation

Finding: Topsoils suitable for commercial agriculture are sharply limited and irreplaceable. Soil conservation is positively related to water conservation.

Policy: Agricultural practices should aim at maintaining the productivity of the land base through maintaining or improving soil quality, and minimizing losses through erosion. Soil Conservation Service conservation practice guidelines should be followed when consistent with this program.

F. Use Conflicts

Finding: Certain agricultural practices have potential for adverse effects upon other appropirate shoreline users such as non-intensive outdoor recreation.

Policy: Practices should aim toward minimizing or preventing such effects. Agriculture also should be protected from encroachment and interference by incompatible or other uses through wise public planning and regulation.

G. Fish and Wildlife

Finding: Certain agricultural practices (stream dredging, bank clearing, chemicals) have potential for adverse impact upon valuable native fish and wildlife, since shorelines in farming areas are often prime habitat of many species.

Policy: Practices should aim toward conservation, whenever practical, of these species and their habitats.

H. Sensitive Areas

Finding: Natural wetlands adjacent to water bodies such as groundwater recharge areas or swamps are valuable and scarce and are likely to suffer damage from agricultural use.

Policy: Such features should be given protection. Practices used near such features should be selected and conducted so as to provide long term protection. Estuaries and marshes which are normally most productive biologically in a natural condition should not be drained or filled.

I. Esthetic Values

Policy: 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.

2. AGRICULTURE -- OPERATING POLICIES

A. Drainage and Erosion Control

(1) Agricultural development should aim toward protection or restoration of valuable shoreline resources including water, soil, plant life, fish and wildlife.

(2) Holding ponds for surplus wet season runoff should be seriously considered in land drainage projects as a means of storing excess water for irrigation or stock watering, thus minimizing depletion of local ground water levels in the dry season, as well as moderating high storm runoff peaks.

(3) Such development should follow engineering standards and other guidelines of the U.S. Soil Conservation Service when consistent with this program.

(4) Proper maintenance of such development should be recognized as extremely important to both agriculture and shoreline resource conservation. Lack of or improper maintenance will probably result in additional erosion, water quality degradation, adverse impact on related resources and costly repairs or redevelopment.

B. Shoreline Protection

Streambanks and water bodies should be protected from damage by over-concentration of livestock by providing:

(1) suitable bridges, culverts, or ramps for stock crossing;
(2) ample supplies of clean water in tanks on dry land for stock watering; and
(3) fencing or other controls on stock so that banks are not overgrazed nor compacted when saturated.

C. Buffer Strip

(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.

(2) The plant composition and width of the buffer should be based upon the type of farming, local soils, slopes and drainage patterns and the relative value of affected shore features.

(3) Buffer strips should be fenced or grazing should be limited if livestock concentrations are high enough to result in damage to buffer vegetation or bank erosion.

D. Chemicals

When chemical fertilizers or pesticides are used on shorelines, extreme caution should be observed to prevent contamination of water and adverse effects on valuable plant, fish and animal life. There should be no spraying over water bodies or application on land where direct runoff of chemical-laden water bodies or aquifer recharge areas will occur.

E. Waste Handling and Disposal

(1) Concentrations of livestock waste have high potential for water pollution and adverse effects upon other shoreline resources. Barnyards, feed lots, and manure storage should be located away from shorelines and constructed in a manner to prevent surface water tarnsport or leaching

of harmful bacteria or other wastes into water bodies. Manure spreading along shorelines should be kept back a sufficient distance to prevent pollution of water.

(2) Disposal of solid waste including junk vehicles and equipment, debris, and brush (other than organic wastes for fertilization or soil improvement) on shorelines has high potential for adverse effects upon natural resources, public health, property values and must not be practiced.

F. Flood Control Works, Dredging, and Landfill

Policies and regulations established elsewhere in the program apply to those related activities.

3. AGRICULTURE -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Agriculture development is permitted, except feed lots larger than five animal units, subject to policies and regulations.

(2) Urban Resort: Agricultureal development is not permitted.

(3) Rural: Agricultural development is permitted subject to policies and regulations.

(4) Conservancy: Agricultural development is permitted, except feed lots larger than 250 animal units, subject to policies and regulations.

(5) Natural: Only stock grazing or sustained yield harvest of native products are permitted subject to policies and regulations.

(6) Aquatic: Agricultural development is not permitted. Fisheries and aquaculture policies and regulations apply to fish farming or management of other aquatic products.

B. General Regulations

1. Waste Handling and Disposal

(a) Random or negligent disposal of putrescible solid waste is prohibited.

(b) Use of solid waste for bank stabilization is regulated under Flood Control (Section 6.6).

(c) Manure spreading shall be carried out so that animal wastes do not enter natural water bodies or natural wetlands acting as ground water recharge areas adjacent to such water bodies.

(d) Open storage of compost manure shall be set back from OHWM at least 200 feet or diked in a manner to prevent direct runoff or leaching of manure into a water body; provided, that no diked manure storage may be located within 50 feet of OHWM.

(e) Tanks for liquid manure storage shall be set back at least 50 feet from OHWM. Pits or lagoons shall be set back at least 200 feet from OHWM. Tanks, pits and lagoons shall be constructed and operated to prevent accidental overflows or contamination of ground water. Causing overflows intentionally is prohibited.

2. Chemicals

(a) Chemicals shall not be placed in or allowed to enter water bodies or natural wetlands unless approved for such use by the appropriate agency.

(b) Regulations and guidelines on chemical use adopted by other agencies shall be adhered to in all shoreline areas including, but not limited to, the State Departments of Agriculture and Ecology.

3. Flood Plain

(a) Feed lots in excess of 250 animal units are prohibited in the floodway of the Nooksack River and in other flood plains where potential for damage from such development to public health, life, and property is high.

(b) All facilities for liquid manure storage shall be adequately covered or diked.

(c) Dwellings for bona fide commercial farm operators are permitted; PROVIDED, that finished ground floor elevation and basement openings, if any, are above the official regulatory flood protection elevation, or the dwelling is satisfactorily floodproofed.

4. Shoreline Protection

(a) Shoreline soils, banks, water quality and fish and wildlife habitat shall be stabilized and/or protected by any of the following practices selected by the farm operator, who may also select other practices if the purposes of this section are thus accomplished:

(i) Leave sufficient vegetative cover including grasses, brush, or trees within 5-10 feet of OHWM of natural water bodies; or

(ii) Provide a fence or other barrier along natural water bodies between 5 and 10 feet from OHWM so that livestock do not overgraze or destroy bank vegetation; or

(iii) Allow only limited grazing on banks of natural water bodies so that livestock do not compact soils or cause erosion and sedimentation; or

(iv) Cut or mow bank vegetation which threatens farm operation or causes bank erosion.

(b) Prevent high, prolonged or repeated concentrations of livestock from entering natural water bodies.

C. Tabular Regulations

(1) Shore Setback: Table AG-1 establishes a minimum shoreline setback for agricultural development which does not require a shoreline location, such as barns, loafing sheds, machine sheds or manure storage. Subsection

(a) applies to feed lots or barnyards for more than 25 animal units. Subsection

(b) applies to smaller feed lots and barnyards and all other buildings and structures.

(2) Sideyard Setback: Table AG-2 establishes minimum setbacks for buildings or manure storage from side property lines on shorelines. PROVIDED, that this regulation shall be superseded when county-wide agricultural and/or rural-farm zoning becomes effective.

TABLE AG - AGRICULTURE

Regulation	Shoreline Area					
	Urban	Urban Resort	Rural	Conservancy	Natural	Aquatic
1. Shore Setback (in feet)	a. NA b. 50	a. NA b. NA	200 75	200 100	NA	NA
2. Sideyard Setback (in feet)	25	NA	25	50	NA	NA

NA = Not Applicable

6.3 FISHERIES AND AQUACULTURE

1. FISHERIES AND AQUACULTURE -- GENERAL POLICIES

A. Optimum Resource Use

Finding: The waters of Puget sound and its tributary rivers and streams support a fisheries resource of great diversity and high value to both commercial and sports fishermen. These two uses, together with related support activities, provide major economic benefits to Whatcom County and the state. The fisheries resource is entirely renewable with potential for improvement if critical environmental requirements of the many species are maintained, rehabilitated or improved.

Policy: Maintenance and enhancement of fisheries should be given priority consideration in reviewing shoreline use proposals which might adversely impact fisheries habitat, migratory routes and harvest of significant fish or shellfish species. Alternate locations or designs should be seriously considered for such proposals if such potential adverse impacts are significant. Shorelines having banks, beaches and beds critical to preservation or enhancement of the fisheries resource base should be maintained or restored to a productive natural condition whenever possible.

B. Site Reservation

Finding: Certain limited portions of Puget Sound and local shorelines are particularly suited for commercial aquaculture. Such development has potential for high economic benefits to the region. Such development may be clearly compatible with other shore uses through wise use of renewable resources.

Policy: Such shoreline sites should be identified and reserved from irreversible development for other uses having less critical site requirements.

C. Water Quality and Circulation

Finding: Fisheries and aquaculture require a dependable supply of high-quality water. Aquaculture and fisheries enhancement have potential for water pollution and circulation problems.

Policy: Fisheries enhancement and aquaculture should aim toward maintaining or restoring the quality and normal circulation patterns of affected waters at optimum levels consistent with applicable State standards. Aquaculture and Fisheries should also be protected from water-supply degradation by other users.

D. Aquatic Plants and Animals

Finding: Certain forms of fisheries enhancement and aquaculture have potential for adverse impact upon valuable native shoreline plants and animals including fish and birds.

Policy: Such development should be located, designed, and operated so that such plant or animal populations, their respective habitats and the local ecological balance are maintained in healthy condition.

E. Geo-hydraulics

Finding: Certain forms of fisheries enhancement and aquaculture have potential for interference with or adverse impact upon significant natural shore processes and shorelines.

Policy: Such development should be located, designed and operated so as to have minimal or no adverse impact upon valuable physical shore features, including accretion shoreforms and littoral drift.

F. Use Conflicts and Safety

Finding: Certain forms of fisheries enhancement and aquaculture structures and practices have potential for adverse effects upon other shoreline users as well as creating hazardous conditions.

Policy: Such development should aim toward minimizing or preventing such potential effects and conditions.

G. Estuary and Natural Wetland Preservation

Finding: Natural estuarine and wetland shorelines have high value for aquaculture and fisheries resources in general. Such shores are of extremely limited extent and sensitive character.

Policy: Remaining natural estuarine and wetland shorelines should be preserved in their natural, productive condition.

H. Esthetic Values

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.

2. FISHERIES AND AQUACULTURE -- LOCATION POLICIES

A. *Accessory Uses*

Development accessory to fisheries enhancement and aquaculture should be located inland off shorelines unless clearly dependent upon a shore or water-surface location. Accessory development of a mainly commercial or industrial nature will be

subject to policies and regulations established within those sections of this program.

B. *Preferred Locations*

Aquaculture or fisheries enhancement development should be located where interference with navigation, commercial fishing, shoreline dependent recreation, or lawful access to shorelines will not become significant. However, a reasonable portion of regional navigable waters should be allocated to such development on a long-term basis because of high potential for regional economic benefit.

C. *Sensitive Areas*

Aquaculture or fisheries enhancement requiring extensive structures or shoreline alterations should not be located in areas sensitive to development or which are scarce and valuable in the region such as marshes, estuaries, and accretion shoreforms.

3. FISHERIES AND AQUACULTURE -- DESIGN POLICIES

A. *Professional Design*

Recognizing the large number of physical variables to be considered in properly locating and designing development for fisheries enhancement or aquaculture, and its potential for adverse impact upon nearby shore features and users, such structures or works should be designed to be consistent with appropriate engineering principles.

B. *Flexible Design*

Recognizing the experimental nature of certain forms of fisheries enhancement and aquaculture, and the prospect of rapid changes in their technology, reasonable flexibility in design should be allowed while also ensuring protection of shoreline features and other users.

C. *Public Access*

Aquaculture or fisheries enhancement development should not block lawful access to shorelines.

(1) *Public development such as fish hatcheries should be required to provide a form of public access to shorelines compatible with their mode of operation and the type of shoreline.*

(2) *Private development should be encouraged to provide physical and/or visual public access to shorelines, if compatible.*

(3. Design Policies)

(3) *Where development is permitted that significantly restricts lawful navigational or reparian access, provision for adequate alternative forms of access by the developer should be considered.*

D. *Navigable Waters*

Permanent obstruction or enclosure of navigable waters with dikes or other solid works should not be permitted unless alternatives are not available and the proposal is otherwise consistent with this program.

E. *Floating Structures*

Aquaculture or fisheries enhancement structures designed to float on water surfaces should be located where natural protection exists from storm waves or winds. Serious consideration should be given to submerged floating structures where interference with other appropriate water surface uses is likely and when such technology is feasible.

F. *Prevention of Interference*

Where aquaculture or fisheries enhancement sites are adjacent to public use or private recreation sites, operators should adequately designate site boundaries so as to discourage interference from other shore users.

4. FISHERIES AND AQUACULTURE -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Development is permitted subject to policies and regulations.

(2) Urban Resort: Development is permitted subject to policies and regulations.

(3) Rural: Development is permitted subject to policies and regulations.

(4) Conservancy: Development not requiring extensive alteration of natural features is permitted subject to policies and regulations.

(5) Natural: Practices which do not require structures, alteration of natural features, or mechanized harvest practices are permitted subject to policies and regulations.

(6) Aquatic

(a) Alteration of natural features and structures is permitted as a conditional use; PROVIDED, that structures

or shoreline alterations are not permitted on tidelands or shorelands abutting a Natural Shoreline Area.

(b) A shoreline permit, or a statement of exemption from the County if no shoreline permit is required, shall be obtained prior to deploying any structure or other device which materially interferes with normal, lawful public use of a water surface, or dredging natural bottom material for harvest of aquaculture products.

(c) Proposed designs for permanent structures or works in this Shoreline Area for which a shoreline permit is necessary shall be certified by a registered engineer.

B. General Regulations

(1) Water Quality and Littoral Control

Fisheries enhancement and aquaculture practices, including disposal of wastes, viscera or scrapfish, shall be conducted so that applicable state water quality and litter control standards are not violated.

(2) Buffer

In order to minimize potential adverse effects upon neighboring properties and local shore features, the County may require a buffer on the shore and other site perimeters. Width and physical nature of such buffers shall be determined by the County commensurate with the proposed intensity of use and character of the local area.

(3) Shore Defense Works

Reasonable protective works are permitted if consistent with this program and erosion is seriously threatening an established and appropriately located development. However, new development shall be located so that massive, rigid defense works are not required.

(4) Flood Plain

Buildings or other structural development in the flood way of the Nooksack River and in other flood-prone shorelines where potential for damage to life and property is high may be permitted as a conditional use.

(5) Utilities

(a) Sewage and solid-waste disposal facilities shall be provided as required by the local Health Department.

(b) Storm-drainage facilities for on-land development shall be provided as required by the County Engineer.

(c) Overhead wiring is not permitted over the water.

(6) Over-Water Building

Conventional buildings may not be located over water surfaces.

(7) Shorelines of State-Wide Significance

Floating or submerged structures or dredging of bottom material for shellfish harvest are prohibited on the tidelands of Birch Bay which are shorelines of state-wide significance.

C. Tabular Regulations

(1) Shore Setback: Table AQ-1 establishes a minimum setback measured from ordinary high-water mark for development which is not shoreline dependent, including but not limited to offices, parking, storage, and waste receptacles.

(2) Height Limit: Table AQ-2 establishes maximum heights for structures. Subsection

(a) applies to structures within 100 feet of ordinary high-water mark; subsection

(b) applies to structures between 100 an 200 feet from ordinary high-water mark. The Aquatic Area height limit applies to water surfaces.

TABLE AQ - FISHERIES AND AQUACULTURE

Regulation	Shoreline Area					
	Urban	Urban Resort	Rural	Conservancy	Natural	Aquatic
1. Shore Setback (in feet)	25	25	50	50	NA	NA
2. Height Limit						
a. 0-100 feet from OHWM	35	35	20	15	NA	10
b. 100-200 ft. from OHWM	35	35	30	25	NA	10

NA = Not Applicable

6.4 COMMERCIAL

1. COMMERCIAL -- GENERAL POLICIES

A. Optimum Use

Finding: While many forms of commercial development benefit from a shoreline location, only a few depend upon such location; undeveloped shorelines are limited.

Policy: Only those businesses which either require a shore location, or which allow substantial numbers of people and/or the general public to enjoy shorelines should generally be permitted to locate there.

B. Use Conflicts

Finding: Business uses often exist in small clusters or strips abutting other less intensive uses. Certain aspects of commercial operations (traffic, parking, crowds, signs) have potential for adverse effects upon neighboring uses.

Policy: Commercial development should be located, designed, and managed so that such effects are prevented or held to publicly acceptable minimums.

C. Multiple Use/Public Access

Finding: Public shoreline access, particularly marine, is increasingly scarce in spite of the ever increasing demand for visual and physical access. Certain commercial 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.

D. Natural Features

Policy: Commercial developments should be located, designed, constructed and managed to preserve natural shoreline features which are scarce or valuable in the region. They should also facilitate appropriate human use of such features while conserving them. These features include, but are not limited to shoreforms, natural wetlands, landforms, soils, ground water, surface water, native plant and animal life, and shore processes.

E. Views and Esthetics

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

F. Minimal Impact

Policy: The design, construction, and management of commercial developments should minimize adverse impacts on the physical environment.

2. COMMERCIAL -- LOCATION POLICIES

A. *Utilities*

Commercial developments should only be located in areas where utility capability to serve them is already developed, or may be provided without significant damage to shore features.

B. *Preferred Use*

Commercial uses which meet one of the following two conditions should be given preference over other commercial uses in securing shoreline locations:

(1) *Uses for which shoreline location is a necessity, including but not limited to boat rentals, marine service stations, fishing piers.*

(2) *Uses which promote physical or visual use of shorelines by the public, including but not limited to resorts, rental campgrounds, and restaurants.*

C. *Hazardous and Sensitive Areas*

Business should not be located in shoreline areas which are naturally hazardous or valuable natural areas sensitive to development.

D. *Compact Development*

Commercial shoreline uses should locate near existing uses of a similar character, or in new locations which are consistent with this program.

3. COMMERCIAL -- DESIGN POLICIES

A. *Recreation Facilities*

Recreation-oriented uses should provide water access for their customers and should not rely only on public access areas to accommodate them. If water access is impossible to obtain, then sufficient on-site recreation facilities should be provided in order to prevent overloading of public access and recreation areas.

B. *Utilities and Roads*

Developers should be required to install or establish access roads or utilities of a quality and type as needed to best

protect shore features and other users which may be affected by pollution, nuisances, flooding, erosion, or other adverse effects.

C. *Hazardous and Sensitive Areas*

Where the development site encompasses shoreline segments which are hazardous, sensitive or otherwise not suitable for intensive use, such areas should be left undeveloped as open 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.

D. *Amenities*

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

E. *Accessory Uses*

Non-shoreline related development such as parking, access roads, or service buildings or areas, should be sited inland away from shorelines, and should be designed to be in visual harmony with the local area.

F. *Site Preparation*

Land clearing, grading, filling, and alteration of natural drainage should be limited to the minimum amount necessary to accomplish the primary purpose. Surfaces cleared of vegetation should be replanted as soon as possible with native or compatible plants. Landscaping projects requiring substantial earth modification and grading should be carefully and professionally designed to prevent maintenance problems or damage to shore features and processes.

G. *High Rise Buildings*

(1) As mandated by the Shoreline Management Act (RCW 90.58.320), no 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.

(2) High-rise lodging developments should be allowed in resort communities designed Urban Resort. However, due to the potential for adverse impact upon adjacent uses and the community from such development, special consideration must be given to the following factors during public review

of the detailed plans. Furthermore, prior to approving such a proposal, the County must find the proposal to be consistent with this program and the Act; particularly as related to RCW 90.58.320 cited above, and these factors:

(a) 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 clientele have privacy and ample space for outdoor recreation and circulation. The amount of open space should increase as density and/or height increase.

(b) Urban services, including sanitary sewers, public water supply, fire protection, storm drainage, and police protection, must be provided at adequate levels to protect the public health, safety, and welfare. Soil tests should be required to determine local load-bearing capacity.

(c) 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.

(d) Recreational needs of building clientele must be provided for through several on-site recreation facilities and access to shorelines. The variety and number of on-site recreation facilities should increase as density increases.

4. COMMERCIAL -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Shoreline dependent or related commercial development are permitted subject to general and tabular regulations.

(2) Urban Resort: Resort or resort-oriented commercial development is permitted subject to policies and regulations; examples of permitted uses are high rise resorts or hotels, motels, restaurants and small scale delicatessens, barber and beauty shops, sporting goods stores, bicycle rental, camera shops, book shops, and shore-related uses; provided, that in zoning districts where no height limit has been established, high-rise buildings are permitted only as a conditional use.

(3) Rural: Shoreline dependent or related commercial development is permitted subject to policies and regulations.

(4) Conservancy: Commercial resort, restaurant and campgrounds development only are permitted in areas where the Comprehensive Plan or zoning ordinance encourages or permits such commercial uses, subject to policies and regulations.

(5) Natural: Commercial development is not permitted.

(6) Aquatic: Commercial development is prohibited except the following may be permitted as conditional uses:

(a) limited water surface dependent uses accessory to land uses consistent with this program, and

(b) restaurants as allowed in limited instances under General Regulation #4.

B. General Regulations

(1) Landscaping and Buffer:

All new or expanded developments shall be landscaped and buffered so that they do not significantly detract from shoreline scenic qualities or adjoining properties. Such landscaping shall take into account the view of the shoreline from land (beyond the boundary of shoreline 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.

(2) Recreational Facilities:

Commercial resorts and rental campgrounds shall provide adequate access to water areas for their patrons or shall provide adequate on-site outdoor recreation facilities so that such resort or campground will neither be dependent on nor place undue burdens upon public recreational facilities.

(3) Landfill:

Filling or drainage of water bodies, flood ways, backshores, or natural wetlands for expansion of upland areas for commercial development is prohibited.

(4) Over-water Structures:

Only those commercial uses which require an over-water location such as boat fuel stations shall be permitted to locate waterward of OHWM or the natural wetland edge. All other commercial uses are prohibited from over-water location; PROVIDED, that a limited number of restaurants may be located on piling or other open-work structures

over the water on lake shorelands as a conditional use or an accessory use to a shore-dependent primary use such as a marina; PROVIDED FURTHER, that such restaurants (1) are open to the general public; (2) shall not be located upon natural wetlands; and (3) that certain space-consuming accessory uses including parking and loading shall not be located over-water.

(5) Hazardous Areas:

(a) Commercial development is prohibited in the flood way of the Nooksack River.

(b) Commercial development in the flood way fringe is permitted provided a Flood Control Permit is obtained from the Department of Ecology and county zoning standards are met.

(c) Developers of buildings in coastal flood hazard areas shall be required to flood proof such buildings and to demonstrate that the proposed design, including utility equipment, has a flood damage potential substantially lower than with minimum building code standards.

(6) Floor Elevation:

Elevation of the finished ground floor of buildings shall be at least 5 feet above ordinary high water mark.

(7) Public Health:

Water supply, sewage disposal, and other waste disposal facilities shall meet the requirements to the local health department.

(8) Signs:

Signs for commercial development shall conform to policies and regulations established under "Signs" (Sec. 6.18.).

(9) Lighting:

All display and floodlighting shall be designed and operated so as not to emit unreasonable or unnecessary glare, to illuminate nearby properties or to create hazards to public traffic.

(10) Utilities:

New on-site wiring shall be placed underground; PROVIDED, that one stub utility pole may be used if local primary distribution lines are overhead.

C. Tabular Regulations

(1) Shore Setback: Table C-1 establishes the minimum setback for commercial development measured from OHWM; these setbacks shall not apply to shoreline dependent development which requires an overwater or water's edge location.

(a) applies to shore-dependent development not requiring an overwater or water's edge location, and to all shore related development except parking, loading and storage areas, and over-night lodging.

(b) applies to over-night lodging, parking, loading and storage areas, and any resort or resort-oriented uses not included in (a) above.

PROVIDED, that on erosional or otherwise geologically unstable bluffs or banks exceeding ten feet in height, or on banks sloping at more than 30%, any setback shall be measured from bank rim or top of such slope respectively. On marsh shores, such setbacks shall be measured from the edge of the natural wetland; PROVIDED FURTHER, that no shore setback shall exceed the geographic limit of the Act's jurisdiction.

(2) Sideyard Setbacks: Table C-2 establishes minimum setbacks of development from side property lines.

(3) Open Space: Table C-3 establishes minimum site percentages of open space for commercial development.

(a) applies to commercial development involving overnight lodging as a primary use.

(b) applies to all other commercial development.

(4) Height Limit

(a) Table C-4a establishes maximum heights for structures within 100 feet of OHWM.

(b) Table C-4b establishes maximum heights for structures between 100 and 200 feet from OHWM; PROVIDED that lodging development may be allowed in Urban Resort Areas only up to a maximum height of 75 feet measured by Method A as a conditional use.

(c) Height of over-water structures shall be measured from OHWM.

Table C - COMMERCIAL

Regulation	Shoreline Area					
	Urban	Urban Resort	Rural	Conservancy	Natural	Aquatic
1. Shore Setbacks (in feet)						
a.	30	35	50	75	NA	NA
b.	75	75	100	150	NA	NA
2. Sideyard Setbacks (in feet)	** 5	** 5	**15	**20	NA	NA
3. Open Space						
a.	30%	40%	50%	60%	NA	NA
b.	15%	40%	25%	30%	NA	NA
4. Height Limit						
a. 0-100 feet from OHWM	25	25	20	15	NA	
b. 100-200 feet from OHWM	35	*35	25	25	NA	
c. over-water	NA	NA	NA	NA	NA	15
* PROVISO	NA	*75	NA	NA	NA	

NA = Not applicable

* Lodging development may be allowed in Urban Resort Area only up to a maximum height of 75 feet as a conditional use, subject to policies and regulations.

** Five feet plus five feet for every ten feet or fraction thereof in height over 15 feet, up to a maximum of 25 feet in setback.

Note: See Appendix D for definition of height.

6.5 DREDGING

1. DREDGING -- GENERAL POLICIES

A. Necessity and Purpose

Finding: Certain shoreline-located primary uses of economic uses of economic importance to the region such as marinas, ports and agriculture may require dredging, which has potential for adverse effects upon shore features and other users.

Policy: Dredging should be permitted for such primary uses only when necessary for their continued operation and alternatives are infeasible or less consistent with this program.

Finding: Owners or developers of residential properties abutting shallow water bodies may desire to enhance their access to or use of shorelines through dredging projects. Such projects have potential for damaging shore features and other properties. Maintenance dredging will prolong such adverse effects. In most cases feasible alternatives exist.

Policy: Dredging projects to provide inland canals or small basins for boat moorage or launching, water ski landings or swimming holes should not be permitted. Minor dredging as part of a beach enhancement or community recreation plan should be permitted if consistent with this program.

Policy: Dredging of bottom materials for the primary purpose of obtaining material for landfill, construction, or beach feeding should not be permitted.

B. Water Quality and Quantity

Finding: Dredging has potential for adverse impact on water quality through release of sediments and buried contaminants, for interference with local hydrology, and for increasing storm runoff peak flows resulting in additional flooding and bank erosion.

Policy: Dredging should aim toward maintaining state quality standards of affected waters and preventing additional flooding or erosion.

C. Geo-Hydraulics

Finding: Dredging is an interruption or acceleration of the erosion/transport/accretion regime of the shore process corridor. Dredging is generally desired in shallow water bodies, intertidal zones, and natural wetlands which are critical areas in geo-hydraulic terms.

Policy: Potential adverse impacts of dredging should be carefully assessed. Design and operating conditions should be

established which will prevent significant harm from erosion or flooding to valuable physical features and properties and make the project consistent with this program.

D. Fish and Wildlife

Finding: Dredging has potential for adverse impact upon valuable fish and wildlife resources because dredging normally is done in shallow waters, creates water quality problems, and reduces shoreline vegetation, nutrients, and oxygen.

Policy: In reviewing dredging proposals, the County should ensure that maximum feasible conservation of shore-related life forms and their respective habitats is provided. Enhancement of such habitats through dredging or use of dredge spoil should be encouraged whenever consistent with State Game and Fisheries Department policies.

E. Esthetic Values

Finding: Dredging has potential for short and long term adverse impact upon scenic and unique shore features.

Policy: Protection of such values should be given serious consideration in public review of dredging proposals.

F. Stream Dredging

Finding: Many farm operators desire to minimize adverse impact from flooding and abnormally slow drainage on 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. Guidelines for farm operators on management of streamways aimed at extending benefits from approved dredging projects over the longest possible time should also be provided.

Policy: Consideration should be given to a long term cooperative streamway-management program involving land owners and concerned public agencies to further effect program goals of shoreline multiple use and public access. It would be aimed at preventing or minimizing these problems which, if neglected, make dredging necessary, such as bank erosion, debris in channels, sedimentation, and lack of adequate vegetative cover. Several agencies together could assist owners with money, advice, or labor through a long term agreement for conservation of resources for private and public benefit. Easements for public access could be included in such agreements. Such a

program could obtain needed wise use of public resources and public access while benefiting the owner.

2. DREDGING -- LOCATION POLICIES

A. *Spoil Disposal*

(1) *Because of the high probability of water quality and biologic resource problems from disposal, dredge spoils should not be deposited in shallow offshore areas or natural wetlands. Suitable land or open water sites are strongly preferred. An approved open water disposal site in Whatcom County has been designated by the State Department of Natural Resources in Bellingham Bay. This site is located at West longitude 120°40'42" and North latitude 48°31'42". If alternate sites are needed, they should be selected in cooperation with other public agencies including the County Health Board, Port of Bellingham, adjacent local governments, state Departments of Natural Resources, Fisheries, Ecology, and Game and the federal Environmental Protection Agency and Corps of Engineers.*

(2) *Spoil disposal on land away from the shoreline is generally preferred over open water disposal, but should be permitted only under the following conditions:*

(a) *Quality of affected ground and surface water will be given long term protection.*

(b) *Spoil will not increase damages from floodwaters or runoff to adjoining resources and properties.*

(c) *Sites will be adequately screened from view of local residents or passersby on public rights-of-way.*

(3) *Spoil disposal in open navigable waters may be less consistent with this program than land disposal, and should be permitted only under one or more of the following conditions:*

(a) *Land disposal is infeasible, less consistent with this program, or prohibited by law.*

(b) *Offshore biologic habitat will be protected, restored, or enhanced.*

(c) *Adverse effects on water quality or biologic resources from contaminated bottom materials will be mitigated.*

(d) *Shifting and dispersal of spoil will be minimal.*

(e) *Water quality will not be adversely affected.*

(2. Location Policies)

(4) *The County should require dredging project sponsors to provide sufficient detailed information on disposal plans so that a rational decision can be made as to the site and means of disposal which will be consistent in the long term with this program and other public policies and regulations.*

(5) *Professional chemical, biological, and physical analysis of spoil material should be considered in review of extensive projects or those in sensitive areas.*

B. *Sensitive Areas*

Dredging should not be permitted where valuable natural wetlands, estuaries, eelgrass beds, accretion shoreforms, or other scarce and valuable natural areas would suffer significant harm. In estuarine branch channels, dredging below low tide level does not increase channel capacity but acts as a sediment trap requiring periodic, long term maintenance dredging and should not be permitted.

C. *General*

(1) *Dredging should utilize techniques that cause minimum dispersal and broadcast of bottom material; sidecast disposal in water bodies should not be permitted; hydraulic dredging is generally preferred over agitation dredging.*

(2) *Hydraulic modeling studies should be considered in review of large scale, extensive dredging projects, particularly in estuaries in order to identify existing geO-hydraulic patterns and probable effects of dredging.*

(3) *It must be considered in design review that in the long term, the relatively fixed horizon and profile of the wave-cut terrace underlying loose beach material on ending marine cliff shores cannot feasibly be re-established once cut away.*

D. *Use Conflicts and Public Safety*

Dredging operations should be planned and conducted to prevent adverse impacts on other shore users or to hold them to minimal levels.

E. Timing

All operations should be carefully scheduled and conducted to prevent or minimize adverse impacts upon shoreline features.

F. Beach Feeding

The use or recycling of dredge spoil for beach feeding, habitat enhancement, berm building, or soil building on agricultural lands is preferable to landfill or open water disposal

and should be encouraged if the spil is clearly suitable for such uses.

4. DREDGING -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Dredging is permitted subject to policies and regulations.

(2) Urban Resort: Dredging is permitted subject to policies and regulations.

(3) Rural: Dredging is permitted subject to general policies and regulations.

(4) Conservancy: Dredging is permitted as a conditional use.

(5) Natural: Dredging is not permitted except as one element of an approved shore restoration or enhancement plan, subject to policies and regulations.

(6) Aquatic: Dredging is permitted as a conditional use.

B. General Regulations

(1) Assurance of Consistency:

(a) In order to assure that operations including spoil disposal and maintenance dredging are consistent with this program as required by RCW 90.58.140 (1), no dredging may commence on shorelines without the responsible person having first obtained either a Shoreline Permit or a Statement of Exemption. PROVIDED, that no statement of exemption or shoreline permit is required for emergency dredging needed to protect property from damage by the elements.

(b) Operation and maintenance of any system of ditches, canals, or drains, or construction of irrigation reservoirs, for agricultural purposes are exempt from the shoreline permit requirement.

(2) Necessity and Purpose:

Dredging shall be permitted for the following purposes only:

(a) development of approved wet moorages and harbors,

(b) restoration or enhancement of hydraulic capcity of streamways, and construction or maintenance of irrigation reservoirs, and drains, canals or ditches for agricultural purposes,

(c) mitigation of conditions adverse to public safety,

(d) Enhancement of water quality or biologic habitats, and

(e) enhancement of shore dependent or related recreational opportunities for substantial numbers of people.

(3) Public Safety and Environmental Protection:

(a) The County may impose reasonable limitations on dredge or disposal operating periods and hours, and may require provision of buffer strips at land disposal or transfer sites in order to protect the public safety and other shore users' lawful interests from unnecessary adverse impact.

(b) All phases of dredging shall be conducted so that state quality standards for affected waters are not lowered on a long term basis. The county may require reasonable precautions, particularly in disposal operations such as dikes, settling basins, or buffer strips to achieve this objective. Release on to shorelines of hazardous materials is prohibited.

(c) Stream, lake or marine banks shall not be lowered if material damage to shoreline resources or other properties will likely result thereform.

(4) Spoil Disposal:

Disposal is prohibited on marine shorelines landward from the line of extreme low tide, on lake shorelines or beds, and in streamways; PROVIDED, that dredge spoil may be utilized in approved beach feeding or other shoreline resource enhancement development, or in landfills if permitted under applicable regulations.

(5) Landfill:

Dredging bottom material from natural water bodies or their adjacent natural wetlands for the purpose of obtaining landfill material is prohibited, except that limited bar scalping of gravel in streamways is permitted under Mining polices and regulations.

(6) Sensitive Areas:

Dredging is not permitted in estuaries, natural wetlands adjacent to natural water bodies, in marine or lake accretion shoreforms, or at the base of feeder bluffs.

6.6 FLOOD CONTROL WORKS

1. FLOOD CONTROL WORKS -- GENERAL POLICIES

A. Optimum Use

Finding: Streamways and flood plains are high risk locations for most forms of urban or intensive development. Such shorelines are limited, irreplaceable natural resource complexes which generally yield highest returns to the region in a non-intensively developed or natural condition through multiple use for agriculture, outdoor recreation, forestry, flood plain management and fish and wildlife management.

Policy: Streamways and flood plains should be reserved for uses which are compatible with long term sustained yield use of streamway waters and shorelines. More intense development endangered by or not requiring such locations, or which would require flood control works, should be directed to more suitable locations.

B. Coordination

Finding: Flood stage flows and erosion in streamways are natural occurrences which cannot be prevented, but whose negative effects can be controlled through works and/or flood plain management. Short term, inadequately designed, or uncoordinated efforts by public and private entities to control flood effects will not likely lead to protection for all affected persons, and may result in increased damages for some while others are protected.

Policy: Flood control programs should be long term and coordinated among persons and agencies. In cooperation with other concerned agencis 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.

C. Use Conflicts, Multiple Use

Finding: Some flood control works have potential for adverse impact upon some appropriate uses of streamway resources such as recreation and fish and wildlife management. Single purpose development of such works will likely lead to substantial reduction in the streamway's high value as a multi-faceted resource complex.

Policy: Such works should be made compatible with appropriate uses of streamway resources over the long run. The need for continued multiple use of streamways must be given consideration, especially shorelines of state-wide significance.

D. Geo-hydraulics

Finding: Streamways large and small are dynamic, balance-seeking natural resource systems in which geo-hydraulic processes of accretion, transport and erosion have interdependent, equally vital roles. Flood control works are either designed to, or may incidentally but substantially, interfere with such shore processes with potentially adverse impact on valuable shore features through higher flood levels or accelerated erosion. These basic dynamic processes have established streamway and flood plain environments to which biologic communities and man must either adapt or alter at great cost and possibly with loss of resources.

Policy: Flood control works should be located, designed, constructed and maintained so their resultant effects on shore processes will not cause significant damage to other properties or valuable resources, and so that the physical integrity of the shore process corridor is maintained.

E. Necessity and Purpose

Finding: There is a need for flood control works in limited instances to protect valuable public works, agricultural operations, and other structures in flood hazard areas whose preservation is in the public interest. However, some development has unnecessarily been placed in stream bank or flood plain locations without consideration for the inevitable risk from such location.

Policy: Flood control works should be permitted only when the primary use being protected is consistent with this program, and the works can be developed in a manner compatible with multiple use of streamway and associated resources for the long term.

F. Water Quantity

Finding: Controlling erosion, streamflow rates or flood waters is usually a primary purpose of flood control works. Planned effects of such works are often beneficial, even essential, to community or regional well-being, as well as sometimes being detrimental to the public interest if negative side effects outweigh the positive primary effects.

Policy: Such works should be located, designed, constructed, and maintained so that net impacts related to water quantity are beneficial. Storm runoff peaks, seasonal shortages or fluctuations in natural water levels which are adverse to other appropriate shore uses and valuable resources should be lessened or prevented rather than increased. Hydraulic storage capacity of floodways and natural wetlands should be maintained.

G. Water Quality

Finding: Flood control works have potential for both adverse and beneficial effects on water quality and water quality levels which are extremely important to continued multiple use of streams.

Policy: Maintaining water quality where presently high, or helping to restore water quality where presently low, should be a priority objective of all flood control works.

H. Fish and Wildlife

Finding: Flood control development has potential for both adverse or beneficial impact on fish, wildlife and other biologic resources of value to the region. Adverse impacts can be widespread or long term as well as localized or brief.

Policy: Such proposals should be carefully assessed for their probable impact on fish and wildlife resources and the aquatic food chain. Conservation of such resources should be a priority consideration in approving such works.

I. Esthetic Values

Finding: Certain flood 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.

J. Related Development

Policy: Policies and regulations in other sections of this program may be applicable to development related to flood control works including but not limited to Mining, Dredging, Landfill, Agriculture, Roads and Railways and Shore Defense Works.

2. FLOOD CONTROL WORKS -- DEVELOPMENT POLICIES

A. Geo-hydraulic Considerations

The life span of bank revetments or bank dikes is largely a function of channel gradient, current velocity, and composition of native bank material. Erosion or flood control works must be located and designed to fit the physical character and hydraulic energy potential of a specific streamway reach, which may differ substantially from adjacent reaches upstream or down. Different results from similar flood control works can characteristically be expected in each of the four geo-hydraulic streamway zones: Cobble-Boulder, Gravel, Pastoral, and Estuarine. (See illustrations in Appendix E).

(1) *The Cobble-boulder Zone is the most active in terms of velocity, erosion, and white water display; flooding is not normally a problem here. As an alternative to structural revetments on erosion prone banks, indirect means of more natural character such as engineered addition of or shifting of boulders in the channel will improve channel stability and natural energy dissipation capacity. Because Cobble-boulder zone streamways experience a higher net rate of erosion, and their valleys are often narrow and sharply limited in area, flood control works are often more justifiable there than in the Gravel (often braided) zone.*

(2) *The Gravel Zone has a much more evenly balanced ratio between erosion and accretion, and its braided streamway and associated flood plains are much wider than the upstream Cobble-boulder Zone. Stream currents continually reshuffle sand and gravel from eroding banks to accreting point or channel bars, and meander bends progress downstream more rapidly or change positions more frequently than in any other zone. Because rapid channel changes during high flood stage are characteristic, isolated bank revetments or bank levees are necessarily short term solutions having eventually (singly or in combination) hard-to-predict effects on natural channel shifts.*

Such works may deflect eroding currents to other unprotected banks, thus leading to demand for more structural works. Long term development of isolated bank revetments and/or levees may eventually lead to channelization of entire reaches of the streamway, with resultant long term damage to economic, biologic, and recreation resources. Thus, revetments, levees or dikes should not be developed on the low, innermost channel banks in the streamway of the Gravel Zone except to protect public works, railways, and existing commercial farmsteads.

(3) *Bank erosion in the lower gradient Pastoral Zone occurs at considerably lower rates than in the steeper Cobble-boulder and Gravel zones; banks are often high and composed of silty sand; normal current turbulency is lower. The floodway is often little wider than the streamway proper; meander bends are larger and have a slower progression rate than in the Gravel Zone. Thus, bank revetments and low bank levees are much more appropriate here in terms of long term utility as well as conservation and multiple use of resources. Alternative control measures include groins on bends and current deflectors to entrap silt during flood stage when turbulent waters are loaded with suspended particles. However, even in this lower velocity zone, car body, solid waste dumping and other forms of uncoordinated, trial-and-error control works will normally hasten and/or increase localized erosion, and should not be permitted.*

(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, flood control works should not be permitted on estuarine shorelines.*

B. *Dike and Levee Design*

(1) *In order to prevent higher than necessary flood damages, and to better utilize the unique complex of natural resources associated with streams, alternatives to traditional bank levees, dikes and/or flood-water storage behind dams must be sought and given consideration. An acceptable public flood control program must prevent and reduce flood damages, while returning costs to the public through long term, multi-purpose benefits. "Tangent" (setback) or "chord" diking where appropriate will result in lower flood peaks and velocities, lower dike costs because of less height and length, and far more effective conservation of streamway resources than with high bank levees.*

(2) *Where works are necessary in the low gradient Pastoral zone, "chord" diking is strongly preferred to continuous bank levees. Works should be setback at convex (inside) bends to allow streams to maintain point bars and associated aquatic habitat through normal accretion. Where bank dikes have already cut off point bars from the streamway, consideration should be given to their relocation in order to lower flood stages and current velocities.*

(3) *Where dikes are necessary in the intermediate gradient Gravel zone to protect floodway fringe areas, tangent diking is preferred over bank levees. Works should be located near the tangent to outside meander bends so that the stream can maintain normal meander progression and utilize most of its natural flood water storage capacity. This zone has a much higher value as fish and wildlife habitat and recreation area than the other geo-hydraulic zones.*

C. *Channelization*

Channelization projects which would result in significant damage to fish and wildlife resource, recreation and esthetic resources, or higher flood stages and velocities should not be permitted when alternatives are available, particularly on Gravel Zone streamways.

D. *Preferred Design*

(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.*

(2) *Natural streamway features such as snags, uprooted trees, or stumps should be left in place unless actually causing bank erosion or higher flood stages.*

(3) *Flood control works should allow for normal ground-water movement and surface runoff flow into the streamway.*

(4) *All flood control works should be designed to provide:*

(a) *Protection of water quality and natural ground water movement,*

(b) *Protection of valuable fish and other lifeforms and their habitat vital to the aquatic food chain,*

(c) *Preservation of valuable recreation resources and esthetic values such as point and channel bars, islands, and braided streamway banks,*

(d) *Location of bank revetments only on outer, concave bends, and*

(e) *Selection of materials in conformance with applicable engineering standards. Aggregate should not be mined from stream beds for such purposes unless specifically authorized under applicable regulations.*

E. *Professional Design*

Recognizing the large number of physical variables to be considered in properly locating and designing flood control works, and the high probability that poorly located and inadequately designed works will fail and/or cause adverse impact on other properties and shore features, then such works should be sited and designed consistent with appropriate engineering principles, including guidelines of the U.S. Soil Conservation Service and Corps of Engineers.

F. *Multiple Use, Public Access*

(1) *Provision for continued long term multiple use of streamway resources and space by all apprpriate user groups should be made in the design of flood control works.*

(2) Design of public works should provide access to public shorelines whenever possible, and should not result in a decrease of access or public use potential of such shorelines. In design of publicly financed or subsidized control works, consideration should be given to providing public pedestrian access to shorelines for low-intensity outdoor recreation whenever possible.

(G) Sensitive Areas

Flood control works of rigid artificial character should not be developed on certain streamway shores where valuable natural geo-hydraulic or biologic processes are critical to optimum multiple use or conservation of shore resources, including, but not limited to point bars, islands in braided channels, eddies, or natural wetlands.

3. FLOOD CONTROL WORKS -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Flood control works are permitted subject to policies and regulations.

(2) Urban Resort: Flood control works are permitted subject to policies and regulations.

(3) Rural: Flood control works are permitted subject to policies and regulations; PROVIDED, that channelization or dams may be permitted as a conditional use.

(4) Conservancy: Flood control works are permitted subject to policies and regulations; PROVIDED that channelization or dams are prohibited; PROVIDED FURTHER that natural character erosion control means or current deflectors are to be utilized instead of bank revetments whenever possible.

(5) Natural: Flood control works are not permitted.

(6) Aquatic: Flood control works are prohibited except dams are permitted subject to policies and regulations; PROVIDED that dams are prohibited adjacent to a Conservancy or Natural Shoreline Area.

B. General Regulations

(1) Water Quality

All forms of flood control works shall be constructed and maintained in a manner which does not degrade the quality of affected waters. The County may require reasonable conditions to achieve this objective such as setbacks, buffers, or storage basins.

(2) Professional Design:

The County may require professional design of any proposed flood control work if it is determined that sufficient uncertainties exist. Grounds for such determination shall be inadequate information on local physical conditions, or on potential negative effects of the proposal upon the public safety, nearby properties and valuable shore features.

(3) Assurance of Consistency:

(a) In order to assure that flood control works are consistent with this program as required by the act (RCW 90.58.140(1)), no flood control works may commence or be removed or materially altered on shorelines without the developer having obtained either a shoreline permit or a statement of exemption from Whatcom County. PROVIDED, That no Statement of Exemption is required for emergency flood control works which need to be constructed immediately to protect property from damage by the elements.

(b) Normal maintenance and repair of existing flood control works, and emergency construction necessary to protect property from damage by the elements are exempt from the shoreline permit requirement.

(4) Necessity and Purpose:

Flood control works shall be permitted for the following purposes only; PROVIDED, that such works will not adversely affect other real property or valuable natural resources:

(a) Protection of public works, including roads and bridges, railways, and utility systems,

(b) Protection of established commercial agricultural development, and

(c) Protection of other valuable properties or natural features.

(5) Streamway Integrity:

(a) Bank revetments where permitted shall be placed at the extreme edge or bank of the streamway.

(b) Dikes shall not be placed in the streamway, except for current deflectors necessary for protection of bridges and roads.

(c) Levees shall be limited in size to that height required to protect adjacent lands from the predictable annual flood.

(d) Dikes designed to protect adjacent lands from floods greater than the annual flood shall be set-back to (1) the outer limit of the 100 year floodway on the Nooksack River and its forks, or (2) the outer limit of the twenty-year floodway on all streams other than the Nooksack River.

(6) Sensitive Areas:

Flood control works are neither permitted on estuarine shores nor in natural wetlands, nor on point and channel bars, nor in salmon and trout spawning areas.

(7) Bank Vegetation Maintenance:

(a) Existing stream bank vegetation shall be preserved to the maximum feasible extent during flood control development.

(b) Cut-and-fill slopes and backfilled areas shall be revegetated with grasses, shrubs, or trees visually compatible with natural stream bank vegetation.

(8) Junk Revetments:

No junk motor vehicles, appliances nor parts thereof, nor structure demolition debris, nor any other solid waste shall be used for flood control works; PROVIDED, that with approval by the County Engineer: (1) clean, broken-up concrete may be so used if metal re-inforcing material does not protrude therefrom after placement, and (2) certain other solid waste items such as rubber tires may be so used.

(9) Hydraulics Approval:

No flood control works may commence in a streamway without the developer having obtained a Hydraulics Approval or exemption thereof from the State Department of Fisheries and Game pursuant to RCW 75.20.100.

(10) Flood Control Zone Permit:

No flood control works may commence in the floodplain or streamway of the Nooksack River as contained within State Flood Control Zone No. 8 without the developer having obtained a Flood Control Zone Permit or exemption thereof from the State Department of Ecology pursuant to RCW 86.16.

6.7 FOREST PRACTICES

1. FOREST PRACTICES -- GENERAL POLICIES

A. Multiple and Optimum Use

Finding: Within Whatcom County there are limited areas of forest land capable of providing a continuing source of raw material for the local wood products industry. Large areas of forest land are necessary for this industry's continued operation. Its products are extremely important to the local economy. Some forest lands located along shorelines also have high value for other uses, including non-intensive outdoor recreation, watershed and fish and wildlife management.

Policy: Such lands should be reserved for forest management and such other uses as are compatible with the dominant use. Other more intensive and incompatible uses tending to impair the dominant use should be discouraged from locating on forest lands.

B. Water Quality and Quantity

Finding: Certain forest practices have potential for adverse effects upon water quality from stream bank and surface erosion, earth slides, stream sedimentation and channel siltation, and for increasing storm runoff flood levels.

Policy: Forest practices should aim to maintain high levels of water quality, as well as surface and groundwater movement patterns.

C. Fish and Wildlife

Finding: Certain forest practices (roads, bridges, chemicals) have potential for adverse effects upon fish and wildlife populations and their respective habitats. Forest waterways and shorelands are prime habitat for many valuable species.

Policy: Forest practices should aim to conserve these populations and to minimize alterations of habitat, especially aquatic habitats.

D. Use Conflicts

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.

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

E. Soil Damage and Losses

Finding: Certain forest practices (roads, trails, yarding, tractor skidding) have potential for severe long term damage to or losses of forest soils. Such soils are valuable and irreplaceable, and soil conservation is positively related to water quality management.

Policy: Forest practices should aim at maintaining or improving the quality of soils and minimizing losses through erosion.

F. Hazardous Areas

Policy: Where slopes are extremely steep or soils are subject to sliding, rapid erosion or high water table, special practices should be considered which will minimize damage to shoreland and water features, and adjacent properties.

G. Sensitive Areas

Policy: Critical wildlife or aquatic habitats, scarce or unique features, or springs or natural wetlands, should be given protection, and forest practices used in such areas should be carefully selected and conducted so as to provide for their long term protection.

2. FOREST PRACTICES -- OPERATING POLICIES

A. *Timber Harvest*

Harvest planning and methods should maintain productivity and stability of forest lands, and protect water quality as well as fish and wildlife resources.

(1) *Trees should be felled away from water bodies whenever possible.*

(2) *Any logging debris including slash falling into water bodies should be removed concurrent with yarding operations to a point on land above OHWM.*

B. *Road Development*

Forestry roads should be located, designed, and constructed, and either maintained or abandoned, so as to provide maximum feasible protection of affected shoreline resources.

(1) *Location*

(a) *Roads and landings should be located to minimize the risk of land material entering water bodies.*

(2. Operating Policies)

(b) *Steep or unstable areas, narrow canyons, slide areas, slumps, natural wetlands, or drainage ways should be avoided whenever possible.*

(c) *The number of stream crossings should be held to a minimum, and such crossings should be at right angle to the channel whenever possible.*

(d) *Sidehill locations requiring cuts and fills with high potential for erosion and water quality deterioration should be avoided.*

(e) *Areas of vegetation should be left between road and water bodies whenever possible.*

(2) *Design*

(a) *Road development should be no wider than necessary and built to minimum standards adapted to local conditions.*

(b) *Fills for road development and exposed or unstable soils should be protected from erosion through vegetative stabilization, rip rap, or other suitable means.*

(c) *Road development should be carefully designed for minimal impact on storm runoff peaks, fish passage, and natural surface drainage. Techniques such as bridges, bottomless and relief culverts, roadside ditches, insloping of roads with cross drains or outsloping should be used to meet this objective.*

(3) *Construction*

(a) *Debris, overburden and excess materials should be cleaned up from drainage ways or stream banks upon completion, and placed above potential high water levels or where such materials will not enter water bodies.*

(b) *Aggregate for road development should be mined from upland sites away from shorelines; mining of stream beds should be minimized.*

C. *Buffer Strips*

Some form of buffer vegetation should be left or provided for which is consistent with this program and the 1974 Forest Practices Act. Said vegetation should be protected from fire if nearby slash is burned.

D. *Reforestation*

Cutover forest lands should be adequately restocked as soon as possible.

Use of Chemicals

Extreme caution must be observed whenever chemicals are to be used along shorelines; such use should be avoided altogether if possible.

3. FOREST PRACTICES -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Forest practices are permitted subject to policies and regulations except clear cut logging; unless such clear cut logging is incidental to preparation of land for other uses.

(2) Urban Resort: Forest practices are not permitted except for land clearing which is incidental to preparation of land for other uses.

(3) Rural: Forest practices are permitted subject to policies and regulations.

(4) Conservancy: Forest practices are permitted subject to general regulations.

(5) Natural: Forest practices are prohibited, except

(a) to maintain or restore a desired stage of natural plant succession; or

(b) to suppress an epidemic of insects or diseases or fire which threatens material damage to adjacent timber stands; PROVIDED that a statement of exemption or shoreline permit shall be obtained prior to commencing such practices.

(6) Aquatic: Forest practices are permitted, except that no wheel or crawler machinery may enter water bodies unless a Hydraulics Approval for such practice has been obtained pursuant to RCW 75.20.100.

B. General Regulations

(1) Forest Practices Act

(a) All forest practices undertaken on shoreline shall comply with the policy and provisions of the 1974 Forest Practices Act, RCW 76.09 as amended, and any

regulations adopted pursuant thereto, WAC 222, as administered by the Department of Natural Resources.

(b) As to road construction for forestry purposes which constitutes a substantial development, and which would normally require a shoreline permit, no such permit shall be required for construction of up to 500 feet of one and only one road or segment thereof provided such road does not enter the shoreline more than once. Such exemption shall be limited to a single road or segment for each forest practice. The provisions of this subsection shall not relate to any road which crosses over or through a stream, lake or other water body subject to this program.

(2) Shorelines of State-wide Significance

(a) The act requires (RCW 90.58.150) of forest practices on shorelines of state-wide significance that: With respect to timber situated within 200 feet abutting landward of OHWM of such shoreline only selective commercial timber cutting shall be permitted, so that no more than thirty percent of the merchantable timber may be harvested in any ten year period; PROVIDED, that other timber harvesting methods may be permitted in those limited instances where topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental; PROVIDED FURTHER, that clear cutting of timber which is solely incidental to preparation of land for other uses authorized by the act may be permitted.

(b) In Whatcom County, such shorelines include Lakes Whatcom, Baker and Ross, Birch Bay, and the Nooksack River including the Main Stem, the North Fork upstream to Glacier Creek and the South Fork upstream to Hutchinson Creek.

(c) The act (RCW 90.58.210) places responsibility for enforcement of this and any other of its provisions jointly on local and state government.

(d) Cutting of merchantable timber on streambanks wherever erosion threatens to damage such timber, or where such timber is causing bank instability, shall not be considered clear-cutting and is permitted.

(3) Steep Marine and Lake Shores

Roads are prohibited on marine or lake shores where slopes exceed 35% except when necessary to obtain access to road networks on land outside the act's jurisdiction.

(4) Protection of Erodible Marine Shores:

Clear cutting within 50 feet of the rim on erodible bluff or cliff marine shores is prohibited.

(5) Mining:

All mining required for forest practices shall conform to policies and regulations established under Mining in Section 7.11 in this program.

6.8 HISTORIC SITES

1. HISTORIC SITES -- BACKGROUND INFORMATION

The 1972 County Shoreline Inventory identified significant local archaeologic and historic sites through the assistance of a W.W.S.C. anthropologist and the Whatcom Museum Director. Although only one site (Hovander Park) in the County outside of Bellingham is listed in the National Register of Historic Places, the County does contain many sites of value and interest. These resources taken together with information from Fraser Delta sites and adjacent counties help recreate a picture of those who preceded us over a time period going back several thousand years. Many sites were located on shorelines because food sources were near and water was a primary means of transport.

The National Historic Preservation Act of 1966 and a similar state act (RCW 43.51) provide financial and technical means for protection, restoration, and interpretation of historic sites. The National Park Service administers the federal program; the State Parks Director is responsible at the state level. The County Park Department, a few cities and local historical organizations play the largest role in Whatcom County by maintaining several valuable sites. Whatcom Museum, Hovander and Berthusen Parks, and Roeder and Pickett Houses are the major historic places. Important archaeological sites are known at Semiahmoo Spit, Birch Bay, Cherry Point, Lynden, Ferndale, and Portage Island.

As development of shorelines proceeds, new sites will be more likely discovered accidentally than on purpose. However, such sites vary greatly in significance, and professional knowledge is required to make such judgments. With today's rapid pace of development, difficulties in getting knowledgeable people to inspect newly discovered sites, and the lack of a practical means of compensation for land owners, the value of a site can easily be destroyed. Archaeological artifacts by themselves are fairly meaningless. It is their exact location in relationship to a house floor, to a storage pit, or to a cemetery which increases our knowledge.

Knowledge of the past is part of everyone's basic heritage and is essential to understanding the present and preparing for the future; this knowledge belongs to all and the public should not be deprived of it.

2. HISTORIC SITES -- GENERAL POLICIES

A. Optimum Use

Finding: Historic sites of value to the region are extremely scarce resources, easily subject to damage, and may or may not be renewable. There is increasing demand for shore space and resources, and modern machines are available to alter the landscape more extensively and much faster than in the past.

Policy: All significant local historic sites should be identified on a list appended to this Master Program, and such sites should be preserved and/or restored for study, interpretation and public enjoyment to the maximum possible extent.

B. Multiple Use

Finding: Historic sites are scarce, are randomly located, and occupy an extremely small portion of local shorelines. Development and use of the limited shore space is increasing in intensity and is likely to preclude optimum use of historic sites on a long term basis.

Policy: Provision for historic site preservation, restoration and interpretation should be incorporated along with open space or recreation areas into site development plans for other uses whenever compatible and possible.

C. Cooperation

Finding: A large number of historic sites in the County do not have adequate protection, are inaccessible to the interested public, or are unknown as to precise location and relative value. Local and state park and historical agencies are not likely ever to have sufficient funds to protect , make accessible, and study more than a few sites of potential value to the region.

Policy: Cooperation among involved private and public parties must be encouraged to achieve this program's Historical and Cultural Element Goals and Objectives, and procedures should be established to evaluate sites and to guide excavation.

D. Public Access

Finding: There is a scarcity of historical sites open to the public in the area, and also a lack of effective interpretation or protection of many sites. Meaningful access to historic sites is a vital component in general education and recreation programs.

Policy: Private and public owners of historic sites should be encouraged to provide public access and effective interpretation at levels consistent with long term protection of both historic values and shore features. Access may have to be restricted at times, but interpretive means should be provided whenever possible.

E. Use Conflicts

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.

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

F. Timing

Policy: Owners of property containing identified historic sites are encouraged to make substantial development plans known well in advance of application, so that appropriate agencies and others may have ample time to assess the site and make arrangements to preserve historical values.

G. Adjacent Development

Policy: If development of urban or industrial character, or of a higher density, is proposed adjacent to a publicly identified historic site which is under protective management, then the proposed development should be designed and operated so as to be compatible with continued conservation of the historic site.

3. HISTORIC SITES -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban:

(a) Interpretive centers and signs and restoration of historical structures are permitted subject to policies and regulations.

(b) Archaeological excavations are permitted as a conditional use.

(2) Urban Resort:

(a) Interpretive centers and signs are permitted subject to policies and regulations.

(b) Archaeological excavations are permitted as a conditional use.

(3) Rural:

(a) Interpretive centers and signs and restorations of historical structures are permitted subject to policies and regulations.

(b) Archaeological excavations are permitted as a conditional use.

(4) Conservancy:

(a) Interpretive centers not requiring extensive structures and signs are permitted subject to general policies and regulations.

(b) Restoration of historical structures and interpretive centers requiring extensive structures is permitted as a conditional use.

(c) Archaeological excavations are permitted as a conditional use.

(5) Natural:

(a) Interpretive centers compatible with and subordinate to the area's physical and visual character are permitted as a conditional use.

(b) Archaeological excavations are permitted as a conditional use.

(6) Aquatic: Archaeological excavations are permitted as a conditional use.

B. General Regulations

(1) Known Historic Sites:

(a) Upon receipt of application for a shoreline permit or request for a statement of exemption for development on properties known to contain a historic site(s), the County shall notify and request a recommendation from appropriate agencies such as the Whatcom Museum, Western Washington State College Anthropology Department, Washington Archaeological Research Center, or State Parks and Recreation Commission. Recommendations of such agencies and other interested persons shall be duly considered and adhered to whenever possible and reasonable.

(b) In granting shoreline permits or statements of exemption for such development, the County may attach reasonable conditions to provide sufficient time and/or conditions for professional evaluation and/or excavation to assure that valuable information and materials are properly salvaged, or for appropriate agencies to contact property owners regarding purchase or other long term arrangements.

(2) Notification:

(a) Whenever historic sites or artifacts of potential significance are discovered in the process of development on shorelines, work on that portion of the development site shall be stopped immediately and the find reported as soon as possible to the Administrator.

(b) The Administrator shall then notify appropriate agencies and request an immediate site evaluation and determination of significance. If a positive determination is not received within 14 days of receipt of such request, or if a negative determination is received, such stopped work may resume.

(c) On receipt of a positive determination of significance, the Administrator may invoke the provisions of General Regulation #1-b of this section if such action is reasonable and necessary to implement related program objectives.

(3) Environmental Impact:

(a) In order to protect shoreline features, public safety, properties and other uses during or after excavations or other development of historic sites, the County may impose reasonable conditions on such development including but not limited to surface runoff control, spoil or waste disposal, operating hours, noise or dust control, or visual screening.

(b) All phases of historic site development shall be conducted so that quality of affected waters is not lowered below state standards on a long term basis. Release onto shorelines of oil or hazardous materials is prohibited.

(4) Assurance of Consistency:

In order to assure that historic site development including archaeological excavations is consistent with this program as required by RCW 90.58.140(1), no such development may commence on shorelines without the responsible person having first obtained either a Shoreline Permit or Statement of Exemption from the County.

6.9 LANDFILL

1. LANDFILL -- BACKGROUND INFORMATION

Landfill is always ancillary to a primary purpose which may or may not be consistent with this program. Most landfills in Whatcom County have been small private projects on low wetlands, uplands, and flood plains for the purpose of expanding or leveling upland area or recovering upland lost from erosion. The former type has often appropriated water surfaces which belong to the public. A few large bulkheaded fills have been developed on marine tidelands for industrial and port purposes.

2. LANDFILL -- GENERAL POLICIES

A. Necessity and Purpose

Finding: There is a limited need by certain shoreline dependent uses, such as ports, for creation or elevation of upland area by landfill. Landfill on shorelines has potential for adverse impact upon shore features and other lawful users, particularly their navigation and riparian rights.

Policy: Landfill should be permitted in water bodies or on adjacent lands only for shore dependent uses when there are no alternatives to filling, and benefits to the region clearly exceed environmental and social costs from filling.

Finding: Owners of small shoreline properties sometimes desire to create additional uplands or restore uplands lost to recent erosion through filling. Such fills normally adversely impact natural shore features, especially natural wetlands, and often other properties as well. No one person has a legal right to fill navigable or non-navigable water bodies if the lawful exercise of navigation or riparian rights by other persons including the public is unnecessarily restricted.

Policy: Landfill in water bodies, flood plains, and natural 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.

B. Water Quality and Quantity

Finding: Landfill has high potential for adverse impact on the quality of water. Landfill may also substantially interfere with local ground water movement and surface runoff.

Policy: Landfills should be located and developed so that water quality and normal hydrologic and runoff patterns are not damaged nor altered to the detriment of shore features and properties.

C. Geo-hydraulics

Finding: Large and small landfills alike have potential for substantial interference with normal shore accretion, transport, and erosion which may result in damage to downdrift shoreforms and properties. Carelessly sited fills in the past have damaged valuable and scarce shoreforms or reduced hydraulic capacity of stream channels and lake beds.

Policy: Fills should be located, designed, and developed so that valuable natural shoreforms and processes are maintained in a manner beneficial to the region.

D. Use Conflicts and Priorities

Finding: Landfill has potential for interference with other appropriate shoreline uses including navigation and lawful access to public shorelines. Landfills have irreversible effect on long term use of limited shoreline space.

Policy: Landfills should be located and designed in a manner which implements this program's goals and objectives for multiple use and, whenever possible, public access. Fills should be no larger in area nor higher in elevation than necessary for their intended use.

E. Fish and Wildlife

Finding: Landfill has high potential for adverse impact upon biologic resources, and their habitats and migratory routes. Most landfills are proposed in shallow water bodies and natural wetlands which are among the most valuable biologic habitats.

Policy: Landfill plans should be carefully assessed for adverse impact upon shoreline biologic resources. A major consideration should be the potential loss to the region of such resources weighed against predicted benefits.

F. Esthetic Values

Finding: Diversity of natural physical and biologic features is a primary factor in the high scenic value of county 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.

G. Related Development

Policy: Policies and regulations in other sections of this program may be applicable to development related to landfill including but not limited to: Marinas, Ports and Industries, Dredging, Shore Defense Works, Roads and Railroads, Piers and Docks.

3. LANDFILL -- LOCATION POLICIES

A. Hazardous and Sensitive Areas

Finding: Landfill has potential for irreversible damage to certain areas and features such as flood plains, estuaries, natural wetlands and other valuable biologic habitat, accretion shoreforms, high-energy feeder bluff driftway and rock shores. Such features are limited or scarce locally and generally most valuable in a natural condition. Landfills in such areas are costly for public or private interests to develop and maintain.

Policies: Landfill should not generally be permitted unless alternatives are infeasible and regional benefits clearly exceed costs, including social and environmental losses.

B. *Preferred Location*

(1) *Landfills should be located where massive, artificial character shore defense works will not be necessary in the shore process corridor.*

(2) *On marine shores, a sharply limited number of foreshore fills may be located at drift sector ends or in low energy driftways, or on erosional pocket beaches. However, such irreversible development of a particular shoreform and/or biologic habit must be generally consistent with this program in terms of purpose and need for such location.*

4. LANDFILL -- DESIGN POLICIES

A. *Preferred Design*

(a) *As an alternative to irreversible fills in the shore process corridor, open pile or pier supports are preferred whenever the shore area to be filled is of significant value to the region in a natural state.*

(2) *If fills are necessary in sensitive areas such as estuaries, natural wetlands, or flood plains, the filled area should be sharply limited in scale so that the larger remaining biologic or shore process areas are not adversely affected, and so that flood-stage hydraulic gradient profiles are not altered by the fill's water-displacement effect.*

(3) *In reviewing proposed fills on marine shores, consideration should be given to potential need for re-establishment or shifting of the foreshore profile seaward of and alongside the fill; this may be necessary to permit shore process continuity. Quantity and particle size of material should be carefully selected.*

B. *Environmental Protection*

(1) *Shore-side perimeters of fills should be sloped and protected to minimize beach and upland erosion; defense works for fills in the shore process corridor should have streamlined or angled sides if needed to minimize interference with littoral drift, flood waters, or excessive driftwood pileup; vegetative stabilization, protective berms, or other flexible, natural character means are preferred over rigid, artificial-character works. Any defense works for fills should conform to policies and regulations established under Shore Defense or Flood Control Works.*

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

C. *Topography*

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

5. LANDFILL -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Landfill is permitted subject to policies and regulations.

(2) Urban Resort: Landfill is permitted subject to policies and regulations.

(3) Rural: Landfill is permitted subject to policies and regulations.

(4) Conservancy: Landfill with vegetative stabilization or other natural character erosion control is permitted as a conditional use; PROVIDED, that landfill to create new uplands is not permitted

(5) Natural: Landfill is not permitted except as one element of an approved shore restoration or enhancement plan subject to policies and regulations.

(6) Aquatic: Landfill is prohibited except for those purposes enumerated in general regulation #3 in this section, subject to policies and other regulations.

B. General Regulations

(1) Assurance of Consistency:

In order to assure that shoreline landfills are consistent with this program as required by RCW 90.58.140(1), no landfill may commence waterward of OHWM, in floodways, or in uplands, natural wetlands, or backshores within 50 feet of OHWM without the responsible person having first obtained either a Shoreline Permit or a Statement of Exemption from the County.

(2) Water Quality and Environmental Protection:

(a) Landfill shall not be permitted to lower quality of affected waters below state standards. Erosion control measures at fill perimeters consistent with this program may be required by the County.

(b) Landfill shall not be permitted which will significantly alter existing surface runoff patterns, including predictable storm peak flows and floods, to the detriment of valuable shore features or other properties. The County may require adequate runoff control measures to prevent such damages.

(c) Landfill shall not be permitted for development of sewage disposal drain fields in flood plains or within 100 feet of OHWM.

(3) Necessity and Purpose:

Landfill shall be permitted in limited instances for these purposes only, if they, taken together with specific site conditions, are consistent with applicable policies of this program:

(a) Port development where pile or pier supports are infeasible for shore dependent uses.

(b) Road development in flood plains or natural wetlands where pile or pier supports are infeasible.

(c) Shore feature restoration or enhancement such as beach feeding, bank restoration or insignificant raising of upland grades including landscaping.

(d) Biologic habitat development when consistent with State Game and/or Fisheries Department policies.

(4) Sensitive and Hazardous Areas:

Landfill is not permitted in or on estuaries, natural wetlands, marine or lake accretion shoreforms, streamways including floodways, or high-energe feeder bluff, driftway, or rock shores.

(5) Design Standards:

(a) Material for landfill shall have a specific gravity greater than 1.0.

(b) Perimeter banks shall be sloped no steeper than 1 foot vertical: 3 feet horizontal.

(c) Landfill intended to support substantial structures shall meet requirements of the Uniform Building Code as interpreted by the County Building Inspector.

(6) Flood Plain:

A State Flood Control Zone Permit shall be obtained for fills in State Flood Control Zone No. 8 which encompasses the Nooksack River flood plain, unless exempted by the Department of Ecology pursuant to RCW 86.16.

6.10 MARINAS AND LAUNCH RAMPS

1. MARINAS AND LAUNCH RAMPS -- BACKGROUND INFORMATION

Among the several marinas in the county, the backshore type is most common on marine shores (3) and mainly foreshore types are used on lakes. There are two large foreshore marinas on marine shores and two small backshore types on streams. Most public launch ramps are on lakes (8) with less on marine (6) and stream shores (4). A few public lake and stream launch sites are for put-in boats only.

There are two types of backshore marinas: the wet moorage type requires a basin and entry to water dredged out of the land; the dry moorage type has on-land storage with a hoist, marine railway or ramp for water access. These facilities do not always require offshore defense structures.

Foreshore marinas are located in the intertidal or offshore zone and require breakwaters of open-pile, floating or solid construction, depending on location and degree of wet moorage use in winter. Offshore breakwaters are usually required on marine shores but not always on lakes.

Launch ramps normally differ only in width, slope and material. Shore defenses may be required on exposed marine shores. Parking and shuttle areas may require far more space than the ramp alone.

Accessory or secondary services often provided by marina or launch ramp operators include fuels, boating equipment sales, repair service, public launching, potable water, waste disposal, and parking for vehicles. Other services such as prepared food, groceries, and dry goods are not in themselves shoreline dependent, but are often vital to facility users and the public. However, some accessory uses often located at marinas are not necessary for successful operation, and also consume valuable shoreline space to the detriment of appropriate uses.

Marinas and public launch ramps may provide physical and visual access to shorelines and water bodies for large 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.

Although marinas and launch ramps have potential for benefits to the region, they also have potential for adverse effects on natural features and human uses and values. This is due to their need to locate in or alter the littoral zone for defense structures and/or low water access.

2. MARINAS AND LAUNCH RAMPS -- GENERAL POLICIES

A. *Fish, Wildlife and Plants*

Marinas and launch ramps should be located, designed, and operated to provide maximum feasible protection and enhancement for all forms of aquatic, littoral, or land life forms including animals, fish, shellfish, birds, and plants, their habitats, and their migratory routes.

B. *Geo-hydraulics*

Marinas and launch ramps should be located and designed to have no or minimal adverse effects upon, and to enhance if possible, beneficial shoreline geo-hydraulic processes such as erosion, littoral or riparian transport, and accretion; as well as scarce and valuable shore features including accretion shoreforms and natural wetlands.

C. *Water Quality*

Marinas and launch ramps should be located and designed to provide maximum feasible protection and enhancement of the quality of all surface and ground water in the affected area during construction and normal operation.

D. *Site Reservation*

Recognizing that because ideal sites for marinas and public launch ramps are sharply limited, such sites should be identified and reserved to prevent irreversible development for other uses having less critical site requirements.

E. *Carrying Capacity*

Marinas and public launch ramps should be located and designed so that they, together with permitted accessory uses and also other uses which may be attracted, do not exceed the site carrying capacity in terms of its natural capabilities and limitations, as well as local utility and overland access capabilities.

F. *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.

G. *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.

H. *Winds, Tides, and Floods*

Marinas and public launch ramps should be located and designed so their facilities, users, and watercraft are adequately protected from floods, abnormally high tides, and/or destructive storms without or with minimal extensive or massive defense structures.

I. *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 and user groups.

3. MARINAS AND LAUNCH RAMPS -- LOCATION POLICIES

A. General

(1) *Vehicle Access:*

Marinas and public launch ramps should have direct, safe, all weather and ample width motor vehicle access to a county arterial road or state highway.

(2) *Utilities:*

Marinas and public launch ramps should be located only where adequate utility services are available, or where they have been engineered or officially planned.

(3) *Regional Demand and Benefits:*

These factors should be considered in proposals for marinas and public launch ramps at new locations:

(a) the site is appropriate according to this section;

(b) other shoreline dependent uses will have adequate space;

(c) there is regional need for additional facilities;

(d) total environmental and social costs are not higher than at alternative sites for benefits of like magnitude.

(4) *Water Depth:*

Marinas and public launch ramps should be located where water depths are adequate, thus eliminating or minimizing potential losses and degradation of shoreline resources from offshore or foreshore channel dredging.

(5) *Use Conflicts:*

Public launch ramps and marina entrance beaches should not be located near beaches commonly used for swimming, valuable commercial fishing areas, nor sea lanes used in commercial navigation.

(6) *Waste Outfalls:*

New wet moorage marinas should not be permitted to locate within 0.5 mile of a domestic sewage or industrial waste outfall of primary or less treatment capability.

B. Marine Shores

(1) *Preferred locations:*

In order to minimize interference with littoral drift and accretion, marinas and public launch ramps should be located at:

(a) an end of a drift sector; or

(b) at an erosional pocket beach.

(2) *Possible locations:*

(a) Foreshore marinas or launch ramps may be located at low erosion rate feeder bluffs or on low energy input erosional driftways if the proposal is otherwise consistent with this program.

(b) Backshore marinas and launch ramps may be located on closed accretional points, closed accretional bluff and bay barrier beaches, or low energy input driftways; if the proposal is otherwise consistent with this program.

(3) *Poor locations:*

(a) Marinas or launch ramps should not be permitted on these erosional marine shores where interference with littoral drift will likely cause degradation or losses of shoreline resources.

1) High erosion rate feeder bluffs
2) High energy input driftways

(b) Marinas or launch ramps should not be permitted on these wetland shores because of their scarcity, biological productivity and sensitivity:

1) Marshy lagoons
2) Marshy shores
3) Tidal pools on rock shores
4) Estuaries
5) Backshore marshes
6) Spawning areas

(c) Marinas or launch ramps should not be permitted to occupy these natural accretion shoreforms unless absolutely necessary, and only when the proposal is otherwise consistent with this program. Hoists are preferred over dredged marinas or launch ramps at such locations:

1) Open points
2) Spits and hooks
3) Tombolos
4) Open bay-barrier beaches
5) Accretional pocket beaches

C. Lake Shores

(1) *Preferred locations:*

Marinas and launch ramps should be located on stable or low erosion rate shores where no or only minimal dredging is necessary.

(2) *Poor locations:*

Foreshore marinas or launch ramps should not be permitted on accretional beach shores because these natural features are uncommon on lakes and highly valuable for general recreation.

(3) *Possible locations:*

Backshore marinas or launch ramps may be permitted on low bank beaches if most of the beach and backshore is preserved in its natural condition for public or quasi-public recreation.

D. Streams

(1) *Preferred locations:*

A limited number of foreshore marinas may be located in the low gradient, broad meander channel reaches, but only on outer, concave bends or straight, moderately eroding or stable banks, so that dredging will not be necessary.

(2) *Poor locations:*

(a) Marina basins or structures should not be permitted on point bars or other accretional beaches.

(b) Backshore marinas should not be permitted on streamways if channel dredging will be required, if a flood hazard will be thus created, or if valuable natural resources will be diminished or endangered.

(3) *Launch ramps:*

(a) A limited number of launch ramps may be permitted on accretion shoreforms, provided any necessary grading is not harmful to affected resources and any accessory facilities are located out of the floodway.

(b) Launch ramps should be located immediately downstream of accretion shoreforms, or on other non-erosional banks, where no or a minimum number of current deflectors will be necessary.

(4) *Parking:*

No overnight parking should be permitted in the floodway during the wet season between November 1 and May 1 of the succeeding year.

4. MARINAS AND LAUNCH RAMPS -- DESIGN POLICIES

A. *Preferred Designs*

(1) *Backshore marinas or launch ramps are generally preferred over foreshore types on marine and lake shores because of substantially less impact on shoreline natural features and uses, as well as less irreversible appropriation of navigable waters.*

(2) *Foreshore marinas may be preferred however where the public benefit from preserving fisheries resources, water quality or a valuable backshore for general shore recreation is great, and the proposal is otherwise consistent with this program.*

(3) *Where foreshore marinas are permitted:*

Open pile or floating breakwater designs are preferred over rip rap or other solid construction because of less adverse effects on natural shore features and because only the former mode is reversible; and

Solid structures should not be permitted to extend without openings from the shore to zero tide level (Mean Lower Low Water, or MLLW) but should stop short to allow sufficient shallow fringe water for fish passage.

B. *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.

C. *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.

D. *Public Access*

Marinas and public launch ramps should be designed so that existing or potential public access along beaches is not necessarily blocked nor made dangerous.

E. *Water Quality*

Foreshore and backshore marinas should provide thorough flushing of all enclosed water areas.

F. *Launch Ramps*

(1) *Ramp structures should be built from flexible contour bolt and hinge segmented pads which can adapt to changes in beach profiles.*

(2) *Ramps should be placed and kept flush with the foreshore slope.*

(3) *A ramp is preferred over a marina on natural accretion shores because it is reversible and will not interfere with littoral drift and accretion unless offshore defense structures or dredging are also required.*

(4) *Where ramps are permitted, parking and shuttle areas should not be located on scarce accretion shoreforms which have high value for general shore recreation.*

G. *Beach Feeding*

Marinas where dredged entrances adversely affect littoral drift to the detriment of other shores and their users should be required to periodically replenish such shores with the appropriate quantity and quality of aggregate.

H. *Dry Storage*

Recognizing limitations on shoreline space and impacts on shoreline resources, consideration must be given to more utilization of dryland storage as an alternative to sheltered year-round wet moorage of water craft.

I. *Streams*

Where streamway marinas are permitted:

(1) *Floating piers are preferred over fixed piers or dredged backshore basins because of the former's substantially less impact on geo-hydraulic processes and less potential as a flood hazard;*

(2) *Parking areas in the streamway corridor or flood prone areas should not be any larger than necessary relative to flood hazards and the site carrying capacity.*

J. *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.

Marina sites are sharply limited in number and size due to geographic, economic, and planning considerations. This fact, coupled with the higher cost of covered moorage and its incompatibility with sailboats, means that unrestricted covered moorage development in local marinas could result in exclusion of many sailboaters from any or most marinas.

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.

K. 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.

5. MARINAS AND LAUNCH RAMPS -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Marinas and launch ramps are permitted subject to policies and regulations.

(2) Urban Resort: Marinas and launch ramps are permitted subject to policies and regulations.

(3) Rural: Marinas and launch ramps are permitted subject to policies and regulations.

(4) Conservancy

(a) Marinas are permitted as a conditional use.

(b) Launch ramps are permitted subject to policies and regulations.

(5) Natural: Marinas or launch ramps are not permitted; PROVIDED that primitive ramps only may be permitted on the shore to facilitate hand launching of small craft and to protect natural shores if materials and design are compatible with the site.

(6) Aquatic

(a) Marinas and launch ramps are permitted only where the shoreline area designation of the adjacent land portion of the site permits such use, subject to policies and regulations.

(b) Except for covered moorage approved pursuant to General Regulation #10 below, only buildings for water surface dependent uses may be located over-water.

B. General Regulations

(1) Multiple Use

The developer is required to demonstrate how the marina or launch ramp will provide space and facilities for pedestrian and visual access to water bodies as well as for feasible types of general shore recreation for the public or large quasi-public groups.

(2) Waste Disposal

(a) Where wet moorage is offered, pump-out, holding, and/or treatment facilities shall be provided by marinas for sewage contained on boats or vessels whenever federal or state law or regulations require such facilities; PROVIDED that all new marinas shall provide adequate space and utility capability for such facilities.

(b) Discharge of solid waste or sewage into a water body is prohibited. Marinas and boat launch ramps shall have adequate restroom facilities in compliance with local Health Board regulations.

(c) Garbage or litter receptacles shall be provided and maintained at several locations convenient to users.

(d) Disposal or discarding of fish or shellfish cleaning wastes, scrapfish, viscera, or unused bait, in or near a marina or launch ramp is prohibited.

(e) Operators are required to post all regulations pertaining to handling and disposal of waste, sewage, or toxic materials where all users may easily read them.

(3) Oil Product Handling, Spills, and Wastes:

Fail safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as recovery of spilled products, shall be required of new marinas in order to hold water pollution to an acceptable minimum. This standard shall also apply to expansion or substantial alteration of existing marinas, unless federal or state law requires prior compliance.

(4) Landfill:

Landfill in water bodies or natural wetlands to create space for accessory uses is prohibited; unless no alternatives exist and such fill would be consistent with this program and the public interest.

(5) Dredging and Defense Structures:

Dredged basins, bulkheads, jetties, and breakwaters required for marinas shall conform to standards as established in this program and to applicable criteria adopted by the State Fisheries Department and the U.S. Army Corps of Engineers whenever they are more protective of the aquatic and shoreline environment than this program.

(6) Water Quality:

Construction methods, devices, or scheduling which would cause violation of State Water Quality Standards are prohibited.

(7) Parking and Access:

(a) Parking facilities shall meet County zoning standards; PROVIDED, that as a minimum one vehicle

space shall be maintained for every two moorage spaces and for every 400 square feet of interior floor space devoted to accessory retail sales or service use.

(b) At each public or quasi-public launch ramp, at least 10 car and trailer spaces at least 10 feet by 40 feet shall be provided for each ramp lane.

(c) Collector roads between marinas and arterial routes shall have all weather surfacing, and be satisfactory to the County Engineer in terms of width, safety, alignment, sight distance, grade and intersection controls.

(8) Accessory Uses

Any shore-dependent or related use reasonably related to the marina operation may be located therein if consistent with the County Comprehensive Plan and zoning ordinance, and otherwise consistent with this program; PROVIDED that in the Urban Resort Area, resort or resort-oriented uses may also be permitted therein if the uses are functionally related to the marina operation.

(9) Utilities

(a) Potable water supplies and sewage disposal facilities shall be satisfactory to the local health board.

(b) Adequate fire protection shall be required as per the State Fire Code.

(c) No overhead wiring shall be permitted in overwater development. All wiring on land shall be installed underground.

(10) Covered Moorages

(a) All covered moorages at a specific marina shall be of similar and/or compatible design, color, length, and height; and shall be constructed in contiguous groups or modules.

(b) All covered moorage structures shall conform to the County Building Code, and exterior wall and roof coverings shall be of noncombustible or fire-retardant treated material and so certified or labeled.

(c) Covered moorage development at a marina requires County approval of a detailed plan.

C. Tabular Regulations

(1) Shore Setback: Table M-1 establishes the minimum setback measured from OHWM for marina-related buildings; these setbacks shall not apply to shore-dependent development which requires an over-water or water's edge location.

(a) applies to shore-dependent development not requiring an over-water or water's edge location, and to all shore-related development except parking and storage areas.

(b) applies to parking and storage areas, and to any resort or resort oriented development not included within (a) above.

(2) Open Space: Table M-2 establishes the minimum site percentage of open space for marina and commercial launch ramp development.

(3) Height Limit

(a) Table M-3-a establishes a height limit for marina buildings including permitted accessory uses within 100 feet of OHWM.

(b) Table M-3-b establishes a height limit as in M-3-a for the land area between 100 and 200 feet from OHWM.

(c) Height of over-water structures shall be measured from OHWM.

Table M - Marinas and Launch Ramps

Regulation	Shoreline Area					
	Urban	Urban Resort	Rural	Conservancy	Natural	Aquatic
1. Shore Setback (in feet)						
a.	30	40	50	75	NA	NA
b.	75	75	100	125	NA	NA
2. Open Space	15%	30%	40%	50%	NA	NA
3. Height Limit (in feet)						
a. 0-100 feet from OHWM	25	25	20	15	NA	NA
b. 101-200 feet from OHWM	35	35	20	20	NA	NA
c. Over-water	NA	NA	NA	NA	NA	15

NA = Not Applicable

6.11 MINING

1. MINING -- GENERAL POLICIES

A. Geo-hydraulics

Finding: Physical shore processes such as accretion, erosion and material transport are essential to maintenance of natural shorelines and the valuable resources unique to such shorelines.

Policy: Mining should not cause interference with natural processes if irreparable or unnecessary damage occurs to valuable shore resources and properties, such as accretion shoreforms and public recreation areas.

B. Scarcity of Minerals

Finding: Minerals especially valuable in this region including sand, gravel, and quarry rock are limited in quantity. Such deposits are normally non-renewable, and are widely and randomly located.

Policy: Mining should be permitted wherever possible unless unavoidable adverse impacts on other users or resources taken together equal or outweigh benefits from mining.

C. Use Conflicts, Safety

Finding: Mining has very high potential for short and long term adverse impacts such as noise and dust upon other shoreline uses, as well as hazards to the general public.

Policy: Operations should be planned and conducted so that such possible impacts or hazardous conditions are either prevented or held to minimal levels which are not harmful to the interests of other uses and the general public.

D. Water Quality and Biota

Policy: Mining should be located and operated so as to provide long term protection of water quality, fish and wildlife, other life forms, and their various habitat.

E. 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.

F. Accessory Uses

Policy: Uses incidental to but necessary for mining and their required structures or appurtenances should not be located on shorelines unless no reasonable alternatives exist. If such accessory uses are permitted on shorelines, they should be designed and operated in a manner clearly consistent with this program.

G. Site Suitability

Policy: The size and method of mining operations should be compatible with physical features of the site and within the carrying capacity of the local area; so that reclamation is possible, affected natural resources and processes are not damaged, and conflicts with other users remain under control.

H. Overburden Disposal

Policy: Spoil and overburden from surface mining including topsoil should be recognized as possible usable resources as well as an operational cost and potential source of problems. Thus, all such materials should be handled and placed in a manner which will not destroy their potential value, will provide for future beneficial use of disposal sites, and will prevent erosion, sedimentation or leaching of hazardous substances into surface or ground water.

I. Esthetics

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

2. MINING -- LOCATION POLICIES

A. Regional Demand and Benefits

Finding: Shorelines are a valuable and limited resource. Mining is often an irreversible alteration of the site. Inland mineral or aggregate deposits are normally available.

Policy: Mining should not be located on shorelines in general. Mineral deposits of high potential value to the region should not be developed for other uses in an irreversible manner.

B. Sensitive Areas

Policy: Mining should not be permitted in specific areas of high environmental sensitivity or values such as natural wetlands or cultural values such as historic sites.

C. Marine and Lake Shores

Finding: Natural marine and lake shores, especially accretion shores, are limited, and stability often depends upon remote material sources. Demand for shore space for other uses is increasing, and alternative sources of minerals exist locally.

Policy: Mining of marine and lake shores should not usually be permitted.

D. Streams

Policy: Mining should only be permitted on accretion point and channel bars where:

(1) Such aggregate is normally a renewable resource on an annual basis;

(2) Fish resources and water quality will not be significantly harmed;

(3) Accessory uses such as stockpiling, crushing, or machinery storage are not performed in the streamway;

(4) The operation will not affect, detrimentally, geo-hydraulic processes, channel alignment, nor increase bank erosion or flood damages; and

(5) Mining should not be permitted on publicly owned accretional shoreforms such as point bars having high value for recreation or as fish habitat.

3. MINING -- OPERATING POLICIES

A. General

(1) *Use Conflicts:*

Where mining is permitted, the operator may be required to provide measures such as buffers or all weather access roads, to work limited hours, or to take other *measures all for the purpose of holding adverse impacts on other local users down to reasonable levels or preventing such impacts.*

(2) *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.

B. Streamways and Flood Plains

(1) *General:*

Where surface mining is permitted in a streamway:

(a) The scale and mode of operation should be compatible with preservation of fish resources, water quality, and recreation resources, as well as with the stream's natural capacity to erode, shift channels, accrete, and flood;

(b) All equipment, works and structures should be able to withstand flooding without becoming a hazard in themselves nor causing adverse effects on shore features, all without the necessity for massive or structural defense works; and

(c) All stockpiles and other structures or equipment which are not flood-proof should be located above the 100 year flood plain during the flood season except during daily operations.

(2) *Flood Plain Open-Pit:*

If limited instances of open-pit mining are to be permitted in a flood plain:

(a) All pits and other operations should be amply set back from the stream's established or predicted meander progression;

(b) All pits of each operation should be located and excavated to a depth so as to function as a self-flushing chain of lakes whenever the pits are overtopped by floods in order to prevent eutrophication and fish entrapment; and

(c) The entire operation should be sized and designed so that neither additional bank erosion, catastrophic changes in channel location, nor harm to fish resources or water quality will likely result in the long term.

4. MINING -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Mining is prohibited.

(2) Urban Resort: Mining is prohibited.

(3) Rural: Mining is permitted, subject to policies and regulations.

(4) Conservancy: Mining is permitted as a conditional use.

(5) Natural: Mining is prohibited.

(6) Aquatic: Only accretional bar scalping in streamways is permitted, subject to policies and regulations.

B. General Regulations

(1) Reclamation Plan:

(a) A reclamation plan which complies with the format and detailed minimum standards of RCW 78.44 shall be included with any shoreline permit application for mining.

(b) In reviewing reclamation plans together with permit applications, the Administrator shall determine and report whether or not the plan, in meeting detailed minimum standards established by RCW 78.44, is also consistent with this program, and whether the plan is generally consistent with other County regulations. An inconsistent reclamation plan shall constitute sufficient grounds for denial of a shoreline permit; PROVIDED, the applicant and Department of Natural Resources are given reasonable opportunity to be heard and/or to revise the plan.

(3) Waste Disposal:

Disposal of any toxic, acid-forming, or any other hazardous materials which are likely to degrade ground water or surface water or damage other resources or users is prohibited.

(4) Overburden:

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

(b) Topsoil having value for agriculture or other beneficial uses shall not be disposed in a manner which precludes its future utilization.

(c) Landfill on shorelines using overburden or mining spoil shall comply with landfill policies and regulations.

(5) Marine and Lake Shores:

(a) Mining of, including but not limited to, sand, gravel, cobbles, or boulders from any marine or lake shore for purposes of sale or use in manufacturing or construction projects, or for any other commercial or industrial purpose is prohibited.

(b) Mining of quarry rock is a conditional use; PROVIDED, that shore processes and resources are not adversely affected.

(6) Streamways and Flood Plains:

Scalping of accretional point bars is permitted under the following conditions:

(a) No more material may be removed in one mining season than will predictably be replaced by natural streamway processes during the subsequent flood season.

(b) An hydraulics approval shall be obtained from the Department of Fisheries and Game as required by RCW 75.20.100, and all applicable provisions attached thereto shall be adhered to.

(c) Aggregate washing and ponding of waste water are prohibited in floodways and streamways.

(d) Stockpiling or spoiling of aggregate is prohibited in the floodway during the flood season; PROVIDED, that such use during working hours is permitted if all such materials are removed from the floodway at the end of each day's operation.

(e) A Flood Control Zone Permit shall be obtained from the Department of Ecology as required by RCW 86.16; and all applicable provisions attached thereto shall be adhered to.

(7) Surface Oil or Gas Drilling:

As provided in the act (RCW 90.58.160), surface drilling for oil or gas is prohibited in the waters of Puget Sound north to the Canadian boundary and the Strait of Juan de Fuca seaward from OHWM and on all lands within one thousand feet landward therefrom.

C. Tabular Regulations

(1) Shore Setback:

Table MG establishes a minimum setback from OHWM for mining operations including accessory uses, except accretion bar scalping.

(2) Buffer:

Table MG establishes minimum buffer strips between mining operations and adjoining properties not used for mining. Such buffers shall be maintained in a natural condition, or be planted with native or locally compatible species if necessary to protect adjoining properties.

Table MG - MINING

Regulation	Shoreline Area					
	Urban	Urban Resort	Rural	Conservancy	Natural	Aquatic
1. Shore Setback (in feet)	NA	NA	100	100	NA	NA
2. Sideyard Buffer (in feet)	NA	NA	50	100	NA	NA

NA = Not Applicable

6.12 PIERS AND DOCKS

1. PIERS AND DOCKS -- GENERAL POLICIES

A. Priority Use

Finding: Piers and docks are intrinsically shore dependent and are essential for several economic and social activities of great value to the region.

Policy: Appropriate pier or dock development should be given priority over less shore dependent uses.

B. Use Conflicts, Multiple Use

Finding: Pier and dock development has potential for adverse impacts upon other shore users such as water pollution and interference with or hazards to lawful use of water bodies. Continued uncoordinated construction of private, single-purpose piers and docks will substantially reduce the limited open water space available to all lawful uses of water bodies.

Policy: Piers and docks should be located, designed and maintained in a manner which prevents or minimizes adverse impact on other shore uses, and which keeps navigable and other waters and shorelines as free as possible from unnecessarily obstructing or hazardous development. The idea of cooperative, compatible use of private piers and docks must be given serious consideration, especially where water use conflicts exist or are predictable.

C. Water Quality and Biota

Finding: Piers and docks have potential for adverse impact upon water quality and valuable fish, wildlife and plant resources. Piers and docks are typically located in shallow intertidal or foreshore zones which are among the most sensitive and valuable shorelines.

Policy: Such development should be located, designed, constructed and maintained so that these resources and related natural processes are conserved to the maximum extent possible.

D. Geo-Hydraulics

Finding: Large or small piers and docks have potential for significant interference with essential shore processes of accretion, transport, and erosion. Such interference has potential for substantial damage to valuable shore features and real property in or abutting the shore process corridor.

Policy: Piers and docks should be located, designed, and maintained so that transport and water circulation are not significantly disrupted. The physical integrity of the shore process corridor should be maintained.

E. Esthetic Values

Finding: Certain aspects of pier and dock development have potential for adverse impact upon high esthetic values of local shorelines. Such development often has potential for enhancement of such values as well as peoples' 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.

F. Maintenance

Policy:

(1) *Piers or docks should be kept in good repair and hazard free condition or should be removed from shorelines. Repair or replacement of such development should be consistent with these policies and regulations.*

(2) *Consideration should be given to removal of piers, docks or remnants thereof which are abandoned, in a general state of disrepair and/or hazardous to navigation.*

G. Related Development

Policy: Policies and regulations in other sections of this program may be applicable to development related or ancillary to piers and docks including but not limited to: Ports and Industries, Landfill, Dredging, Roads and Railroads, Commercial, Residential, Marinas, and Shore Defense Works.

2. PIERS AND DOCKS -- LOCATION POLICIES

A. *Site Suitability*

Piers and docks should be located where their development and use, together with permitted accessory uses, does not exceed through their size or nature the capacity of the site and environs to absorb impacts from such use, such as water pollution, water and overland traffic or noise. Adequate utility services and access to land transport should also be available or possible.

B. *Compatible Location*

Piers and docks should be spaced from each other and oriented to shore in a manner which minimizes hazard and obstructions to public navigation rights and corollary rights thereto such as but not limited to fishing, swimming and pleasure boating, as well as private riparian rights of adjacent land owners. No person has the right to unreasonably or unnecessarily obstruct water surfaces to which any other person has lawful access.

C. *Sensitive Areas*

Piers and docks should be severely limited in sensitive areas such as accretion shoreforms, natural wetlands, prime shellfish or water fowl habitat or fish spawning areas. Sponsors of such proposals should be required to demonstrate that alternatives are not feasible and that maximum protection of shore features and existing uses will be provided. Landfills for piers or dock development should not be permitted in such areas.

D. *Accessory Uses*

Accessory development or use which does not require a shoreline location should be sited away from the land/water interface; this category includes parking and storage of materials.

3. PIERS AND DOCKS -- DESIGN POLICIES

A. *Compatible Design*

The length, width and height of piers and docks should be no greater than that required for their primary purpose in a safe, practical manner. Offshore structures which are extremely bulky or unnecessarily lengthy should be discouraged because they are likely to have negative impacts on shore features and users.

B. *Preferred Design - Pile Structures*

(1) *Pile supports are preferred over rip-rapped or bulkheaded fills, especially where soil conditions are unstable or are of low bearing capacity, and are suitable for driving piles. Use of piles displaces mostly air space rather than water surface and intertidal or aquatic habitat, with much less long term impact on shore features and uses. Piles are removable and thus more flexible in terms of long term use patterns.*

(2) *Pile spacing and shore orientation should generally be designed so that a "wall" effect is not created which would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment.*

(3) *Offshore and foreshore pile structures should allow for continuity of the hydraulic energy patterns, unless specifically designed to reduce wave impact on shores.*

(4) *The access connection between the pile structure and upland or backshore should span the entire upper foreshore without interfering with littoral drift or wave refraction.*

C. *Buoys*

The use of buoys for small craft moorage is generally preferred over pile or float structures because of considerably less long term impact on shore features and users; moorage buoys should be placed as close to shore as possible to minimize obstruction to navigation.

D. *Floats*

The use of floating platforms is generally preferred over pile or fill structures because of greater long term flexibility and less impact on shore features; however, floats may be less desirable than pile structures where fishing or littoral drift are significant.

E. *Materials*

Piers and docks should be constructed of materials which will not adversely affect water quality or aquatic plants and animals in the long term.

F. *Community Docks*

As an alternative to continued proliferation of individual private docks or floats for each lot, sponsors of extensive residential or commercial/recreational developments should be required to provide one multiple use dock or a few single purpose docks for common use. Also, neighboring lot owners not in such developments should be strongly encouraged to cooperate in building joint-use docks on their property lines.

G. *Public Access*

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

4. PIERS AND DOCKS -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Dock and pier development are permitted subject to policies and regulations; PROVIDED that new pier development including expansion of existing piers is a conditional use.

(2) Urban Resort:

(a) Dock development for public or community use is permitted as a conditional use.

(b) Pier development is prohibited except for piers serving small passenger vessels.

(3) Rural: Dock and pier development are permitted subject to policies and regulations; PROVIDED that new pier development including expansion of existing piers is a conditional use.

(4) Conservancy: Dock development except covered moorages, and pier development are permitted subject to policies and regulations; PROVIDED, that new pier development including expansion of existing piers is a conditional use.

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

(6) Aquatic: Dock and pier development are permitted subject to policies and regulations if such development is permitted in the Shoreline Area which the adjacent land is designated, PROVIDED, that new pier development including expansion of existing piers is a conditional use.

B. General Regulations

(1) Water Quality:

(a) Pier and dock development shall be constructed and maintained in a manner which maintains state quality standards for affected waters. Disposal of oil, hazardous materials, or solid waste onto shorelines is prohibited.

(b) Facilities and procedures utilizing advanced available systems and technology for handling, disposal, or prompt spill clean-up of oil and/or hazardous materials shall be required wherever such materials are to be handled in significant quantities.

(2) Public Health and Safety:

(a) Water supply sewage disposal and disposal of non-hazardous materials shall conform to standards of the city-county health department.

(b) All pier and dock development shall be painted, marked with reflectors, or otherwise identified so as to prevent unnecessarily hazardous conditions for water surface users during day or night.

(c) Pier and dock development shall be constructed and maintained so that no part of such development creates hazardous conditions nor damages other shore

property or natural features during predictable flood conditions. Floats shall be securely anchored.

(d) No pier, dock, or watercraft or houseboat moored thereto, may be used for a residence.

(3) Dock Fuel Storage

Storage of fuel is prohibited on docks.

(4) Private Docks

(a) Only one private dock with or without one accessory float and/or one covered moorage shall be permitted on a platted shoreline lot or unplatted tract owned for residential or private recreational use. Such dock facilities offshore and onshore shall be located within this program's side-yard setbacks for residential development; PROVIDED, that a joint-use dock may be located adjacent to or upon a side property line.

(b) A covered moorage shall have no walls other than an open structural framework to support a roof.

(c) In residential or recreational developments on natural water body shorelines where community docks, swim float, and/or boat moorage facilities are available, no docks including floats or covered moorages may be developed on individual lots or tracts within such developments.

(d) Boathouses are regulated under Residential as an accessory structure (6.15).

(5) Dock Construction Standards

(a) Docks shall not exceed 30 feet in length and pile docks on lakes shall not exceed 3 feet in height both measured from the OHWM. In the case of pile docks at marine or river locations the height shall be limited to that which may be reasonably necessary to accommodate landing and moorage of watercraft. Floats may exceed 18 inches above the water when in the judgement of the Administrator conditions and/or circumstances sufficiently justify additional height. Pile dock platforms shall not exceed 8 feet in width: floats shall not exceed 12 feet in their narrow dimension. Covered moorages developed for private lots or community facilities shall not exceed 15 feet in height above OHWM.

(b) If a dock is provided with railing, such railing shall be an open framework which does not unreasonably interfere with shoreline views of adjoining properties nor lawful use of water surfaces.

(c) No private, joint-use, or community dock may be constructed to within 100 feet of OHWM on the opposite shore of any lake or semi-enclosed body of water such as a bay, cove, or natural channel. This restriction shall not apply within marinas or approved marina-home developments.

(6) Other Standards

All pier and dock development shall comply with the Uniform Building and Electrical Codes as locally applicable. Overhead wiring is not permitted over the water.

(7) Community Docks

Where a multi-family camping club or subdivision development provides community docks for residents or property owners, the ratio of private berths to potential dwelling units shall not exceed 1:1.

(8) Assurance of Consistency

In order to assure that pier and dock development is consistent with this program as required by RCW 90.58.140(1), no such development may commence on shorelines without the responsible person having first obtained either a Shoreline Permit or Statement of Exemption from the County; PROVIDED that no Shoreline Permit or Statement of Exemption shall be issued for a pier or dock on state-owned tidelands or shorelands without the applicant having consent from the Department of Natural Resources.

6.13 PORT AND INDUSTRIAL DEVELOPMENT

1. PORT AND INDUSTRIAL DEVELOPMENT -- BACKGROUND INFORMATION

Most port development in Whatcom County is within Bellingham with some small scale facilities in Blaine. The Port of Bellingham is a public county-wide port district, and owns much waterfront property and most port facilities in both cities. A large number of diverse industries are located in these developed port areas.

Port development in unincorporated Whatcom County consists of four private deep-water piers for transfer of bulk cargo, and two shallow tideland areas for log boom storage and unloading. Three deep water piers are at Cherry Point Reach for alumina and oil shipping (Intalco, Mobil and Arco), and the other two facilities (Columbia Cement and Mount Baker Plywood) are in Bellingham Bay just north of Bellingham City Limits. The Intalco piers and Mount Baker Plywood log unloading area are on leased state and port tidelands respectively. The five firms above also constitute the majority of industrial development on shorelines outside incorporated cities. Of the remaining eight firms, only a small shipyard near Blaine and the reefnet fishery base on Lummi Island are genuinely shoreline dependent. There are two concrete plants on the Nooksack River near Lynden which utilize river sand and gravel from nearby mining sites in some projects; three small shake mills are on streams; and a major construction company's asphalt plant and heavy equipment repair shop and yard are on Squalicum Creek just north of Bellingham.

These industries occupy less than 1% of all land in Whatcom County west of Mt. Baker National Forest, and are also the most intensely developed and valuable properties.

2. PORT AND INDUSTRIAL DEVELOPMENT -- GENERAL POLICIES

A. Site Reservation

Finding: Ports and industry are extremely important in the County and State economy and are intensive and occupy relatively little space in comparison with their impact on the local economy, environment and other uses of land and water. Such uses have very specialized site requirements.

Policy: The few shoreline sites particularly suitable for such development such as deep water harbors or firm, dry and level land with access to adequate rail, highway and utility systems should be reserved for port and shore dependent or related industrial development compatible with other appropriate uses and official environmental standards.

B. Optimum Use of Shoreline Resources

Finding: Puget Sound is endowed with a unique complex of natural resources including clean water and air, abundant sea life, deep water harbors, and shoreline and mountain natural beauty. This resource base is renewable for economic 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.

Policy: Port or industrial development at local deep water sites should be permitted only for those uses which in nature or magnitude are compatible with long term, sustained-yield multiple use of Puget Sound waters and shorelines.

C. Multiple Use

Finding: Demand for the limited undeveloped shore space remaining and navigable waters is increasing from several uses including ports and industries. Further port or industrial development will in itself lead to greater demands on shorelines such as recreation or residential.

Policy: This program's multiple use objectives should be implemented in the following manner:

(1) *Recreational use of undeveloped shorelines not needed for port or industry operations should be encouraged for employees and/or the public, whenever possible, as long as such uses are safely compatible with operations.*

(2) *Cooperative use of piers, cargo handling, storage, parking and other accessory facilities among private or public entities should be strongly encouraged or required in port facilities whenever feasible.*

(3) *Navigable waters should be kept free of unnecessarily hazardous or obstructing development; the historic open character of these waters is extremely important for all appropriate uses, as well as the region, state, and nation. No one use should be allowed to effectively exclude other appropriate uses from significant portions or routes in navigable waters.*

D. Regional Coordination

Finding: Port and industrial development have greater impact on the region per unit of developed area than any other use due to their substantial long term and widespread primary and secondary effects on the local economy, society land use and physical environment. Such impacts may be either beneficial or detrimental in the long run to any part of the region. Port

development and much shore dependent or related industry are significant components of regional, national, or international trade patterns.

Policy: Regional and larger area needs for port facilities should be carefully considered in reviewing new port proposals as well as in allocating shorelines for such development. Such reviews or allocations should be coordinated with port districts, adjacent counties and cities, and the state in order to minimize new port development which would unnecessarily duplicate under-utilized facilities elsewhere in the Puget Sound basin, or result in unnecessary adverse impact on other jurisdictions. Presently developed, officially designated State Harbor Areas should be utilized for new port development to their maximum extent whenever possible.

E. Use Conflicts

Finding: Port or industrial development has potential for adverse impact such as air and water pollution, noise, or spills of hazardous materials upon other uses of the shoreline, such as commercial fishing, recreation and residences. Such impacts may adversely affect large land and water areas, even beyond county, state or national boundaries.

Policy: Such development should be located, designed, and managed so that other appropriate uses are neither subjected to substantial or unnecessary adverse environmental impacts, nor deprived of reasonable, lawful use of navigable waters, other publicly owned shorelines, or private property. Industrial and port development which is consistent with this program should also be protected from encroachment or interference by incompatible uses with less critical site requirements, such as residential or commercial.

F. Water Quality

Finding: Ports and industry have potential for adverse impact upon water quality from waste discharge relative to degree of treatment, and from accidental spills or dumping of hazardous materials. Present regional water quality levels are very high in comparison with many other port or industrial shoreline areas in the nation. Several other appropriate shoreline uses are dependent on continued high quality levels.

Policy: Such development should be located, designed, and managed in a manner which maintains high regional water quality levels.

G. Water Quantity

Finding: Ports and industry have potential for significantly altering stream flows, surface runoff, and ground water supplies and movements due to large, continuous withdrawals for

production as well as due to development of extensive buildings or hard surfaced areas. Water supplies in the region are limited but not yet fully utilized, and are subject to increasing demand by other uses.

Policy: Industrial development should aim at minimizing or preventing severe storm runoff peaks, seasonal shortages, or fluctuations in natural water levels which would harm other shore users and valuable resources.

H. Fish and Wildlife

Finding: Port and industrial development have potential for adverse impact on fish and shore dependent wildlife resources. Such adverse impacts can be widespread and long term as well as localized and brief. Shoreline biologic resources are of high value to the region.

Policy: Such development should provide maximum practical levels of protection for affected biologic populations and habitats, and the aquatic food chain in general.

I. Esthetic Values

Finding: Certain aspects of port and industrial development have potential for adverse impact upon high 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.

J. Related Development

Policy: Policies and regulations in other sections of this program will apply to uses and works ancillary to port or industrial development including but not limited to: Dredging, Landfill, Roads and Railroads, Utilities and Solid Waste, Piers, Shore Defense Works, Flood Control Works, and Signs.

3. PORT AND INDUSTRIAL DEVELOPMENT -- LOCATION POLICIES

A. *Preferred Location*

(1) *Ports and industries should be located where adequate land access and utility services are available or can be provided, and where required site development can be carried out and maintained without significant adverse impact on water qulaity, valuable shore features or real properties. Areas already committed to such uses should be developed more intensely before committing new areas.*

(2) *Industry which is not shore dependent nor related should locate away from the shoreline in areas encouraged for such use in the County Comprehensive Plan.*

(3) *New facilities for shallow draft shipping should be located in developed harbor areas and should not be allowed to preempt scarce deep draft port sites.*

(4) *Port development outside official harbor areas should be located where offshore depths are sufficient without extensive or deep dredging, either during construction or for maintenance, thus minimizing adverse impact upon significant shore features such as littoral drift and aquatic life.*

(5) *Storage of logs on uplands is strongly preferred to storage in water bodies, particularly over tidelands, in order to minimize interference with other water users and potential degradation of water quality and biologic habitat.*

(6) *Offshore log storage should be located where natural tidal or current flushing and circulatory action is adequate to disperse polluting wastes. Logs should only be dumped, stored, or rafted where depths are sufficient to prevent grounding.*

B. *Sensitive and Hazardous Areas*

Port or industrial development should not be located on sensitive and valuable shorelines such as natural accretion shoreforms, natural wetlands or estuaries, nor on shores inherently hazardous for such development, such as flood and erosion prone areas and steep or unstable slopes. However, some marine port development may be permitted on feeder bluff shores when alternatives are not feasible and facility size and design are compatible with ongoing shore processes.

C. *Accessory Development*

Accessory development which does not require a shoreline location in order to carry out its support functions should be sited away from the land/water interface; this category includes parking, warehousing, open air storage, waste storage and treatment or storm runoff control facilities, utility and land transport development.

4. PORT AND INDUSTRIAL DEVELOPMENT -- DESIGN POLICIES

A. *Site Preparation*

Land clearing, grading, filling and alteration of natural drainage features and landforms should be limited to the minimum necessary. Surfaces cleared of vegetation and not to be developed should be replanted as soon as possible. Surface

drainage systems or substantial earth modifications should be professionally designed to prevent maintenance problems or adverse impact on shore features.

B. *Buffers*

Buffers, preferably of natural character plants and terrain, should be provided on the shore side and between industrial 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.

C. *Hazardous and Sensitive Areas*

When a development site encompasses shoreline segments or features which are hazardous for or sensitive to development and which are of high value to the region in their natural condition, then such areas or features should be left substantially unimpaired as open space or buffers. Nearby development should be set back so as to prevent unnecessary hazardous conditions or property damage, as well as to protect valuable shore features.

D. *Public Access*

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

E. *Log Storage*

(1) *Water surface or shoreline log storage operations should be required to provide, whenever applicable:*

(a) *easy let-down devices for placing logs in water.*

(b) *positive bark and wood debris controls and disposal means at log dumps, raft building areas, and mill-side handling zones.*

(2) *Impervious pavement for log yards where the wet season water table is less than four feet below surface level in order to reduce waste buildup.*

(3) *Means to control, collect and discharge surface runoff in a manner which ensures protection for the quality of affected waters.*

5. PORT AND INDUSTRIAL--REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Shore-dependent or related industrial and port development is permitted subject to policies and regulations; PROVIDED that other industrial or port development is permitted on shorelines not abutting navigable waters of the United States where permitted by county zoning.

(2) Urban Resort: Port or industrial development is not permitted, except for passenger terminals subject to policies and regulations.

(3) Rural: Shore-dependent or related industrial and port development is permitted subject to policies and regulations; PROVIDED that other industrial or port development is permitted on shorelines not abutting navigable waters of the United States where permitted by county zoning.

(4) Conservancy: Shore-dependent or related industrial and port development is permitted subject to policies and regulations; PROVIDED that other industrial or port development is permitted on shorelines not abutting navigable waters of the United States where permitted by county zoning.

(5) Natural: Port or industrial development is not permitted.

(6) Aquatic: Port development and log storage are permitted as a conditional use.

B. General Regulations

(1) Water Quality:

Port or industrial development shall be constructed and managed so that state quality standards of affected waters are not lowered on a long term basis. Release of oil or hazardous materials onto shorelines is prohibited.

(2) Waste Disposal:

Disposal or storage of solid or other industrial wastes is not permitted on shorelines; PROVIDED that liquid waste treatment development requiring either a shoreline location or a site for which an alternative is not available may be permitted.

(3) Runoff Control

The County may require reasonable control of surface runoff on the site so that water quality and nearby shore features and properties are not adversely affected. Such measures may include but are not limited to dikes, catch basins or settling ponds, interceptor drains, or planted buffers.

(4) Buffer

(a) 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 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.

(b) Such buffers shall not be used for storage of industrial equipment or materials, nor for waste disposal, but may be used for outdoor recreation. Portions of such buffers may be used for light motor vehicle parking if design of such facilities is found by the County to be consistent with this program.

(5) Hazardous Areas

(a) Port or industrial development is prohibited in the floodway of the Nooksack River and in other floodways on streams or lakes where risk of damage to life and property is predictably high.

(b) Industrial development is permitted in the floodway fringe; PROVIDED a Flood Control Zone Permit is obtained from the State Ecology Department and County zoning standards are met.

(c) Onshore port or industrial development on marine shores less than 20 feet above mean sea level shall be floodproofed so that flood damage potential from storm tides and surges is substantially reduced.

(d) Port or industrial development is not permitted on rapidly eroding, slide prone, or geologically unstable shorelines.

(6) Oil and Hazardous Materials

Facilities and procedures utilizing advanced available technological pollution control systems for handling, disposal, and prompt spill clean-up of such materials shall be required of new or expanded shorelines development using such materials.

(7) Lighting:

Display and other exterior lighting shall be designed and operated so as not to unnecessarily emit glare, nor to illuminate nearby properties used for other purposes, or to create hazards for public traffic.

C. Tabular Regulations

(1) Shore Setback and Buffer:

Table P-1 establishes a minimum setback from OHWM for all port or industrial development which does not require a water's edge or water surface location; PROVIDED that on erosional or otherwise geologically unstable bluffs or banks, or marsh shorelines, such setbacks shall be from the nearest respective bluff crest or natural wetland edge rather than OHWM up to the 200 foot limit of the act's jurisdiction.

(2) Sideyard Setback and Buffer:

Table P-2 establishes a minimum setback for port or industrial development from side property lines which intersect OHWM.

(3) Height Limit:

Table P-3 establishes the maximum allowable height for port or industrial structures and buildings, including accessory development on land within 100 feet of OHWM.

Table P - Port and Industrial Development

Regulation	Shoreline Area					
	Urban	Urban Resort	Rural	Conservancy	Natural	Aquatic
1. Shore Setback (in feet)	50	NA	100	150	NA	NA
2. Sideyard Setback (in feet)	20	NA	40	60	NA	NA
3. Height Limit (in feet)	35	NA	NA	NA	NA	NA

NA = Not Applicable

6.14 RECREATION

1. RECREATION -- GENERAL POLICIES

A. *Natural Features*

Recreational developments should be located, designed, constructed and managed to preserve natural features which are scarce or valuable to the region. They should also facilitate appropriate human use of such features while conserving them. These features include, but are not limited to: accretion shoreforms, natural wetlands, landforms, soils, ground water, surface water, native plant and animal life, and shore processes.

B. *Preferred Use*

Public and private recreational developments which provide shoreline-related recreation opportunities, increase public access for local residents to the shorelines and are consistent with this program should be encouraged.

C. *Use Conflicts*

Recreational developments should be located, designed, constructed and managed to minimize adverse effects on other appropriate shoreline uses, whether existing or officially planned, and to provide safe, healthy conditions for recreationists.

D. *Variety and Coordination*

Recreational developments and plans should provide the regional population a balanced choice of recreation experiences in appropriate locations. Public agencies and private developers should coordinate their plans and activities to provide a wide variety of recreational opportunities without needlessly duplicating facilities.

E. *Views and Esthetics*

Recreational and access developments should, wherever appropriate, preserve or enhance scenic views and vistas as well as improve the esthetic value of the area.

F. *Trail Links*

Trail links between shoreline parks and public access points should be encouraged for walking, horseback or bicycle riding and other non-motorized vehicle access where appropriate. The Whatcom County Trail Plan should be considered in design approval of developments.

G. *Dispersed Use*

Access to natural-character recreational areas such as fishing streams and hunting areas should be a combination of linear shoreline trails or easements and small parking or access tracts to minimize user concentration on small portions of the shoreline.

H. *Minimal Impact*

The location, design, construction and management of recreational developments and their activities should minimize adverse rights of local residents to enjoy the shorelines

I. Multiple Use

Finding: There is a scarcity of suitable sites for public shoreline-oriented recreation and stiff competition for such 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.

2. RECREATION - LOCATION POLICIES

A. Access and Utilities

Finding: There is a great difference in utility and access requirements for different types of recreational developments, e.g., camping clubs vs. wilderness areas.

Policy: They should be located only where utility and road capability is now adequate, or may be provided without significant damage to shore features commensurate with the number and concentration of anticipated users.

B. Optimum Use

Finding: Certain shoreline areas such as accretion shores suited for one or more forms of recreation are scarce.

Policy: These areas should not be developed for other uses which can be located elsewhere.

C. *Hazardous and Sensitive Areas*

Recreational development requiring extensive structures, utilities and roads and/or substantial modifications of natural topography and shorelines should not be located nor expanded in hazardous or sensitive areas where damage to persons, property, and shoreline resources and processes is inevitable.

D. Public Acquisition

Finding: There is a scarcity of suitable large areas remaining available for new public recreation sites, and several studies have identified these suitable sites.

Policy: Cooperative efforts among public and private persons should be explored to assure long term availability of sufficient public sites to meet local recreation needs.

3. RECREATION -- DESIGN POLICIES

A. *Site Capabilities*

The type and concentration of recreational development of an area should be dictated by the physical limitations and opportunities of that area. Such conditions as soil characteristics, slopes, geological features, surface and subsurface drainage, water tables, flood plains, shoreforms and native plant and animal life should be taken into consideration when planning recreational development of an area.

B. *On-site Facilities*

Private recreation developments should provide adequate and diverse on-site recreation opportunities for their users, and should not depend upon or overtax nearby private property or public recreation facilities.

C. *Public Access*

Provisions should be encouraged for reasonable public access through extensive private developments, especially:

(1) *where they would be adjacent to publicly owned shorelines or water bodies; or*

(2) *where they are proposed for a type of shoreline that is scarce in the region, and has high potential for meeting local recreation needs.*

D. *Open Space*

Where recreational developments are composed primarily of a single purpose use, e.g., camping, adequate open space should be provided to preserve the natural features of the area, and to provide a sufficient amount and variety of recreation opportunities for the users of the development.

E. *Utilities*

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.

F. *Use Priorities*

Since shorelines with a high value for recreation are limited and the long term demand is unlimited:

(1) *Facilities for water needing recreation such as fishing, clam digging, swimming, boating, and wading, and water seeking recreation such as picnicking, hiking, and walking should be located near the shoreline, while non-water related recreation facilities should be located inland.*

(2) *Accessory use facilities which are not shoreline dependent, such as parking lots, access roads, overnight lodging, restrooms and service buildings should be located inland away from the shore.*

G. *Runoff Control*

If golf courses, playing fields or other large grass areas are proposed, their design should incorporate means to prevent harmful concentrations of chemicals and sediment from entering water bodies.

H. *Site Preparation*

Land clearing, grading, filling and alteration of natural drainage should be limited to the minimum amount necessary to accomplish the primary purpose of recreational development. Surfaces cleared of vegetation should be replanted as soon as possible with native or compatible plants. Landscaping projects requiring substantial earth modifications and grading should be carefully and professionally designed to prevent maintenance problems or damage to shore features.

I. *Hazardous and Sensitive Areas*

Where development site happens to include hazardous or sensitive areas, and recognizing that some natural hazards and fragile natural features are attractions to improper use, development should leave such areas natural and make provision for protection of potential users, as well as the natural features.

J. *Interpretation*

Better education of the public regarding natural features and man's involvement in shorelines is essential to shoreline management. Many opportunities exist in recreation development for attractive interpretation of shoreline features through educational signs and natural trails. Such interpretative measures should be encouraged.

4. RECREATION--REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Recreational development is permitted subject to policies and regulations.

(2) Urban Resort: Recreational development is permitted subject to policies and regulations.

(3) Rural: Recreational development is permitted subject to policies and regulations.

(4) Conservancy

(a) Recreational development not requiring extensive structures nor substantial alterations to topography is permitted, subject to policies and regulations.

(b) Any necessary landscaping shall use native or similar self-maintaining vegetation.

(5) Natural

(a) Recreational development requiring extensive structures or substantial alterations to topography or natural vegetation is prohibited.

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

(c) Any necessary landscaping shall use native or similar self-maintaining vegetation.

(6) Aquatic

(a) Recreational development is permitted, subject to policies and regulations, if water surface dependent, such as piers and floats; PROVIDED that such development meets applicable standards established elsewhere in this program.

(b) Underwater parks are permitted as a conditional use.

B. General Regulations

(1) Motor Vehicles:

Use of motor vehicles including unlicensed all-terrain vehicles is permitted only on roads or trails where such use is permitted, and such use is prohibited on tidelands, shorelands, community or public backshore beaches, streamways, or natural wetlands; except as necessary for public health and safety or maintenance.

(2) Flood Plain:

(a) Recreation development requiring extensive alterations in natural topography, extensive permanent structures, septic sewage disposal systems, or flood control works shall not be permitted in the floodway of the Nooksack River nor in other flood plains where potential for damage to life and property is high.

(b) Recreational development is permitted in the floodway fringe; PROVIDED, that a Flood Control Zone Permit or exemption therefrom is obtained from the Department of Ecology and County zoning standards are met.

(3) Public Health:

Water supply, sewage disposal, and other waste disposal facilities shall be satisfactory to the local health department.

(4) Chemicals:

Recreation development requiring application of chemicals such as fertilizers or pesticides on shorelines shall maintain a chemical free buffer strip at least 25 feet wide along water bodies and natural wetlands or provide other means to keep chemical laden surface runoff out of surface water. No chemicals may be applied by air-borne means over water bodies or natural wetlands.

(5) Overhead Wiring:

No overhead wiring shall be permitted in recreation developments. All wiring on land shall be installed underground.

(6) Buffer:

In order to minimize adverse effects upon neighboring properties and local shore features, the county may require a buffer on the shore and other perimeters of the recreational development. The width and physical nature

of such buffers shall be established by the County commensurate with the proposed intensity of use and character of the local area.

C. Tabular Regulations

(1) Shore Setbacks: Table RE-1 establishes the minimum setback for recreational development measured from OHWM; these setbacks shall not apply to shore dependent development which requires an over-water or water's edge location.

(a) applies to minor shore dependent or related structures essential to facilitate human enjoyment or protection of the shoreline, such as primitive roads, trails, viewpoints, interpretive facilities.

(b) applies to other buildings and structures, parking, storage and to developed campsites.

PROVIDED that on erosional or otherwise geologically unstable bluffs or banks exceeding 10 feet in height, or on banks sloping at more than 30%, any setback shall be measured from bank rim or top of such slope respectively. On marsh shores, such setbacks shall be measured from the edge of the natural wetland; PROVIDED FURTHER that no shore setback shall exceed the geographic limit of the Act's jurisdiction.

(2) Open Space: Table RE-2 establishes minimum percentages of open space for recreation development.

(a) applies to campsites, cabins, or other overnight lodging developments.

(b) applies to all other recreational development.

(3) Height Limit: Table RE-3a establishes a maximum height for recreational development.

(a) applies on land within 100 feet of OHWM.

(b) applies on land between 100 and 200 feet from OHWM.

(c) applies to over-water development measured from OHWM.

TABLE RE - RECREATION

Regulation	Shoreline Area					
	Urban	Urban Resort	Rural	Conservancy	Natural	Aquatic
1. Shore Setbacks (in feet)						
a. Minor shore dependent or related facilities	30	30	50	50	50	NA
b. Other buildings, parking, overnight facilities	75	75	100	150	150	NA NA
2. Open Space						
a. With overnight facilities	30%	40%	50%	60%	NA	NA
b. Without overnight facilities	25%	40%	60%	75%	95%	NA
3. Height Limits (in feet)						
a. 0-100 feet from OHWM	25	25	20	15	10	25
b. 101-200 feet from OHWM	35	25	25	25	15	35
c. Over-water	NA	NA	NA	NA	NA	15

NA = Not Applicable

6.15 RESIDENTIAL

1. RESIDENTIAL -- GENERAL POLICIES

A. *Optimum Use*

Extensive new residential development should be encouraged to provide substantial shore space for suitable recreation activities by development residents and the public, if such public use is compatible with the size and nature of the development area.

B. *Natural Features*

Development should be located, designed, constructed and managed to preserve or use wisely natural features which are valuable or scarce in the region, and to facilitate appropriate human use of such features while conserving them; including but not limited to: accretion shoreforms, natural wetlands, soils, aquifers, surface water, native plant and animal life, and shore processes.

C. *Planned Unit Development*

Developments which include common open space and recreation facilities, or a variety of dwelling sizes and types, are to be encouraged at suitable locations as a preferable alternative to extensive single lot subdivisions on shorelines. Such development may also include a limited number of neighborhood business uses if consistent with county zoning.

D. *Use Conflicts*

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.

E. *Accessory Uses*

(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.*

(2) *Such development should be discouraged from locating in required shore setback spaces, and should not be permitted over the water unless clearly shoreline dependent such as piers and floats for recreational or personal use.*

(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.*

F. *Esthetics*

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.

2. RESIDENTIAL -- LOCATION POLICIES

A. *Hazardous, Sensitive, and Unique Areas*

Recognizing that particular shore areas have inherent hazards for development, or their resources are susceptible to substantial damage from development, or shore features such as accretion shoreforms have high value to the region because of their uniqueness, development should not be permitted in such areas.

B. *Scattered Development*

Recognizing that premature scattered development needlessly consumes shore open space, conflicts with other appropriate uses, and causes extra public costs for public services, new development should be encouraged to locate in already developed areas or in areas officially planned for moderate to high density residential uses.

C. *Site Suitability*

Development should be permitted where the site is reasonably suitable for utility development, structural modification and covering with impervious surface in terms of soils, geological characteristics, slopes, water table height and natural drainage both on and below ground surfaces.

D. *Recreation-oriented Residential*

Second home or other recreation-oriented residential development should be located only where substantial recreation opportunities are provided on site, where nearby property owners and other appropriate uses will not be adversely affected, and where such use is considered optimal and appropriate for the local area.

E. *Utilities*

Development of moderate to high density should be permitted only where utility capability is currently adequate, or is officially planned for early development.

F. *Planned Unit and Multi-unit*

Such development is usually urban in density and should be located where circulation systems are adequate, and where such use will be compatible with nearby uses.

3. RESIDENTIAL -- DESIGN POLICIES

A. *Density*

The gross density in terms of dwelling units per acre of the entire development including open spaces, and also actual density in terms of units per acre of the developed areas, and lot coverage and height should be appropriate to local natural and cultural features.

B. *Utilities*

Developers should be required to install or establish utilities of a quality and type determined by the County as needed to best protect shore features and other users which may be affected from pollution, flooding, nuisances, erosion, or other adverse effects.

C. *Amenities*

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.

D. *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.

E. *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.

F. *Public Access*

Extensive new development should be encouraged to provide public access to publicly owned shorelines or public water bodies. This access should be of a mode and size appropriate to the site, general nature and size of the development.

G. *Recreation-oriented Residential*

Developers of residential projects for second home or other recreation-oriented markets should be required to provide adequate and diverse on-site recreation opportunities and open space, so that County residents are not unreasonably deprived of use of public recreation areas, nor neighboring residents the enjoyment of their property.

H. *High Rise and Other Multi-unit Buildings*

(1) *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.*

(2) *High rise and other multi-unit residential developments should be allowed in resort communities designated Urban Resort.*

However, due to the potential for adverse impact upon adjacent uses and the community from such development, special consideration must be given to the following factors during public review of the detailed plans. Furthermore, prior to approving such a proposal, the County must find the proposal to be consistent with this program and the Act, particularly as related to RCW 90.58.320 cited above, and these factors:

(a) *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.*

(b) *Urban services, including sanitary sewers, public water supply, fire protection, storm drainage, and police protection must be provided at adequate levels to protect the public health, safety and welfare. Soil tests should be required to determine local load-bearing capacity.*

(c) *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.*

(d) *Recreational needs of building residents must be provided for through several on-site recreation facilities and access to shorelines. The variety and number of on-site recreation facilities should increase as density incresaes.*

I. *Cluster Development*

New residential development sould be encouraged to cluster dwelling units together in order to reduce physical impact upon shorelines and to reduce utility and road costs. Such development should be required to provide substantial open space areas and diverse outdoor recreation facilities. Such development should be encouraged to provide a form of public access to water bodies compatible with the development.

J. *Parking and Circulation*

(1) *Parking areas of sufficient size should be placed away from the shore, buffered and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, filtration trenches, unpaved or permeable all weather surfaces should be considered for this purpose.*

(2) *Road or trail widths, layout and design should comply with County standards as well as be designed to enhance valuable shore features and other amenitites which make the site desirable for residential use. Alternatives to roads such as trails for pedestrian and equestrian use should be provided where appropriate.*

K. *Site Preparation*

Land clearing, grading, filling, and alteration of natural drainage should be limited to the minimum amount necessary to accomplish the primary purpose of residential development. Man-made lakes or lagoons should be carefully and professionally designed to prevent maintenance problems or damage to shore features. Surfaces cleared of vegetation should be replanted as soon as possible with native or compatible plants.

4. RESIDENTIAL -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Residential development is permitted, including low-rise multi-unit development, subject to policies and regulations.

(2) Urban Resort: Residential development is permitted, including low-rise and high-rise multi-family dwellings, subject to policies and regulations, PROVIDED that in zoning districts where no height limit has been established, high-rise dwellings are permitted as a conditional use.

(3) Rural: Residential development including low-rise multi-unit is permitted subject to policies and regulations.

(4) Conservancy

(a) Single family developments are permitted subject to policies and regulations.

(b) Multi-unit development is permitted as a conditional use.

(5) Natural: Residential development is prohibited.

(6) Aquatic:

(a) Residential development is prohibited, except water-surface dependent accessory development, including docks.

(b) Subdividing of tidelands or shorelands for sale or lease in connection with individual dwelling units and/or new lots is prohibited.

B. General Regulations

(1) Community Facilities

(a) Recreational or other common use facilities shall comply with applicable policies and regulations established elsewhere in this program.

(b) New subdivisions or other residential developments shall provide a community recreation and open space area along all shorelines in such developments of a minimum width of 30 feet measured landward from OHWM. Easements for public access to such areas or to adjacent tidelands or shorelands may be granted by the developer.

(2) Docks and Floats

(a) Developers of projects involving 5 or more dwelling units may be required to provide a community dock and/or float for private use if deemed necessary and appropriate in the particular area.

(b) Private recreational docks and floats meeting dock standards (Section 6.12) of this Program for individual lots are permitted where no community facilities are provided.

(3) Over-Water Building:

(a) Dwellings, house-boats, and boathouses built over the water or floating upon the water are prohibited.

(b) Covered moorages which meet dock standards (Section 6.12) are permitted. One boathouse or covered moorage is permitted on each lot or tract.

(4) Private Boat Ramps:

Boat ramps are permitted for individual residences where upland slope within 25 feet of ordinary high water mark does not exceed 25%, and/or where substantial cutting, grading, filling or defense works are not necessary.

(5) Float Planes:

Private moorage for float planes may be permitted as a conditional use, consistent with program standards on docks (Section 6.12).

(6) Shore Defense Works:

Reasonable protective works are permitted if standards established in this program (Sections 6.6 or 6.17) are clearly met, erosion is seriously threatening an established and appropriate use, and the works are not for expansion of upland area by fill.

(7) Landfill:

Filling of water bodies, floodways, or natural wetlands for expansion of upland area is prohibited for residential development.

(8) Utilities:

(a) Storm drainage facilities for projects involving 5 or more dwellings shall be provided as required by the County Engineer.

(b) On-site electrical and communication services for projects involving 5 or more dwelling units shall be placed underground.

(9) Hazardous Areas:

(a) Residential development is prohibited in the floodway of the Nooksack River, except as permitted under County zoning for commercial farm operators.

(b) Residential development in the floodway fringe is permitted provided a Flood Control Zone Permit is obtained from the Department of Ecology and County zoning standards are met.

(c) Developers of new dwelling units in coastal flood hazard areas shall be required to floodproof such units, and to demonstrate to the County Building Inspector that the proposed design including utility equipment has a flood damage potential substantially lower than with minimum building code standards. The building inspector may require reasonable floodproofing measures as enumerated in the County zoning ordinance.

(10) Floor Elevation:

Elevation of the finished ground floor of dwellings excluding basements shall be at least 5 feet above OHWM; PROVIDED, that additional elevation may be required under flood plain provisions of the County zoning ordinance.

C. Tabular Regulations

(1) Shore Setback:

Table R-1 established the minimum setback for dwellings, accessory buildings and structures, parking areas, and substantial alteration of natural topography measured from OHWM; PROVIDED, that these setbacks do not apply to outdoor swim pools, decks, or patios at least 25 feet landward of OHWM and which do not extend more than 25 feet waterward from the dwelling unit; PROVIDED FURTHER that on erosional or otherwise geologically unstable banks exceeding 10 feet in height, or sloping at more than 30%, such setbacks shall be measured from the bank rim or top of such slope respectively; or

on marsh shores, such setback shall be measured from the edge of the natural wetland; PROVIDED FURTHER that no shore setback shall exceed the geographic limit of the Act's jurisdiction.

(2) Sideyard Setback

Table R-2 establishes the minimum setback for dwellings, accessory buildings and parking areas measured from side property lines which intersect the shore side of a lot or tract; PROVIDED that the owner of a single family, duplex or triplex residence may elect to provide all but five feet of the total required sideyard setback on one side; PROVIDED FURTHER that if a lot has already been subdivided as of the effective date of this program, and if the lot is too narrow for a single family, duplex, or triplex dwelling to reasonably meet such sideyard setbacks, then such setback shall be waived by the Administrator, and the applicable setback established by county zoning shall apply.

(3) Height Limit

Table R-3 establishes a maximum height for dwellings and accessory development. For measurement purposes, the owner may select either (a) or (b) under the definition of height; PROVIDED that residential development may be allowed in Urban Resort Areas only up to a maximum height of 75 feet measured under (a) as a conditional use.

(4) Open Space

Table R-4 establishes the minimum percentage of the site which shall be open space; PROVIDED that this requirement shall not apply to individual single family or duplex dwellings.

Table R - Residential

Regulation	Shoreline Area					
	Urban	Urban Resort	Rural	Conservancy	Natural	Aquatic
1. Shore Setback (in feet)						
Single Family to Tri-plex	30	30	45	75	NA	NA
Multi-unit less than 35 ft. high	75	75	100	150	NA	NA
Multi-unit 35 or more ft. high	NA	125	NA	NA	NA	NA
Boathouse	25	25	25	25	NA	NA
2. Sideyard Setback (in feet)						
Single Family to Tri-plex	5	5	10	15	NA	NA
Multi-unit less than 35 ft. high	5*	5*	15*	20	NA	NA
Multi-unit 35 or more ft. high	NA		NA	NA	NA	NA
3. Height Limit (in ft.)					NA	NA
(a) definition						
Single Family to Tri-plex	25	25	25	25		
multi-unit	35	35 **	25	20		
accessory	15	15	15	10		
* PROVISO	NA	75**	NA	NA		
(b) definition					NA	NA
Single Family to Tri-plex	15	15	15	15		
multi-unit	25	25	20	20		
accessory	10	10	10	10		
4. Open Space	30%	40%	50%	60%	NA	NA

NOTE: (1) See Appendix D for definition of Height.
(2) Over-water accessory development is subject to Pier and Dock or Recreation regulations (6.12 or 6.14).

*Five feet plus 5 feet for every 10 feet or fraction thereof in height over 15 feet, up to 25 feet maximum requirement.

** High-rise development may be allowed in Urban Resort Area only, up to a maximum height of 75 feet as a conditional use.

NA = Not Applicable

6.16 ROADS AND RAILWAYS

1. ROADS AND RAILWAY DEVELOPMENT -- GENERAL POLICIES

A. Coordination

Finding: Road and railway development is closely related in timing and purpose to other uses of nearby land and water. Such development may have long term substantial benefits or adverse effects on other uses.

Policy: New or expanded road or railway route selection and development should be coordinated with related local and state government land use and circulation planning.

B. 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.*

C. Alternate Modes of Travel

Finding: Much land transport development is of hazardous nature.

Policy: Such development should be encouraged to provide safe trail space for non-motorized traffic such as pedestrians, bicyclists, or equestrians. Space for such uses should be required along new arterial roads on shorelines, and should be considered when rights-of-way are being disposed of or abandoned.

D. Use Conflicts

Finding: Land transport development has potential for hazardous or unpleasant conditions for other shore users.

Policy: Transport routes, particularly arterial highways and railways, should be located, designed, and maintained to permit safe enjoyment of adjacent shore areas and properties by other appropriate uses such as recreation or residences. Vegetative screening or other buffering should be considered.

E. Environmental Impact

Finding: Land transport development has potential for substantial damage to shore resources.

Policy: Such development should be located, designed, constructed, and maintained so as to provide maximum feasible protection for affected resources including but not limited to

water, soil, fish and wildlife, minerals, and natural vegetation.

F. Esthetic Values

Finding: Land transport development has potential for both beneficial and adverse effect upon peoples' physical and 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.

G. Geo-hydraulics

Policy: Road and railroad development should be located whenever possible away from the land/water interface so that damage to shore processes and valuable shore features does not occur, and so that defense works, substantial cuts and fills, or cantilevering are not necessary. Water body crossings where necessary should also be designed consistent with these objectives; bridges and their approaches should be oriented perpendicular to the shoreline whenever possible.

2. ROADS AND RAILWAYS -- LOCATION POLICIES

A. Shore Use Priorities

Finding: Roads and railways in general are essential and very important in our society, and several forms of social and economic shore use require such development. Such development may also impair lawful access to and use of shorelines, as well as damage resources and processes.

Policy: New roads and railways should generally be located inland from the land-water interface, unless (1) required for access to shoreline related uses consistent with this program, or, (2) peoples' enjoyment of shoreline areas would be increased in a manner consistent with effective resource conservation. Accessory transport development not shoreline related should also be sited inland off the shoreline.

B. Hazardous and Sensitive Areas

Finding: There are likely to be physical problems and high costs for road and railway development in certain hazardous or sensitive shoreline areas. Such shorelines are often highly valuable for other uses.

Policy: Road or railway transport development should not generally be located on, over, or seaward of feeder bluffs,

driftways, accretion shoreforms, flood plains, coastal flood hazard areas, estuaries, or natural wetlands. Neither should unrelated transport development be located in public recreation areas or on significant natural, historic or archaeological sites.

C. Bridges

Policy: Spans on rivers should be located on a more stable, straight channel reach rather than as a rigid object in the dynamic, shifting channel of a bend.

3. ROADS AND RAILWAYS -- DESIGN POLICIES

A. Preferred Design - General

Finding: Road and railway development on shorelines generally requires cuts and fills and construction of impervious pavement at elevations above potential flood water level of local water bodies.

Policy: Special measures and extra precautions should be taken to conserve shore features.

(1) *On unstable, low-bearing capacity soils, natural wetlands or flood plains, across wide streamways or natural beaches; pile supports are strongly preferred over rip-rapped and bulkheaded fills.*

(2) *Pile spacing is critical; they should be spaced so they do not act as walls baffling or blocking flood waters or littoral drift.*

(3) *In wide streamways, bridges should have maximum length clear spans with streamlined, minimum deflecting support piers; and inclined bridge approaches should be on open piling. Bridges or bottomless culverts are preferred over culvert and causeway fills on all shorelines because of much less negative impact on shore features including fish and wildlife and movement of surface and floodwater.*

(4) *Roads on marine and lake shores requiring protection from significant erosion should be protected by natural character, flexible means such as artificial beach or vegetative stabilization or beach feeding instead of rigid defense works of concrete or rip rap. The alternative of moving the route to a safer location less costly to maintain should be given consideration.*

B. *Preferred Design - Streams*

(1) *Routes should ofllow the outside of large amplitude river bend patterns and/or dikes instead of cutting off meander bends or point bars. Wherever such roads or railway*

embankments cross depressions remaining from ancient channels and oxbow bends, culverting or briges of ample cross-section should be provided.

(2) *Local access roads in flood plains should be built at valley floor grade level so that flood waters are not abnormally obstructed nor diverted.*

(3) *Raised arterial roads or railways should be built outside the floodway proper except for necessary crossings. If built in the floodway fringe, such routes should be aligned tangent to outside stream bends so they will also act as setback dikes.*

Any parking areas required along such roads should be sited at the base of the embankment and at the downstream corner of large accretion beaches, thus requiring no or minimal flood control or defense works.

(4) *If alternatives do not exist for locating roadbed embankments in streamways in steep, narrow canyons, erosion-prone roadbed bases on outside bends should be protected with groins and spaced deflector stubs, which will cause accretion-building eddies to further stabilize the base without significant interference with stream hydraulics or meander progression cycles.*

C. Accretion Marine Shores

If a road is necessary along an accretion shoreform, the seaward road shoulder should be set back far enough from the primary berm so that the berm may absorb the high energy of storm-tide breakers, as well as prevent road bed erosion and allow optimum recreational use of these scarce shore features.

D. Hazardous and Sensitive Areas

If development in such locations is necessary, design and construction should aim to prevent or minimize harmful interference with normal movement of ground water or floodwater, as well as prevent additional erosion.

E. Surface Runoff

Concentrated runoff associated with road and parking drainage along shorelines can be a significant cause of damage to shore features and property values. Adequate measures should be incorporated in road design and maintenance to prevent or mitigate resulting erosion, slides, loss of property, sedimentation and pollution. Routes parallel to drainage direction, natural character catch-basins, absorption fields, interceptor tile drains, and other effective means should be required.

(3. Design Policies)

F. Public Access

Access should be provided to public shorelines where safe and compatible with the primary and adjacent use, or should be replaced where transport development substantially impairs lawful public access.

G. Parking Areas

Such ares should:

(1) be surfaced whenever possible with permeable materials and provided with suitable drainage controls to minimize ponding and excessive concentrated runoff with its resultant erosion, pollution and sedimentation; and

(2) be buffered from shorelines and less intense adjacent uses by vegetation, undeveloped space, or structures developed for the primary use.

H. Site Compatibiliy

(1) Transport development on shorelines should be designed to generally follow natural topography in order to hold cuts and/or fills to a minimum.

(2) Earth cut slopes and other exposed soils should be placed, compacted, and planted or otherwise stabilized and protected from surface runoff; native plants are preferred.

(3) In development close to shorelines, a buffer of native plants and undisturbed soil or rock should be preserved or restored, with sufficient width to protect shore features and other users.

4. ROADS AND RAILWAYS -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Land transport development is permitted subject to policies and regulations.

(2) Urban Resort: Land transport development is permitted subject to policies and regulations.

(3) Rural: Land transport development is permitted subject to policies and regulations.

(4) Conservancy: Land transport development is permitted subject to policies and regulations only for:

(a) access to shore dependent or related uses or other approved development, or

(b) crossing a water body or wetland.

(5) Natural: Land transport development is not permitted except as recreational development (6.14).

(6) Aquatic: Land transport development is not permitted, except bridge crossings and access to water-surface dependent uses such as ferry terminals, are permitted, subject to policies and regulations.

B. General Regulations

(1) Water Quality:

Land transport development shall be carried out in a manner which does not lower State quality standards for affected waters. To achieve this objective, the County may require effective, reasonable measures be taken to preserve water quality including but not limited to:

(a) A buffer of undisturbed or restored soil and vegetation between development and shorelines.

(b) Drainage structures or other means to control surface runoff and ground water movement which may be accelerated, concentrated, or diverted by such development.

(2) Hazardous Areas:

Road and railway development is not permitted

(a) on slopes exceeding 40% average grade,

(b) where physical conditions indicate substantial sliding or erosion are likely to result, or

(c) on or seaward of feeder bluffs.

(3) Landfill and Side Cast

Except for shoreline crossings in locations consistent with this program, landfill or sidecast in water bodies or on natural wetlands, estuaries, accretion shoreforms, tidelands, shorelands, or on other scarce or sensitive shorelines for road or railway development including accessory uses is prohibited.

(4) Flood Plains:

(a) Development shall be designed so that no significant loss of floodway capacity nor measurable increase in predictable flood levels will result therefrom;

(b) If such development is intended to secondarily provide flood control, the County may require additional information on channel profiles and project effect on flood level hydraulics including potential enlargement of inundated area at 100-year flood level;

(c) Bridge approaches in floodways of any stream shall be constructed on open piling or spaced support piers.

(5) Defense Works:

(a) Protection of road and railway development from erosion on accretion shoreforms, natural wetlands, estuaries, feeder bluffs, or high-energy driftways shall be by flexible, natural appearing means, such as protective berm development, beach feeding, or vegetative stabilization, which are compatible with local geo-hydraulic conditions. Rigid, unnatural-appearing works are not permitted at such locations.

(b) All defense and flood control works shall conform to policies and regulations in Sections 6.6 and 6.17.

(6) Development Scheduling:

Non-emergency construction and repair work shall be scheduled for that time of year when seasonal conditions (weather, streamflow) permit optimum feasible protection of shore features.

(7) Maintenance:

Such activity including vegetation control and erosion control shall be carried out so as to be clearly consistent with this program.

(8) Shoreline Road Ends:

(a) RCW 36.87.130 prohibits the County from vacating any county road which abuts a body of salt or fresh water except for port, recreational, educational or industrial purposes.

(b) Development or alteration of undeveloped county road ends within this program's jurisdiction is not permitted unless approval of a site plan for such development or alteration has been received in writing from the Board of County Commissioners. The Board shall consult with the County Engineer, Park Director, and Administrator prior to granting such approval.

(9) Air Fields:

Air fields and related developments may be permitted as a conditional use.

C. Tabular Regulations

(1) Shore Setback:

Table RR establishes minimum setbacks for land transport development from OHWM except where routes cross shorelines; PROVIDED, that on erosional or otherwise geologically unstable bluffs or banks, natural wetland shores, such setback shall be measured from the nearest respective bluff crest or natural wetland edge rather than OHWM up to 200 foot limit of this program's jurisdiction; PROVIDED FURTHER, that standards established in other sections of this program for accessory road development within sites developed for other uses such as Recreation shall take precedence.

1-a applies to local access and other non-arterial roads.

1-b applies to arterial roads, state highways, and railways.

Table RR - Road and Railway Development

Regulation	Shoreline Area					
	Urban	Urban Resort	Rural	Conservancy	Natural	Aquatic
1. Shore Setback (in feet)						
a. Local	25	25	50	100	NA	NA
b. Arterial and Railway	100	100	150	200	NA	NA

NA = Not Applicable

6.17 SHORE DEFENSE WORKS

1. SHORE DEFENSE WORKS -- GENERAL POLICIES

A. Geo-hydraulics

Finding: Shore defense works are prone to cause substantial interference with shore processes, which may in turn lead to additional erosion of other shorelines.

Policy: Such works should be located, designed, and maintained so as to protect and maintain the integrity of natural shore features.

B. Use Conflicts

Finding: Surface waters are public property, and many shoreline areas are owned publicly or by private communities.

Policy: Shore defense works should not be permitted to unnecessarily interfere with public access to public shorelines, nor with other appropriate shoreline uses including navigation, seafood harvest, or private recreation. Defense works should not be developed mainly for the purpose of filling shorelines.

C. Coordination

Finding: Uncoordinated, piecemeal defense works are costly for individuals, prone to early failure, and likely to increase erosion and resource losses on adjacent shorelines.

Policy: Defense works should normally be developed in a coordinated manner among affected property owners and public agencies for a whole drift sector or homogeneous reach.

D. Professional Design

Finding: There are several physical variables to be considered in properly locating and designing defense works and there is high probability that poorly located and designed works will pre-maturely fail, or cause hazardous conditions.

Policy: Defense works should be sited and designed consistent with appropriate engineering principles.

E. Esthetic Values

Finding: Shore defense works frequently lower the esthetic quality and diversity of natural shorelines, especially 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.

F. Necessity and Purpose

(1) Finding: Certain shoreline dependent private and public facilities need major defense works, and such works have potential for adverse effects on shore features and other users.

Policy: The larger works such as jetties, breakwaters, or groin systems should be permitted only for shoreline dependent uses whose benefits to the region outweigh physical and social costs from such works.

(2) Finding: Owners of small shoreline properties often desire to protect their facilities with defense works. Many small buildings have been located in disregard of ongoing shore processes. Piecemeal defense works are prone to fail and to damage shore resources.

Policy: Rigid, artificial defense works should only be developed for individual lots where wave erosion threatens valuable buildings or use of the upland property, and where such works will not cause additional damage to neighboring properties, or valuable shore features.

G. Water Quality, Fish and Wildlife

Policy: Shore defense works should be located, designed, and maintained in a manner which preserves or enhances the quality of affected waters, and conserves or enhances fish and wildlife resources and their respective habitats.

H. Shore Process Integrity

Finding: Erosion, littoral drift, and accretion are primary and inseparable components of the dynamic natural process which has created much of the unique and scenic shorescape of 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.

I. Restoration

Finding: Several defense works have been developed locally without due consideration for structural soundness nor for adverse effects on other shore property and features. Some are not accomplishing their purpose.

Policy: A local program among private persons and public agencies should be initiated to remove failing, harmful defense works and to restore or maintain beaches with more rational, less harmful long term measures.

J. Bulkheads

Finding: The Shoreline Management Act, 90.58.030 (3-e-11), exempts a normal protective bulkhead common to single family residences from the shoreline permit requirement, and also states, 90.58.140 (1), that no development shall be undertaken on the shorelines except those which are consistent with the Act's policy, and after adoption, applicable regulations or master program. Many lot owners are prone to develop bulkheads without being aware of the many factors to be considered in location and design as well as potential adverse effects.

Policy: The County should review all proposals for bulkheads in order to determine whether or not (1) the proposal is exempt as above, (2) the proposal is suitably designed considering the location, and (3) the proposal is consistent with applicable policy and regulations.

K. Gabions

Finding: Gabions may represent an economical alternative to more complex and durable defense works, but deterioration of 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.

L. Jetties and Breakwaters

Finding: Jetties and breakwaters are essential to certain shoreline dependent uses. They partially or totally block the shore process corridor, and a perpetual and costly dredging and/or beach feeding program may become essential to mitigate downdrift erosion and channel shoaling.

Policy: Such large scale works should be permitted only as an integral component of a professionally designed harbor, marina, or port.

M. Groins

Finding: Downdrift erosion and adverse effects on shore features or users are highly probable from groins. A perpetual and costly beach feeding program may become essential to mitigate such erosion.

Policy: Groins should not be permitted except as one component of a professionally designed community or public beach management program encompassing an entire drift sector or homogeneous reach for which alternatives are infeasible.

2. SHORE DEFENSE WORKS -- LOCATION POLICIES

A. *Sensitive and Critical Areas*

Defense works should not be located on shores where valuable geo-hydraulic or biological processes are sensitive to interference and critical to shoreline conservation, such as feeder bluffs, marshes, estuaries or accretion shoreforms.

B. *Location of Primary Use*

Finding: Defense works are always ancillary to a primary use.

Policy: Primary shoreline uses should be located in a manner so that additional defense works are not likely to become necessary, unless alternatives are infeasible. Existing uses not considered appropriate for a particular shoreline location should be encouraged to relocate rather than develop massive and/or extensive defense works.

C. *Site Capability*

Defense works should be permitted only where local physical conditions such as foundation bearing material, surface and sub-surface drainage, are suitable for such alterations.

3. SHORE DEFENSE WORKS -- DESIGN POLICIES

A. *Multiple Use*

Provision for multiple use and/or public shore access should be made in defense works for public or quasi-public developments whenever safely compatible with the primary purpose. Defense works on publicly-owned shorelines should not be allowed to decrease long term public use potential, nor to needlessly damage shore features if alternatives are feasible.

B. *Preferred Alternatives*

More flexible defense works of natural materials such as protective berms, rip rap, beach feeding, or vegetative stabilization are to be strongly preferred wherever possible 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 maintance, compatibility with local shore features including esthetic values, and for flexibility in future uses.

C. *Beach Feeding*

The beneficiaries and/or owners of large scale defense works which substantially reduce or block littoral drift and cause new erosion of downdrift shores should be required to establish and maintain an adequate long term beach feeding program.

Breakwaters

Serious consideration should be given to floating, portable or submerged breakwater structures, or several relatively short structures in series, wherever physical conditions make such alternatives with less impact feasible.

4. SHORE DEFENSE WORKS -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban:

(a) Groins, breakwaters, jetties and gabions are permitted as a conditional use.

(b) Bulkheads, seawalls, revetments, protective berms, and beach feeding are permitted subject to policies and regulations.

(2) Urban Resort:

(a) Groins, breakwaters, jetties, bulkheads, seawalls, revetments, and gabions are permitted as a conditional use.

(b) Protective berms and beach feeding are permitted subject to policies and regulations.

(3) Rural:

(a) Groins, breakwaters, jetties and gabions are permitted as a conditional use.

(b) Bulkheads, seawalls, revetments, protective berms and beach feeding are permitted subject to policies and regulations.

(4) Conservancy:

(a) Breakwaters and jetties are permitted as a conditional use if accessory to a shoreline dependent use.

(b) Groins and gabions are prohibited.

(c) Bulkheads, seawalls, and revetments are permitted subject to policies and regulations if the applicant can demonstrate that less rigid and artificial means such as protective berms or vegetative bank stabilization are not feasible.

(5) Natural:

Shore defense works are not permitted except protective berms, beach feeding, or vegetative bank stabilization are permitted when necessary to restore an eroding accretion shoreform or to retard erosion elsewhere.

(6) Aquatic:

(a) Groins, breakwaters, and jetties are permitted as a conditional use offshore of Urban, Rural and Conservancy Shoreline Areas; PROVIDED, that groins and gabions are not permitted offshore a Conservancy or Natural Shoreline Area.

(b) Bulkheads, seawalls or revetments are not permitted except for an approved landfill development subject to policies and regulations.

(c) Protective berms and beach feeding are permitted on tidelands and shorelands when necessary to restore an eroding accretion shoreform or to retard erosion elsewhere subject to policies and regulations.

B. General Regulations

(1) Professional Design:

(a) Proposed designs for new or expanded breakwaters, jetties, groins, gabions, and those bulkheads for which a shoreline permit is necessary shall be designed and so certified by a registered civil engineer.

(b) Professional design may be required for any proposed bulkhead for which a county building permit is necessary if the Administrator determines sufficient uncertainties exist. Grounds for such determination shall be inadequate information on local physical features, and/or potential damage to other shoreline properties and features.

(2) Landfill:

Bulkheads shall not be located upon tidelands or shorelands for the purpose of extending upland areas with fill; unless such landfill is permitted under policies and regulations elsewehre in this program.

(3) Bulkheads:

(a) In order for a proposed bulkhead to qualify for the RCW 90.58.030 (3-e-111) exemption from the shoreline permit requirement, and to assure that such bulkheads will be consistent with this program as required by RCW 90.58.140 (1), a statement of exemption shall be obtained from the Administrator before commencing construction of any bulkhead or marine or lake shores.

(b) In issuing such statements, the Administrator shall review the proposed design as it relates to local physical conditions, and must find that:

(i) Erosion from waves is threatening valuable buildings or use of the upland property; and

(ii) A bulkhead is more consistent with this program in protecting the site and adjoining shorelines than feasible, less rigid alternatives.

(c) (i) Bulkheads on marine accretion shoreforms shall be set back a minimum of 20 feet landward from OHWM.

(ii) Bulkheads on driftways and on lake shores subject to erosion shall be located within one foot of the bank toe; and shall generally parallel the natural shoreline.

(iii) Bulkheads are prohibited on marine feeder bluff and estuarine shores, and on marsh, swamp, and rock shores.

(d) (i) Bulkhead crests shall be elevated a minimum of one foot over the predicted annual maximum water level.

(ii) The waterward vertical face of concrete bulkheads shall slope upward from toe to crest at a maximum ratio of 4 units of vertical distance in 1 unit of horizontal distance.

(iii) Concrete bulkheads shall develop an ultimate compressive strength of 3000 pounds per square inch; and shall be reinforced with steel to the satisfaction of the County Building Inspector.

(iv) Bulkheads shall be designed so that natural downward movement of surface or ground water may continue without ponding or saturation.

(4) Junk Revetments:

No junk motor vehicles, appliances nor parts thereof, nor structure demolition debris, nor any other solid waste shall be used for flood control works, PROVIDED, that with approval by the County Engineer: (1) Clean, broken-up concrete may be so used if metal re-inforcing material does not protrude therefrom after placement, and (2) Certain other solid waste items such as rubber tires may be so used.

(5) Lakes:

Breakwaters, jetties, and groins are prohibited on lakes.

(6) Assurance of Consistency:

In order to assure that shore defense works are consistent with this program as required by the Act (RCW 90. 58.140 (1)), no such works may commence on shorelines without the developer having obtained either a shoreline permit or statement of exemption from the County; PROVIDED, that no statement of exemption is required for emergency shore defense works which need to be constructed immediately to protect property from damage by the elements.

6.18 SIGNS

1. SIGNS -- GENERAL POLICIES

A. Esthetic Values

Finding: County shorelines are of high scenic value, and there is potential for damage to such values from 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.

B. Use Conflicts

Finding: Signs have potential for interference with visual or lawful physical access to shorelines.

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

C. Abandoned or Derelict Signs

Finding: There is potential for hazards to public safety and blight on shoreline property values from abandoned or derelict signs.

Policy: Lawful signs should either be properly maintained or completely removed within a reasonable period of time by the sign owner or porperty owner as necessary.

D. Community Gateway Signs

Policy: As a preferable alternative to continued proliferation of single purpose signs, communities or districts should be encouraged to erect single, common use gateway signs to identify and give directions to local premises.

2. SIGNS -- LOCATION POLICIES

A. Appropriate Areas

Signs of a commercial or industrial nature should generally be limited to those areas or premises to which the sign messages refer.

B. Free-Standing Signs

Such signs should be located on the inland side of public transportation routes which generally parallel the shoreline.

C. Off-premise Signs

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

D. Vistas and Viewpoints

Signs near valuable scenic vistas and viewpoints should be tightly restricted in message, number, location, and height so that lawful enjoyment of these limited and scarce areas is not impaired.

3. SIGNS -- DESIGN POLICIES

A. Preferred Design

In order to minimize negative visual impacts and obstructions to shoreline access and use, low profile, on-premise wall 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.

B. Harmony Among Signs

Finding: There is potential for negative economic and esthetic impact upon communities from indiscriminately and often intensely concentrated collections of polyglot, 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.

C. Distracting Devices

Finding: There is potential for proliferation of nuisance signs which impose their message upon passersby through various means including rotation, animation, or flashing lights. Such devices increase traffic hazards in builtup districts and also cause difficulties for persons actually seeking particular premises.

Policy: Signs should be designed mainly to identify the premises and nature of enterprise without unduly distracting uninterested passersby.

4. SIGNS -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Sign development is permitted subject to policies and regulations.

(2) Urban Resort: Sign development is permitted subject to policies and regulations.

(3) Rural: Sign development is permitted subject to policies and regulations.

(4) Conservancy: Sign development is permitted subject to policies and regulations.

(5) Natural: Sign development is prohibited, except for trail marking, hazard warnings, or interpretive scientific or educational purposes. Such permitted signs shall be limited in size and number to those required to effect their purpose.

(6) Aquatic: Only wall signs for shoreline dependent uses are permitted subject to policies and regulations. No one premise may maintain more than two signs in an Aquatic Area.

B. General Regulations

(1) Distracting Devices:

Any signs or other devices which flash, blink, flutter, rotate, oscillate, or otherwise purposely fluctuate in lighting or position, or which portray caricatures of any human form or ethnic group in order to attract attention through their distractive character are prohibited on shorelines; PROVIDED, that searchlights, pennants, banners and other devices of seasonal, holiday, or special event character may be utilized for up to 90 days in one year.

(2) On-premise Signs:

Commercial, other economic enterprises, and public or private recreation or community service developments are permitted to maintain a total of three on-premise signs; PROVIDED, that only one may be a free-standing, roof, or projecting sign; PROVIDED FURTHER, that if this sign is doublefaced, then only one other wall sign is permitted.

(3) Off-premise Signs:

Off-premise signs are prohibited on shorelines; PROVIDED, that a limited number of community gateway identification and/or direction signs are allowed as a conditional use.

(4) Projecting Signs:

No projecting sign may extend more than four feet from the building wall including at corner locations.

(5) Private Signs:

A reasonable number of signs may be posted on private property by the owner for reasonable purposes such as For Sale, rent, or home occupation; PROVIDED no sign exceeds two square feet in area. Such signs shall not be lighted except for one permanent sign identifying the owner and/or address.

(6) Roadside View Protection:

(a) Free-standing signs are prohibited 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.

(b) Signs between such rights of way and water bodies shall be limited to two signs per primary building.

(7) Open Space and View Protection:

Free-standing signs are prohibited 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.

(8) Public Safety:

Free-standing signs shall be entirely self supporting and structurally sound without permanent use of guy wires or cables.

(9) Assurance of Consistency:

In order to assure that new sign development is consistent with this program as required by RCW 90.58.140(1), no free-standing sign may be erected nor substantially modified on shorelines without obtaining a Shoreline Permit or a Statement of Exemption.

C. Tabular Regulations

(1) Shore Setback:

General Regulation No. 7 establishes setbacks for free-standing signs from OHWM; setbacks for other signs shall be governed by applicable regulations on building location.

(2) Sideyard Setback:

Table S establishes minimum sideyard setbacks along shorelines for free-standing and projecting signs only. Applicable regulations on building location shall govern other signs.

(3) Height Limit:

Table S establishes a maximum height allowed for signs measured as follows; PROVIDED, that no free-standing, wall, or projecting sign may be erected to a higher elevation than the primary building on the premises:

(a) Free-standing signs - measured from average grade of ground covered by sign base.

(b) Wall and projecting signs - measured from average grade along side of building where sign is located; wall signs on buildings higher than one story may be measured for height from floor elevation of the uppermost finished story.

(c) Roof signs - measured from top of parapet wall or sloping roof surface; PROVIDED, that no roof sign may be erected to a higher eleveation than maximum height allowed for the primary building.

(4) Sign Area Limit:

Table S establishes the maximum area of sign face per premise including borders regardless of the number or type of signs actually used.

Table S - Signs

Regulation	Shoreline Area					
	Urban	Urban Resort	Rural	Conservancy	Natural	Aquatic
1. Sideyard Setback (in feet)	20	20	30	60	NA	NA
2. Height (in feet)						
a. 0-100 from OHWM	10	10	6	6	NA	10
b. 101-200 from OHWM	15	15	10	10	NA	10
3. Total Area (in square feet)	120	120	120	120	NA	120

NA = Not Applicable

6.19 UTILITIES

1. UTILITIES -- GENERAL POLICIES

A. Public Policy

Finding: Most utility development is in public, quasi-public, or regulated monopoly ownership. Such development may have substantial effects on other uses and on the shoreline, and is irreversible.

Policy: New utility development should be consistent and coordinated with all local government and state planning, including comprehensive plans and single purpose plans.

B. Use Conflicts and Safety

Finding: Utility location requirements are often critical. A high potential for adverse physical and visual effects upon other users exists, as well as potential hazards to the 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.

C. Multiple Use

Finding: Utility development is often single purpose, space consumptive, and irreversible.

Policy: Site planning and rights-of-way for such facilities should provide for compatible multiple uses such as shore access, trails, and recreation or other appropriate use whenever possible; utility right-of-way acquisition should also be coordinated with transportation and recreation planning for the County.

D. Environmental Impacts

Policy: Utility development should be sited, designed, and managed so that natural resources and processes are not damaged or adversely altered if it is necessary to locate such development on shorelines.

2. UTILITIES -- LOCATION POLICIES

A. Water Systems

(1) *Only those components of public water systems which are shoreline dependent should be located on shorelines, unless alternatives are infeasible.*

(2) *Private and public intake facilities and wells on shorelines should be located where there will be no adverse effects upon natural features and other users.*

B. Sewage Systems

(1) *Sewage trunk lines, interceptors, pump stations, and treatment plants are not shoreline dependent and should be located away from shorelines unless alternatives are infeasible.*

(2) *Outfall pipelines and diffusers are shoreline dependent, but should be located only where there will be no adverse effects upon natural features and other shore users.*

(3) *Septic disposal systems should not be located close to water bodies and natural wetlands, and should not be permitted in hazardous areas where system failure is predictable.*

C. Solid Waste

(1) *Facilities for processing and storage and disposal of solid waste are not normally shoreline dependent, and should not be permitted on shorelines.*

(2) *Facilities should not, under any circumstances, be permitted in flood plains or other hazardous or sensitive areas, nor where substantial use conflicts are likely.*

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

D. Electrical Energy and Communication Systems

Such systems including sub-stations, and trunk cables have critical location requirements, but are not normally shoreline dependent. Such systems should not be located on shorelines unless alternatives are infeasible.

E. Fuel Pipelines

Oil and gas pipelines have critical location requirements and have potential for adverse and dangerous effects from spills or leaks. Such facilities should not be located along shorelines, particularly in hazardous or sensitive areas, and crossings of water bodies should be held to the minimal number possible at locations consistent with this program.

F. Fire Protection

Storage and handling facilities for water borne fire fighting or rescue equipment may be permitted on shorelines at locations which are suitable considering the purpose of the proposal and the goals of this program.

G. Accessory Uses

Uses accessory to utilities are space consuming and are not always shoreline dependent. Such uses including parking should be located away from shorelines unless a shore location is necessary for feasible utility operation.

3. UTILITIES -- DESIGN POLICIES

A. *Site Compatibility*

(1) *Clearing of vegetation and modification of landforms and shorelines should be held to the minimum level necessary for development completion and maintenance.*

(2) *Upon completion, altered landforms and shorelines and cleared areas not covered by development should be restored as closely as possible to their original condition and maintained to preserve such condition.*

B. *Hazardous and Sensitive Areas*

If utilites are permitted in hazardous or sensitive areas, extraordinary design measures should be required by the County to prevent or minimize likely damages to life, property, and natural features. Such measures may include floodproofing or elevating structures on open piles in flood prone areas.

C. *Access and Parking*

(1) *Utility plants should provide safe all weather access to public roads and parking areas commensurate with their number of employees and anticipated visitors.*

(2) *If parking areas or roads are permitted, they should comply with size and design standards established elsewhere in this program and by the County Engineer.*

D. *Underground Wiring*

(1) *Undergrounding of existing overhead distribution lines and services should be encouraged through formation of local Utility Improvement Districts along shorelines when replacement or expansion of such systems is necessary.*

(2) *When new distribution line and service systems are planned for new urban density development, such systems should*

be placed underground in coordination with other utility systems and road construction or maintenance.

E. Hazardous Materials

If utility operations involve materials whose compositions or interactions with other materials are likely to damage public health, environmental quality, or property values, all handling and storage of such materials should be organized and equipped so as to prevent such likely damages.

F. Buffer

Recognizing the likelihood of use conflicts from and the intensive industrial character of some utility development, then adequate buffers or setbacks should be required commensurate with local shoreline use and physical character.

4. UTILITIES -- REGULATIONS

A. Shoreline Area Regulations

(1) Urban: Utility development is permitted subject to policies and regulations.

(2) Urban Resort: Utility development is permitted subject to policies and regulations.

(3) Rural: Utility development is permitted subject to policies and regulations.

(4) Conservancy: Utility development is permitted subject to policies and regulations; PROVIDED that sewage treatment plants and fuel pipelines are a conditional use.

(5) Natural:

(a) Utility development is prohibited.

(b) Maintenance of existing utilities in this Shoreline Area is permitted and shall take extraordinary measures in protecting the natural features therein.

(6) Aquatic: Submarine water and sewer lines, fuel pipelines, and sewer outfalls are permitted as conditional uses; submarine electrical or communications cables, and water intakes are permitted subject to policies and regulations; all other utility development is prohibited.

B. General Regulations

(1) Water Quality:

No utility development or solid waste disposal may lower water quality standards as established by the state.

(2) Hazardous Areas: Utility development other than subsurface pipelines or cables is prohibited in flood plains, coastal flood hazard areas, or geologically unstable or unsafe areas; PROVIDED, that conditional use permits may be granted for limited development in flood plains or coastal flood hazard areas if adequately floodproofed, flood levels are not significantly raised, and alternatives are not feasible.

(3) Maintenance:

All maintenance activities including vegetation clearing, excavation, filling, shall be carried out so as to be clearly consistent with this program.

(4) Solid Waste:

(a) Solid waste disposal sites are prohibited on shorelines.

(b) Random or negligent dumping of solid waste is prohibited on shorelines.

(c) Temporary storage of solid waste in suitable receptacles is permitted as accessory to a lawful primary use or for litter control.

(5) Fossil Fuels:

Developers of pipelines and related appurtenances for gas and oil shall be required to demonstrate adequate provisions for preventing spills or leaks, as well as established procedures for mitigating damages from spills or other malfunctions.

(6) Shoreline Roads:

Where road right-of-ways or easements are within 100 feet and also are parallel to the shoreline for more than 500 feet, no new overhead wiring shall be installed between the road and OHWM.

(7) Setbacks and Buffers:

Required setback and buffer areas shall be planted with native or locally compatible species or maintained in a natural condition except where foot traffic may require

surfacing. Such areas may not be used for vehicle parking nor open storage.

C. Tabular Regulations

(1) Shore Setback:

Table U-1 establishes minimum setbacks for utility development, including parking, other than buried cables, wires or pipes measured from OHWM, PROVIDED, that

(a) on erosional or otherwise geologically unstable bluffs or banks exceeding 10 feet in height, or sloping at more than 30%, such setback shall be measured from bank or slope crest; or

(b) on marsh shores, such setback shall be measured from natural wetland edge; PROVIDED FURTHER, that no shore setback shall exceed the act's jurisdiction.

(2) Sideyard Setback:

Table U-2 establishes minimum distances between utility development including parking other than buried cables, wires or pipes and side property lines.

(3) Site Coverage:

Table U-3 establishes maximum ratios of undeveloped area to area developed for utility use including parking and storage.

(4) Height Limit:

(a) Table U-4-a establishes a maximum height for utility structures within 100 feet of OHWM, except power poles and transmission towers.

(b) Table U-4-b establishes a maximum height limit for utility structures between 100 feet and 200 feet from OHWM, except power poles and transmission towers.

Table U - Utilities and Solid Waste

Regulation	Shoreline Area					
	Urban	Urban Resort	Rural	Conservancy	Natural	Aquatic
1. Shore Setback (in feet)	50	50	75	100	NA	NA
2. Sideyard Setback (in feet)	25	25	50	100	NA	NA
3. Site Coverage	1:1	1:1	2:1	4:1	NA	NA
4. Height Limit (in feet)						
a. 0-100 OHWM	20	20	20	20	NA	0
b. 100-200 OHWM	35	35	20	20	NA	0

NA = Not Applicable

Chapter 7

ADMINISTRATION

7.1 Administrator

1. The Administrator as defined in Appendix C is hereby vested with:

   A. Overall administrative responsibility for this program, except he is not the responsible official for SEPA; and

   B. Authority to determine if a public hearing should be held on a shoreline permit application by the Hearing Examiner or not pursuant to Chapter 8.3; and

   C. Authority to grant or deny statements of exemption; and

   D. Authority to grant or deny substantial development permits not requiring a public hearing; and

   E. Authority to serve a regulatory order upon a person undertaking or about to undertake development on shorelines pursuant to WAC 173-14-180.

2. The Administrator shall:

   A. Establish procedures deemed essential for administration of this program; and

   B. Advise interested persons and prospective applicants as to the administrative procedures and related components of this program; and

   C. Make interpretations of principles and terms in this program as required for administration; and

   D. Insofar as possible, assure that applications are in proper form and complete prior to acceptance; and

   E. Collect fees as provided for in Chapter 8 of this program; and

F. Seek remedies for alleged violations of this program's regulations, or of the provisions of the act, or of conditions attached to a shoreline permit issued by Whatcom County; and

G. Propose amendments to the Commission deemed necessary to more effectively or equitably achieve the purposes and goals of this program; and

H. Make annual summary reports to the Commission on scope and quantity of administrative actions taken pursuant to this Chapter 7.1.

7.2 Planning Department

1. The Whatcom County Planning Department is hereby vested with:

A. Authority to determine whether or not an Environmental Impact Statement (EIS) or Declaration of Insignificant Impact pursuant to RCW 43.21C shall be required;

B. Authority to decide whether or not a major development permit is required for a proposed action pursuant to WCC 2.24.760; and

C. Authority to make field inspections as required, and reports on all proper and complete shoreline permit applications; and

D. Authority to make written recommendations to the Commission or Hearing Examiner as appropriate and insofar as possible, assure that all relevant information, testimony, and questions regarding a specific matter are made available during their respective reviews of such matter; and

E. Authority to keep written summaries of all Planning Commission public hearings; assure that proper notice is given to interested persons and the public through news media or mail of such hearings; and transmit findings and recommendations of the Commission on shoreline permit applications to the Board for consideration and final action.

7.3 Hearing Examiner

1. The Whatcom County Hearing Examiner is hereby vested with authority to:

A. Grant or deny shoreline permits not accompanied by a major development permit by WCC 2.24.760, or requiring preliminary plat approval.

B. Grant or deny variances from this program.

C. Grant or deny conditional uses under this program.

D. Decide on appeals from decisions by the Administrator of this program.

E. Pursuant to WCC 2.24.760, hold public hearings and make recommended decisions to the Board of County Commissioners on shoreline permits accompanied by an application for a major development permit and/or a application for preliminary plat approval.

7.4 Board of County Commissioners

1. The Board of County Commissioners, hereinafter called the Board, is hereby vested with authority to:

   A. Pursuant to WCC 2.24.760, make final decisions with regard to shoreline permit applications which require a major development permit and/or preliminary plat approval.

   B. Pursuant to WCC 2.24.760 make final decisions with regard to variances from and/or conditional uses under this program, where accompanied by an application for a major development permit as provided by WCC 2.24.760, and/or preliminary plat approval.

   C. Decide appeals from the Hearing Examiner's action on:

      1. Substantial development permits not accompanied by a major development permit under WCC 2.24.760, and/or application for preliminary plat approval.

      2. Variances from this program's regulations.

      3. Conditional use permits under this program.

      4. Decisions on an appeal of the Administrator's action by the Hearing Examiner.

2. The Board shall:

   A. Base all decisions on shoreline permits on the criteria established in Chapter 8.4 - 8.6 as appropriate.

B. Upon receipt of a recommendation for action on any proposed amendment to this program from the Commission, the Board shall review and act on the matter, provided that substantive amendments shall become effective immediately upon adoption by the Department of Ecology.

7.5 Planning Commission

1. The Whatcom County Planning Commissioner, hereinafter called the Commission, is hereby vested with responsibility for reviewing this program from time to time as a major element of the County's planning and regulatory program, and may make recommendations for amendments thereof to the Board at any time.

2. The Commission shall also have responsibility for reviewing and making recommendations to the Board on all proposed amendments to this program; in addition it may propose its own such amendments.

3. Pursuant to WCC 2.24.760 the Commission shall also have authority to conduct public hearings on all requests for shoreline permits which require major development and/or preliminary plat approval, if the Board of County Commissioners refers such a project to the Commission. The Commission shall file with the Board of County Commissioners a written recommendation for approval or denial.

Chapter 8

SHORELINE PERMIT

8.1 CAVEAT

1. Whenever an application for a permit under the zoning ordinance or for approval under the subdivision ordinance accompanies a shoreline permit application, time requirements and notice provisions for processing those applications shall be pre-empted by the shoreline program procedural rules.

2. Whenever a shoreline permit application is accompanied by any other permit request that requires only a recommendation to the Board of County Commissioners by the Hearing Examiner, the shoreline permit decision shall also be in the form of a recommendation and the Board shall have final decision authority.

8.2 AUTHORITY

1. The Hearing Examiner is hereby authorized to grant or deny shoreline permit applications requiring public hearings provided the applications are not accompanied by a major development permit application or a request for preliminary plat approval.

2. Final decisions on permit requests of the Shoreline Program when accompanied by a zoning major development permit or preliminary plat approval application shall be made by the Board.

3. Whenever a shoreline permit application is subject to the rules and regulations of the State Environmental Policy Act (SEPA, RCW 43.21C), the time requirements of SEPA shall apply, where applicable, to such application.

8.3 PROCEDURES

1. APPLICATION AND PUBLIC HEARING REQUIREMENT

   A. Shoreline permits shall be applied for on forms provided by the Administrator.

1. Public Hearings: Upon receipt of a complete shoreline permit application, the Administrator shall determine within 10 days if the application requires a public hearing. Such determination shall be positive if the application meets any of the following criteria:

   (a) The proposal has a cost or market value in excess of $100,000; or

   (b) The proposal would result in development of an area larger than five acres; or

   (c) The proposal is a new or expanded marina, pier, aquaculture structure, any building over 35 feet high, mine, dam, landfill in navigable waters; or

   (d) The Administrator has probable cause to believe the proposal would be controversial (e.g. public response to Notice of Receipt of Application); or

   (e) The proposal is determined to have a significant impact on the environment and an Environmental Impact Statement is required; or

   (f) The proposal requires a variance and/or conditional use approval pursuant to this program.

2. Shoreline substantial development permit applications which are determined by the Administrator NOT to need a public hearing shall be approved or denied by the Administrator. Notice of receipt of application shall be the responsibility of the Hearing Examiner and shall be done pursuant to Section 8.3.4 (Notice of Receipt of Application).

B. If a shoreline permit is required in conjunction with an application for permits under the zoning ordinance or subdivision ordinance, those requiring public hearings shall be simultaneously processed and all legal notices shall identify the nature of the variance request or conditional use proposed if any.

2. FEES

A. Applications shall be accompanied by the following fees:

1. Shoreline Conditional Use Application $75.00

2. Shoreline Permit Revisions - minimum of $25.00 or 25% of the original fee (whichever is more).

3. Program Amendments - $360.00
4. Appeals from Administrative decisions on granting or denying of a permit application - $50.00
5. Appeals from other administrator's decisions - $10.00
6. Shoreline Variance Application - $50.00
7. Substantial Development Permit Application

(a) Class A

$1.00 to $7,000	$35.00 + $25.00 for legal notice
$7,001 to $50,000	$35.00 for the first $7,000 + $.50 for each additional $100.00 or fraction thereof, to and including $50,000 + $25.00 for legal notice.

(b) Class B

$50,001 to $250,000	$251.00 + $25.00 for legal notice.

(c) Class C

$250,001 to $1,000,000	$600.00 + $25.00 for legal notice

(d) Class D

$1,000,000 plus	$1,000.00 + $25.00 for legal notice

8. When any given project requires more than one of the following permit or applications the total amount of fees shall be reduced by 25% of the required aggregate and application fees; provided any fees received for processing of an EIS shall not be included as part of the total amount of fees to be reduced by 25%.

   (a) Preliminary plat application

   (b) Rezone applications

   (c) Major development permit

9. In the event that actions of an applicant result in the repetition of the review, inspections and other steps in the approval process, those items or steps repeated shall be charged to and paid by the applicant prior to any further processing of the applica-

tion by the County. The costs shall be determined by the following rates:

(a) Planning Department Staff	$20.00/Hr.
(b) Engineering Department Staff	$20.00/Hr.
(c) Health Department Staff	$20.00/Hr.
(d) Legal Notice	$25.00

10. All fees received shall be deposited in the Whatcom County Current Expense Fund.

B. No fees shall be collected from an agency of Whatcom County government.

3. SEPA COMPLIANCE

A. Shoreline permit applications which are not categorically exempt shall be subject to environmental checklist review by the responsible official of Whatcom County pursuant to WAC 197-10-360.

B. As part of the SEPA checklist review, the responsible official may require additional information regarding the proposed development in order to make an equitable and reasonable determination of the development's potential impact on the environment.

C. Failure of the applicant to submit sufficient information for a threshold determination to be made shall be grounds for refusal of the application by the responsible official.

D. Variances not resulting in change in land use or density are categorically exempt per WAC 197-10-170 (10-b).

4. NOTICE OF RECEIPT OF APPLICATION

A. Upon receipt of a completed shoreline permit application and payment of fees, the Hearing Examiner shall insure that notices thereof are published at least once a week on the same day of the week for two consecutive weeks in the official county newspaper. In addition, notice shall be given at least one of the following methods:

1. Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least 300 feet of the boundary of the property upon which the use is proposed.

2. Posting of three copies of the notice in a conspicuous manner on the property upon which the use is proposed within one week of the first published notice.

B. The notices shall include a statement that any person desiring to express his views or to be notified of the action taken should notify the Whatcom County Hearing Examiner in writing within 30 days of the final publication.

5. AFFIDAVIT OF PUBLICATION

An "Affidavit of Publication" shall be attached to and accompany the application through the review of decision process of the Department of Ecology.

6. LEGAL NOTICE OF PUBLIC HEARING

A. If a public hearing is to be held, legal notice of that hearing may be combined with the Notice of Receipt of Application whenever practical, PROVIDED that such notices of hearing include a statement that any person may submit oral or written testimony at such hearing.

B. If such combined legal notice is given, at least 30 days must elapse between last newspaper notice and the date of public hearing.

C. Where Notice of Receipt of Application and Notice of Public Hearing are separate, the Hearing Examiner shall ensure that published notice is given at least 10 days prior to public hearing in the official county newspaper. In addition, notice shall be given by at least one of the following methods at least 10 days prior to hearing:

1. Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least 300 feet of the boundary of the property upon which the use is proposed.

2. Posting of three copies of the notice in a conspicuous manner on the property upon which the use is proposed.

7. PUBLIC HEARING RULES

A. Public hearings on shoreline permit applications shall be held within 45 working days of filing of the application. However, the time requirements set herein shall be suspended pending compliance with State Environmental Policy Act requirements.

B. The hearing shall be open to the public. The Hearing Examiner shall conduct the hearing and prepare a record thereof by providing an opportunity for all interested persons to speak and submit exhibits.

C. The Hearing Examiner may, at his discretion, order a continuance of the public hearing. Where the Hearing Examiner has chosen to do so, he will publicly announce the time, date, and place of the continued hearing and no further notice is required.

8. REVIEW AND BURDEN OF PROOF

A. Hearing Examiner deliberations of every proposal shall include review and consideration of the following:

1. The application and attached information; EIS or Environmental Checklist with Declaration of Non-Significance; and

2. Written comments from interested persons; and

3. Information and recommendations from the Administrator and any other public agency; and

4. Information or comment presented at a public hearing on the application; and

5. The criteria enumerated in Sections 8.4 - 8.6, as applicable.

B. As required by RCW 90.58.140 (6) the burden of proving that the proposed development is generally consistent with the criteria set forth in Sections 8.4 - 8.6, as applicable, shall be on the applicant.

9. DECISIONS

A. Whenever a shoreline permit application is accompanied by any other permit request that requires a recommendation to the Board rather than a final decision by the Hearing Examiner, the shoreline permit decision shall also be in the form of recommendation and the Board shall have final decision authority. In all other instances, the Hearing Examiner's decision on shoreline permit applications shall be final.

B. Decisions of the Hearing Examiner shall be rendered within 10 working days of the public hearing (unless an extension of time is agreed to by the applicant).

C. Within 10 working days after the Hearing Examiner's recommended decision has been filed, the Board shall do one of the following:

1. Refer the project to the Planning Commission for additional public hearings and a recommendation.

2. Make a final decision on the application based on the recommended decision of the Hearing Examiner with such modifications as the Board deems appropriate.

3. Set the project application for their own public hearing.

10. PERMIT CONDITIONS

A. In granting, revising, or extending a shoreline permit, the Hearing Examiner or Board may, as appropriate, attach such conditions, modifications, or restrictions thereto regarding the location, character, and other features of the proposed development deemed necessary to assure that the development will be generally consistent with criteria set forth in Section 8.4 - 8.6, and with the policy of RCW 43.21c as applicable.

B. Development pursuant to a shoreline variance or conditional use permit shall not begin and shall not be authorized until 30 days from the "date of filing" or until all review proceedings initiated within 30 days from the date of such filing have terminated.

1. The "date of filing" for a variance or conditional use permit shall mean the date a decision of the Department of Ecology rendered on the permit is transmitted by the department to the county and the applicant.

2. "Date of filing" of a substantial development permit is the date of actual receipt of the decision by the Department of Ecology.

11. APPEAL AND RECONSIDERATION

A. The applicant or any opponent of record may request reconsideration of any final action on a form supplied by the office of the Hearing Examiner.

Grounds for reconsideration must be based upon the content of the written final order, and, although the Hearing Examiner is not required to modify his original decision, he may initiate such action as he deems appropriate.

The procedure of reconsideration shall not pre-empt or extend the appeal period mentioned as follows.

B. Where decisions of the Hearing Examiner are final:

1. Any person aggrieved by the granting, denying, or rescinding of a shoreline permit by the Hearing Examiner may seek review from the Board by filing a written request on forms supplied by the office of the Hearing Examiner within 10 days of the date of final action.

C. Where decisions of the Hearing Examiner are recommended to the Board of County Commissioners:

1. Appeals of Board decisions may be made to the State Shorelines Hearing Board within 30 days of filing (as defined in RCW 90.58.140(6)); the decision of the Shorelines Hearing Board may be appealed pursuant to RCW 34.04 OR permits decided by the Board may be appealed directly to Superior Court pursuant to RCW 90.58.180(1).

12. NOTIFICATION OF FINAL ACTION

Pursuant to WAC 173.14.090, within eight days of final action, the Hearing Examiner shall notify:

1. The applicant
2. The Department of Ecology
3. Any person having requested such notice in writing prior to such final action.

13. RESCISSION AND MODIFICATION

A. Any shoreline permit granted pursuant to this program may be rescinded or modified upon a finding by the Hearing Examiner that the permittee or his successors in interest have not complied with conditions attached thereto.

B. The Administrator shall initiate rescission or modification proceedings by serving written notice of noncompliance on the permittee or his successors.

C. A public hearing shall be held by the Hearing Examiner no sooner than 15 days following such service of notice. Upon considering written and oral testimony taken at the hearing, the Hearing Examiner shall make a decision in accordance with the above procedure for shoreline permits.

14. EXPIRATION

A. Construction or substantial progress toward construction of a project for which a shoreline permit has been granted pursuant to this chapter must be undertaken within two years after permit approval or the permit shall expire. If such progress has not been made, a new shoreline permit application will be required.

B. If a project for which a shoreline permit has been granted has not been completed within five years after permit approval, the Hearing Examiner shall, at the expiration of the five year period review the permit and upon a showing of good cause, either extend the permit for one year or terminate the permit; PROVIDED that no shoreline permit shall be extended unless the applicant has requested such review and extension to the expiration date.

15. REAPPLICATION

If a shoreline permit is denied, no reapplication for the same or essentially similar development may be made until one year from the date of denial.

8.4 SUBSTANTIAL DEVELOPMENT PERMIT CRITERIA

1. A substantial development permit shall be obtained if the proposal is not exempt pursuant to Chapter 5.

2. Should the proposal be exempt, a statement of exemption may be obtained from the Administrator. Certain projects subject to other governmental permits require a statement of exemption (see Chapter 5).

3. Whenever a shoreline substantial development permit is required, all regulations and policies of this program appropriate to the type of use and the designated shoreline area in which it is located shall be employed by the Administrator, the Hearing Examiner, or the Board in determining approval or disapproval of the application.

8.5 VARIANCE PERMIT CRITERIA

Variances shall be granted only under the following circumstances when applicable; the burden of proof regarding such circumstances shall be on the applicant. The purpose of a variance is to grant relief to specific bulk or dimensional requirement set forth in this program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this program would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

1. Variances will be granted in any circumstance where denial would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances shall be shown, and the public interest shall suffer no substantial detrimental effect.

2. Variances for development that will be located landward of OHWM except in marshes, bogs, or swamps, may be authorized provided the applicant can demonstrate all of the following:

   A. That the strict application of the bulk or dimensional criteria set forth in this program precludes or significantly interfers with a reasonable permitted use of the property.

   B. That the hardship described in A. above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this program, and not, for example, from deed restrictions or the applicant's own actions.

   C. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment.

   D. That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.

   E. That the public interest will suffer no substantial detrimental effect.

3. Variances for development that will be located waterward of OHWM or in marshes, bogs, or swamps may be authorized provided the applicant can demonstrate all of the following:

A. That the strict application of the bulk or dimensional criteria in this program precludes a reasonable permitted use of the property.

B. That the hardship described in A. above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, for deed restrictions or the applicant's own actions.

C. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment.

D. That the requested variance will not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be minimum necessary to afford relief.

E. That the public rights of navigation and use of the shorelines will not be materially interfered with by the granting of the variance.

F. That the public interest will suffer no substantial detrimental effect.

4. In the granting of all variances, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should also remain consistent with the policies of RCW 90.58.020 and should not produce significant adverse effect to the shoreline environment.

8.6 CONDITIONAL USE PERMIT CRITERIA

Permits for conditional uses shall be granted only when the following criteria are met when applicable; the burden of proof regarding such criteria shall be on the applicant. The purpose of a conditional use permit is to allow greater flexibility in administering the use regulations of this program in a manner consistent with the policies of RCW 90.50.020. In authorizing a conditional use special conditions may be attached to the permit by the County or the Department of Ecology to control any undesirable effects of the proposed use.

1. A conditional use is defined as:

A. Substantial developments which are permitted under these regulations in particular Shoreline Areas only as conditional uses; or

B. Substantial development for expansion of nonconforming development on shorelines; or

C. Substantial development for a use which may be unnamed and/or not contemplated in this program.

D. Conversion of a nonconforming development to a use that does not conform to program policies.

E. Reconstruction of a nonconforming development used in conflict with Shoreline Area regulations.

F. Resumption of use of a nonconforming development if such use was discontinued for more than one year.

2. Uses specifically classified or set forth in this program as conditional uses may be authorized provided the applicant can demonstrate all of the following:

A. That the proposed use will be consistent with the policies of RCW 90.58.020 and this program.

B. That the proposed use will not interfere with normal public use of public shorelines.

C. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area.

D. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located.

E. That the public interest suffers no substantial detrimental effect.

3. Other uses not specifically classified or set forth in this program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in 2. above, that extraordinary circumstances preclude all reasonable use of the property in a manner consistent with the use regulations of this program.

4. In the granting of all conditional use permits, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other

developments in the area where similar circumstances exist, the total of the conditional uses should also remain consistent with the policies of RCW 90.58.020 and should not produce a significant adverse effect to the shoreline environment.

8.7 ADMINISTRATIVE DECISION APPEALS

1. Authority

All decisions of the Shoreline Administrator may be the subject of an appeal to the office of the Hearing Examiner.

2. Appeal Form

The application for appeal from the Shoreline Administrator's decision may be obtained and filed at the office of Buildings and Code Administration.

3. Time Limit for Hearing

A public hearing on the appeal shall be held within 45 working days following receipt of the application.

4. Legal Notice

Official legal notice of the public hearing shall be made in the following manner: The notice of time, date, and location of the hearing shall be mailed to the applicant and Planning Department only 12 days prior to the hearing.

5. Time Limit for Issuance of Decision

A decision by the Hearing Examiner shall be issued within 10 days of the public hearing (unless otherwise mutually agreed to by parties).

6. Appeal and Reconsideration

Appeal procedures from the Hearing Examiner's decision and Request for Reconsideration procedures are the same as those found at Chapter 8.3 subsection 11(a) and (b).

8.8 OTHER LOCAL REGULATIONS

Conditional use permits or variances of county zoning or subdivision code requirements shall not be construed to mean variances from Shoreline Program regulations.

CHAPTER 9

LEGAL PROVISIONS

9.1 Amendments

1. The Board of County Commissioners or the Planning Commission may initiate an amendment to this program according to the procedures prescribed in RCW 36.70 for amendments to a comprehensive plan. The Commission shall conduct a public hearing on any amendment proposed by the Board.

2. Any person may petition the Commission to amend this program. Petitions shall specify the changes requested and any and all reasons therefore. The Commission may schedule a public hearing on said petition(s) if it deems the proposed amendment would make this program more consistent with the act and/or any applicable Department of Ecology guidelines, or more equitable in its application to persons or property due to changed conditions in an area.

3. The Planning Department shall submit an annual report to the Commission reviewing the effectiveness of the program in achieving its stated purpose, goals, and objectives. Such report may also include any proposed amendments deemed necessary to increase its effectiveness or equity. If said report contains proposed amendments, the Commission may schedule a public hearing to consider such matter in accordance with the procedure described in subsection 9.1.1 above.

4. Upon adoption by the Board of a detailed community plan as part of the comprehensive plan, the Planning Department shall prepare amendments, as appropriate, for the purpose of incorporating the goals, objectives, and standards of the community plan into this program. The Commission shall schedule a public hearing upon receipt of such proposals, and shall give due consideration to the community objectives so expressed.

9.2 Violations and Penalties

1. In addition to incurring civil liability under Section 9.3 and RCW 90.58.210, pursuant to RCW 90.58.220 any person found to have willfully engaged in activities on shorelines of the state in violation of the provisions of the act or of this program, or other regulations adopted pursuant thereto shall be guilty of gross misdemeanor and shall be punished by a fine of not less than 25 or more than $1,000 or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment; PROVIDED that the fine for the third and all subsequent violations in any five year period shall not be less than $500 nor more than $10,000.

2. Any person who willfully violates any court order, regulatory order of injunction issued pursuant to this program shall be subject to a fine of not more than $5,000, imprisonment in the county jail for not more than 90 days, or both.

9.3 Remedies

1. Pursuant to RCW 90.58.210, the Whatcom County Prosecuting Attorney shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state located within Whatcom County in conflict with the provisions and programs of this program, the act, or other regulations adopted pursuant thereto, and to otherwise enforce the provision of this program.

2. Pursuant to RCW 90.58.230, any person subject to the regulatory provisions of this program or the act who violates any provision thereof, or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its conditions prior to violation. The Whatcom County Prosecuting Attorney shall bring suit of damages under this sub-section on behalf of Whatcom County. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

3. Pursuant to WAC 173-14-180, the Administrator shall have the right to serve a regulatory order upon a person if the Administrator has cause to believe the person is knowingly or unknowingly violating provisions of the Act, this program, or of any permit issued pursuant thereto.

9.4 Severability

If any section, subsection, or provision of this program, or its application to any person or circumstances is held invalid, the remainder of this program, or the application of the provision to other persons or circumstances shall not be affected.

9.5 Effective Date

This program shall become effective immediately upon final approval and adoption by the Department of Ecology.

APPENDIX A

1. Background Information - Whatcom County Shoreline Citizen's Committee

Phyllis Graham, Chairperson; homemaker, represents YWCA Eco-Action Committee and the Birch Bay Community, lives on Birch Bay.

Lois Garlick, Vice-Chairperson; Instructional Technician with biology degree at Science Education Center, Western Washington State College (W.W.S.C.), represents North Cascades Chapter of Audubon Society, lives on Chuckanut Point.

Art de Jong; Dairy farmer, represents Whatcom County Dairymen's Federation, lives on Sumas River near Sumas.

Reynold Dickhaus; Professional forester and timber manager for Georgia-Pacific Corporation, representing the wood products industry, lives in Bellingham.

Chris Abel; Environmental planning senior at Huxley College, represents Cain and Reed Lakes community, lives on Cain Lake.

Ron Evans; Electrician, represents sports fishing, lives on Lake Whatcom.

June Filbert; Homemaker, represents Lummi Property Owners Association, lives on Lummi Bay.

Robert Glenovich; Fishing vessel owner-operator, represents commercial fishing industry, lives in Bellingham.

Delight Green; Homemaker, represents Bellingham Yacht Club, lives on Chuckanut Bay.

Raymond E. Johnson; Real estate investor, retired oil industry executive and petroleum engineer, represents the Lake Samish community, lives on Lake Samish.

Phyllis Lockwood; Registered nurse, represents Lummi Island Community Club, lives on Lummi Island shoreline.

James A. Maricle; Professional engineer and Air and Water Conservation Coordinator for Mobil Oil Refinery, represents shoreline related industry, lives on Nooksack River near Nugent's Bridge.

Rod Ohlsen; Resort owner-operator (the Logs) and consulting electrical engineer, represents the resort business, lives on Canyon Creek near Glacier.

Eileen Smith; Homemaker, represents the Lake Whatcom Community, lives on Lake Whatcom.

2. Background Information - Shorelines Technical Panel

David Anderson; District Manager and professional forester, State Department of Natural Resources.

Bert Brainard; Environmental Sanitarian, County-City Health Department.

Reade Brown; Regional Supervisor, State Department of Game, (resigned).

Rick C. Fackler; Staff Planner, County Park Department.

Tom Glenn; Manager, Port of Bellingham.

William Gray; Area Extension Agent, Cooperative Extension Service.

Curt Kraemer; Aquatic Biologist and professional fisheries biologist, State Game Department.

David Eastman, Soil Conservationist, U. S. Soil Conservation Service.

Paul Malone; District Conservationist, U. S. Soil Conservation Service.

Bruce Meacham; Executive Secretary, Whatcom County Conservation District.

Russell Orrell; Regional Biologist, State Fisheries Department.

Gilbert Peterson; Professor of Environmental Planning, W.W.S.C.

Frank Raney; Professor of Geography, W.W.S.C.

Maurice Schwartz; Professor of Geology, W.W.S.C.

Chester Lackey; Deputy Prosecuting Attorney

Robert M. Tull; Deputy Prosecuting Attorney

APPENDIX B

WHATCOM COUNTY SHORELINE MANAGEMENT PROGRAM

Major References Utilized for this Program

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Appendix C

DEFINITIONS

Sections 1 Tense and Number
2 Definitions

1. Tense and Number

When consistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular.

2. Definitions

* Note: Asterisk indicates that term is illustrated on pages C-20 through C-27.

For the purpose of this program, certain words and terms shall be interpreted as follows:

A

3. Accessory Development means any development incidental to and subordinate to a primary use of a shoreline site and located adjacent thereto.

4. *Accretion Shoreform means a shoreline with a relatively stable berm and backshore which has been built up by long term deposition of sand and gravel by littoral drift or stream current processes via a driftway from a feeder bluff or other material source. Such shoreforms are scarce locally in a natural condition and include barrier beaches, points, spits, tombolos, pocket beaches, and point and channel bars on streams.

5. Act means the Shoreline Management Act of 1971 (RCW 90.58) as amended.

6. Administrator means the Director of the Department of Buildings and Code who is to carry out the administrative duties enumerated in this program, or his designated representative.

7. Agricultral Land means all land mapped by Soil Conservation Service as Class I, II, III, or IV which is capable of being used for production of food and fiber, and which has not been developed for urban density housing, industry, business or other uses generally incompatible with agriculture.

8. Agricultural Practices means any activity directly pertaining to production of food or fiber on agricultural land including but not limited to cultivation, harvest, grazing, animal waste storage and disposal,

fertilization, suppression or prevention of diseases and insects. Excluded from this definition are transportation of products, related commercial or industrial uses such as wholesale and retail sales or final processing.

9. Agriculture is the farming or raising of livestock, crops, berries, fruit, nursery stock on land, and may require development such as buildings, feed lots, fences, ditches, bridges, ponds, wells, grading, as well as use of native pasture and woodlots.

10. Animal Unit - One animal unit is equivalent in terms of animal waste production to one beef cattle, 0.7 dairy cattle, 1.5 horses, 5 fattening hogs, 12 sheep, 35 feeding pigs, 55 turkeys, 180 laying hens, or 290 broiler chickens (source: Cooperative Extension Service).

11. Aquaculture is the farming or culture of food fish, shell fish, or other aquatic plants and animals in fresh or salt water areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas.

12. Aquaculture Practices means any activity directly pertaining to growing, handling, or harvesting of aquaculture produce including but not limited to propagation, stocking, feeding, disease treatment, waste disposal, water use, development of habitat and structures. Excluded from this definition are related commercial or industrial uses such as wholesale and retail sales, or final processing and freezing.

13. Aquatic Shoreline Area is the surface of all rivers of state-wide significance, all marine water bodies, and all lakes, together with their underlying lands and their water column; including but not limited to bays, straits, harbor areas, waterways, coves, estuaries, streamways, tidelands, bedlands and shorelands.

14. Average Grade Level shall mean the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed structure and shall be determined by averaging the elevations at the center of all exterior walls of the proposed structure.

B

15. *Backshore means a low elevation land area together with associated marshes or meadows on marine shores landward of a berm(s), which has been gradually built up by accretion, and may be flooded by waves during storms.

16. *Barrier Beach means a linear accretion shoreform of sand and/or gravel berm(s) accreted seaward of bluffs, bays, marshes or estuaries by littoral drift; the berm acts as a natural dike and seawall to its backshore or marsh hinterland.

17. Base Flood

(a) A flood of a frequency expected to recur on the average of once every 100 years, or

(b) A flood magnitude which has a one percent chance of occurring in any given year.

18. Beach Feeding - An artificial process in which selected beach material is deposited at one or several locations in the updrift portion of the drift sector. The material is then naturally transported by waves or currents downdrift to stabilize or restore accretion shoreform and other berms, which may be eroding due to artifician obstructions in the shore process corridor.

19. Bedlands means those submerged lands below the line of extreme low tide in marine waters and below the line of navigability of navigable lakes and rivers.

20. *Berm means one or several accreted linear mounds of sand and gravel generally paralleling the shore at or landward of OHWM; berms are normally stable because of material size or vegetation, and are naturally formed by littoral drift.

21. Board means the Board of County Commissioners of Whatcom County.

22. Boathouse means any walled structure built onshore or offshore for storage of water craft or float planes.

23. Bog means a depression or other undrained or poorly drained area containing or covered with usually more than one layer of peat. Characteristic vegetation of bogs are sedges, reeds, rushes, or mosses. In early stages of development, vegetation is herbaceous and the peat is very wet. In middle stage, dominant vegetation is shrubs. In mature stage, trees are dominant and peat near the surface may be comparatively dry. (Bogs represent the final stage of the natural process (eutrophication) by which lakes are very slowly transformed into land; bogs are sometimes mined for peat on a commercial basis; bogs are often an intake for ground water (aquifer recharge area).

24. Breakwaters are offshore structures generally built parallel to shore and may or may not be connected to land. Their primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose would be to protect shorelines from wave-caused erosion. Most breakwaters in the Pacific Coast are rip-rap mound construction. Several include ancillary sand by-passing operations.

25. Building means any structure designed for or used for the support, shelter, or enclosure of persons, animals, chattels, or personal property, and which is used in a fixed location on land or water.

26. Bulkheads are wall-like structures placed parallel to shore primarily for retaining uplands and fills prone to sliding or sheet erosion, and secondarily to protect uplands and fills from erosion by wave action. Bulkheads are normally less massive than seawalls because they are designed to retain earth but are not located where wave action is severe.

C

27. Channelization means the straightening, relocation, deepening or lining of natural stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression. Excluded from this definition are: dredging of sediment or debris to maintain channels, spot revetments or levees to control erosion of property, and bona fide emergency construction to protect property from damage by stream currents or floods.

28. Chemicals shall mean any synthetic substance or mixture of such substances used for a fertilizer, herbicide, pesticide, insecticide, or rodenticide.

29. Coastal Flood Hazard Area means the low lying portions of marine shores subject to flooding from storm tides and/or surges of a magnitude which have a one per cent chance of occurring in any given year (see base flood). Such areas are not yet precisely mapped in Whatcom County, but typically are the natural wetland and accretion (spit, barrier beach, point, etc.) shoreforms of less than 20 feet elevation Mean Sea Level.

30. *Cobble-Boulder Zone means the steepest gradient sector of a streamway having a mean bed slope ranging upward from 25 to more than 700 feet per mile. This zone is characterized by a relatively fixed channel, often high and steeply sloping banks, rocks ranging in size from cobbles to very large boulders as the bed material, rapids and deep pools, eddies, and falls. This zone normally occurs in mountainous bedrock landscapes and inter-valley "gaps"; flooding is infrequent due to high banks. Cobbles are the dominant material in the lower 25 to 60 foot/mile gradient range; boulders are dominant in the higher slope 60 foot/mile range.

31. Commercial Developments means those whose primary use is for retail or wholesale trade or other business activities. Included in this definition are hotels, motels, shops, restaurants, commercial rental campgrounds and cabins, whether public or private, and indoor recreation facilities. Not included are subdivision of land or private camping clubs. Commercial marinas are treated under a separate section of this program.

32. Community Dock means a dock development providing moorage for pleasure craft and/or landing for water sports for use in common by residents of a certain subdivision or community or for use by patrons of a public park or quasi-public recreation area, including rental of non-powered craft. If a community dock includes covered moorage, commercial sale of goods or services, or a means of launching other than a ramp, that portion shall be considered a marina.

33. Covered Moorage means a roofed, floating or fixed offshore structure without walls other than minimal structural framework needed to support the roof for moorage of water craft or float planes.

34. Conditional Use for the purposes of this program means a particular type of substantial development listed in the regulations as being permitted in a particular Shoreline Area only as a conditional use, and following approval pursuant to the criteria of Section 11.

35. Conservancy Shoreline Area means

(a) an area containing natural resources which can be used/managed on a multiple use basis without extensive alteration of topography or banks; including but not limited to forest, agricultural and mineral lands, outdoor recreation sites, fish and wildlife habitat, watersheds for public supplies, and areas of outstanding scenic quality; and/or

(b) A shoreline area containing hazardous natural conditions or sensitive natural or cultural features which require more than normal restrictions on development and use of such areas; including but limited to: eroding shores, geologically unstable areas, steep slopes, floodways (and flood plains), gravel-braided streamways, natural accretion shoreforms, and valuable natural wetlands or historic sites.

36. Current Deflector means an angled "stub-dike", groin, or sheet-pile structure which projects into a stream channel to divert flood currents from specific areas, or to control downstream current alignment.

D

37. Dam means a barrier across a streamway to confine or regulate streamflow or raise water level for purposes such as flood or irrigation water storage, erosion control, power generation, or collection of sediment or debris.

38. Development means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level.

39. Dike means an artificial embankment or revetment normally set back from the bank or channel in the flood plain for the purpose of keeping floodwaters from inundating adjacent land.

40. Dock shall mean all platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation including but not limited to floats, mooring buoys, swim floats, float plane moorages, covered moorages, and water ski jumps. Excluded are launch ramps.

41. Dredging is the removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies, ditches or natural wetlands; maintenance dredging and other support activities are included in this definition.

Dredging is commonly done in shallow accretional environments to deepen wet moorage marinas, harbors and their entrances, and navigational lanes and to obtain bottom materials for landfill or construction.

42. Dredge Spoil is the material removed by dredging.

43. Drift Sector means a particular reach of marine shore in which littoral drift may occur without significant interruption, and which contains any and all natural sources of such drift, and also any accretion shoreform(s) accreted by such drift. Each normal drift sector contains these shore process elements: feeder bluff or estuary, driftway, littoral drift, and accretion shoreform.

44. *Driftway means that portion of the marine shore process corridor, primarily the upper foreshore, through which sand and gravel are transported by littoral drift. The driftway is the essential component between the feeder bluff(s) and accretion shoreform(s) of an integral drift sector. Driftways are also characterized by intermittent, narrow berm beaches.

E

46. *Estuarine Zone, Estuary means the zero-gradient sector of a stream where it flows into a standing body of water together with associated natural wetlands; tidal flows reverse flow in this zone twice daily, determining its upstream limit. It is characterized by low bank channels (distributaries) branching off the main streamway to form a broad, near-level delta; bank; bed and delta materials are silt and clay, banks are stable, vegetation ranges from marsh to forest, and water is usually brackish due to daily mixing and layering of fresh and salt water. Estuarine shores are rich in aquatic and other bird and animal life, and in natural condition are the most productive of all shoreline habitats in terms of the marine food chain.

47. Extreme Low Tide means the lowest line on the land reached by a receding tide.

F

48. *Feeder Bluff, Erosional Bluff means any bluff (or cliff) experiencing periodic erosion from waves, sliding or slumping, whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these natural sources of beach material are limited and vital for the long term stability of driftways and accretion shoreforms.

49. Feedlot shall mean an enclosure or facility used or capable of being used for confinement feeding of livestock hay, grain silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

50. Fisheries means all species of fish and shellfish commonly or regularly originating or harvested commercially or for sport in Puget Sound and its tributary fresh-water bodies, together with the aquatic plants and animals and habitat needed for continued propagation and growth of such species.

51. Fisheries Enhancement means development or other nonstructural alteration of a shoreline to rehabilitate, maintain or create fisheries habitat, including but not limited to hatcheries, spawning channels, lake rehabilitation, planting of fisheries stocks. Fisheries Enhancement differs from Aquaculture in that the increase in fisheries stocks eventually becomes available for public harvest.

52. Flood Control Works means all structures and works on streams designed to retard bank erosion, to reduce flooding of adjacent lands, to control or divert stream flow, or to create a reservoir, including but not limited to revetments, dikes, levees, channelization, dams, vegetative stabilization, weirs, flood and tidal gates. Excluded are water pump apparatus.

53. Floodgate means a closeable passageway placed in a streamway or artificial channel to control flood waters or tidal flows.

54. *Flood Plain means all lands along a river or stream which may be inundated by the base flood of such river or stream. The flood plain includes the floodway, except the streamway, and all of the floodway fringe.

55. Flood Plain Management means a long term program to reduce flood damages to life and property and to minimize public expenses due to floods through a comprehensive system of planning, development regulations, building standards, structural works, and monitoring and warning systems.

56. Floodproofing shall mean structural provisions, changes, adjustments or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate damages from flooding to such development and its contents, as well as related water supplies and utility facilities.

57. *Floodway means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually; said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetation ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or the County.

More precisely, the floodway includes all active and inactive channels and lands along a stream which are required to contain the more rapidly moving currents and most of the water volume of a flood. The floodway

is a corridor which includes the streamway and adjacent flood plain lands on one or both banks.

58. *Floodway Fringe means that fringe of land in the flood plain outside the floodway which is subject to inundation by the base flood. Flooding in the fringe is limited to flood-surge storage of water currents moving at a negligible velocity of less than 0.5 miles per hour.

59. Food Chain means the hierarchy of consumption in any community of plants and animals; plants are the most abundant life forms at the base, which are consumed by a fewer number of animals, which are in turn consumed by yet fewer predator animals including man. The chain is completed by the decomposers - fungi and bacteria - who consume all organic wastes and re-cycle them back into the community.

60. Forest Practices mean any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing of timber including but not limited to: (1) road and trail construction, (2) harvesting, (3) pre-commercial thinning, (4) reforestation, (5) fertilization, (6) prevention and suppression of diseases and insects, (7) salvage of timber, (8) brush control, and (9) slash and debris disposal.

Excluded from this definition is preparatory work such as tree marking, surveying and removal of incidental vegetation such as berries, greenery, or other natural products whose removal cannot normally be expected to result in damage to shoreline natural features. Log storage away from forest lands is considered under Industry.

61. Forest Land includes all land which is capable of supporting a merchantable stand of timber and is not being actively utilized or developed for a use which is incompatible with timber production.

62. Free-standing Sign - a self-supporting sign placed off and away from the building to which it is related.

G

63. Gabions are works composed of masses of rock, rubble, or masonry tightly enclosed usually by wire mesh so as to form massive blocks. They are used en masse to form walls on beaches to retard wave erosion or as foundations for breakwaters or jetties. Gabions are easily subject to destruction by vandalism.

64. *Gravel Zone means a stream's intermediate gradient sector, its bed slope averaging more than 5 but less than 25 feet per mile, and is normally downstream from the Cobble-boulder Zone and upstream from the Pastoral Zone. It is characterized by bed material predominantly of coarse to small-size gravel, shifting, braiding, multiple channels, ephemeral islands, beaches and bars of gravel. The streamway is wider than the Boulder or Pastoral zones, and subject to much more erosion due to higher velocity currents, particularly at flood stage.

65. Groins are wall-like structures extending on an angle seaward from the shore into the intertidal zone. Their purpose is to build or preserve an accretion shoreform or berm on their updrift side by trapping littoral drift. Groins are relatively narrow in width but vary greatly in length. Groins are sometimes built in series as a system, and may be permeable or impermeable, high or low, and fixed or adjustable.

H

66. Harbor Area - the navigable waters between inner and outer harbor lines as established by the State Harbor Lines Commission seaward of and within one mile of an incorporated city. Harbor Areas have been established offshore of Bellingham and Blaine.

67. Hazardous Area means any shoreline area which is hazardous for intensive human use or structural development due to inherent and/or predictable physical conditions; such as but not limited to steep slopes, unstable soils or bedrock, feeder bluffs, other erosion prone uplands, floodways, or coastal flood hazard areas.

68. Hazardous Materials means any substance other than oil containing such elements or compounds which when discharged in any quantity in shorelines present an imminent and substantial danger to public health or welfare; including but not limited to fish, shellfish, wildlife, water quality, and other shoreline features and property.

69. Hearings Board means the State Shorelines Hearings Board established by the act in RCW 90.58.170.

70. * Height (Building) - The maximum vertical dimension of a building, which for purposes of this ordinance may be measured in one of two ways:

Method A: The vertical distance from average grade level to the highest coping on a mansard or flat roof, or the highest ridge of a pitch, shed, or hip roof; or

Method B: The vertical distance measured from the highest elevation of land within 25 feet of the building to the highest coping on a mansard or pitch roof, or the highest ridge of a pitch, shed or hip roof.

If regulations for development specify both methods of measurement, either may be used at the option of the property owner, PROVIDED, that under Method B, no building height more than 20 feet greater than that allowed under Method A shall be permitted.

71. Historic Site includes both archaeological and historic sites, structures, or development which provide knowledge about our cultural heritage, including but not limited to Indian and pioneer settlements, old buildings, forts, trails, landings, bridges, or the sites thereof together with interpretive facilities.

I

72. Industrial Development means privately operated facilities for processing, manufacturing, and storage of finished or semi-finished goods, including but not limited to oil, metal or mineral product refining, ship building and major repair, storage and repair of large trucks and other large vehicles or heavy equipment, related storage of fuels, commercial storage and repair of fishing gear, warehousing and log storage on land or water, together with necessary accessory uses such as parking, loading, and waste storage and treatment. Excluded from this definition are mining including on-site processing of raw materials, and off-site utility, solid waste, road or railway development.

J

73. Jetties are structures generally perpendicular to shore extending through or past the intertidal zone. They are built singly or in pairs at harbor entrances or river mouths mainly to prevent shoaling or accretion from littoral drift in entrance channels, which may or may not be dredged. Jetties also serve to protect channels from storm waves or cross currents, and stabilize inlets through barrier beaches. On the West Coast and in this region, most jetties are of rip rap-mound construction.

74. Joint-use Private Dock means a dock and/or float but not a covered moorage or boathouse for pleasure-craft moorage or water sports for exclusive use by two to four adjacent lot owners.

L

75. Landfill is the creation of additional upland area or the elevation of existing upland by deposition of soil, dredge spoil or other solid material onto land or into shallow water bodies. Deposition of topsoil for normal landscaping purposes or of stream maintenance dredge spoil for agricultural purposes is not considered landfill. Other commonly related practices including Dredging, Solid Waste Disposal, and Shore Defense Works are dealt with under those titles.

76. Launch Ramp is an inclined slab, set of pads, planks, or graded slope used for launching boats with trailers or occasionally by hand. As with marinas, extensive parking and turn-around areas are usually required.

77. Levee means a natural or artificial embankment on the bank of a stream for the purpose of keeping floodwaters from inundating adjacent land. Some levees have revetments on their sides.

78. Line of Navigability - a horizontal line on the bed of a water body at a depth sufficient for navigation by watercraft commonly used on such water bodies; until such lines are finally established by the State Department of Natural Resources or court of law.

79. Littoral Drift (or transport) means the natural movement of sediment, particularly sand and gravel, along shorelines by wave action in response to prevailing winds or by stream currents (see also driftway, drift sector, shore process corridor).

M

80. Marina means a wet moorage and/or dry storage facility for pleasure craft and/or small to moderate sized commercial craft where goods or services related to boating are sold commercially. Launching facilities and covered moorage may also be provided. Marinas may be open to the general public or restricted on the basis of property ownership or membership. Manufacturing of watercraft is considered industry.

81. Marsh means a low flat area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage or other aquatic or semi-aquatic plants. Shallow water usually stands on a marsh, at least during a considerable part of the year. The surface is commonly soft mud or muck, and no peat or trees are present.

82. Mining is the removal of naturally occurring metallic and non-metallic mineral or other materials from the earth for economic use.

83. Multi-family Dwelling means a building designed or used for a residence by four or more household units, including but not limited to rowhouses, apartments, condominium complexes, and townhouses.

N

84. Natural Shoreline Area means an area having high value in a natural condition which has either little or no development; including but not limited to estuaries, marshes, swamps, accretion shoreforms, and gorges.

85. Natural Wetlands means any shoreline area where the natural vegetation is dominated by water-loving (aquatic) plants and the water table is at surface grade on a periodic or seasonal basis; including but not limited to bogs, marshes, swamps, and estuarine shore. Such areas are limited and vital to many native species of plants and animals; they also serve as ground water intake and purifying areas, as well as provide flood storage.

86. Non-conforming Development means a development in lawful use at the effective date of adoption or amendment as appropriate, of this program, which is either prohibited by or does not conform to regulations and policies of this program, including Shoreline Area policies.

O

87. Off-premise Sign - a sign situated on premises other than those premises to which the sign's message is related.

88. Oil means petroleum or any petroleum product in liquid, semi-liquid, or gaseous form including but not limited to crude oil, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredging spoil.

89. On-Premise Sign - a sign situated on the premises to which the sign's message is related.

90. Open Space: The portion of lot area not covered by enclosed buildings, and useful for active or passive recreation or visual enjoyment. Development such as swim or reflection pools, pedestrian or bicycle ways, tennis courts and outdoor eating space may be considered open space, together with landscaped buffer strips.

For regulatory purposes, not more than a total of 50% of the required open space for a proposal may be provided in required perimeter setback areas, unbuildable land areas, water surfaces, or impervious surfaces such as patios, paths or tennis courts. Parking areas, driveways, and outdoor storage and loading areas shall not be considered open space. Nor shall tidelands or shorelands unless specifically authorized.

91. *Ordinary High Water Mark (OHWM) on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971 or as it may naturally change thereafter; PROVIDED that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

P

92. *Pastoral Zone means the lower gradient sector of a stream sloping less than five but more than zero feet per mile, and is downstream from the Gravel-braided zone. It is characterized by a single-channel streamway with meander bends looping across a flood plain; bed material of fine gravel, mostly; sand grading down to silt banks and broad point bars with limited beaches. The Pastoral is normally upstream from the Estuarine Zone.

93. Person means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

94. Pier shall mean any platform structure, fill, or anchored device in or floating upon water bodies to provide moorage for watercraft engaged in commerce; including but not limited to wharves, mono-buoys, sea islands, quays, ferry terminals, and fish weighing stations.

95. *Pocket beach means an isolated berm beach existing usually without benefit of littoral drift from sources elsewhere. Pocket beaches are produced by erosion of immediately adjacent bluffs or banks; they are most common between rock headlands and may or may not have a backshore.

96. *Point means a low profile shore promontory which may be either the wave-cut shelf remaining from an ancient bluff or the final accretional phase of a hooked spit which closed the leeward side gap. Points are accretion shoreforms characterized by converging berms accreted by storm waves, which enclose a lagoon, marsh, or meadow, depending on the point's development stage.

97. *Point bar means an accretion shoreform created by deposition of sand and gravel on the inside, convex side of a streamway bend. Most material is transported downstream as sediment and bedload at times of high current velocity, or flood stage, from eroding banks or other bars upstream.

98. Port Development means public or private facilities for transfer of cargo or passengers from water-born craft to land and vice versa; including but not limited to piers, wharves, sea islands, commercial float plane moorages, offshore loading or unloading buoys, ferry terminals, and required dredged waterways, moorage basins, and equipment for transferring cargo or passengers between land and water modes. Excluded from this definition and dealt with elsewhere are airports, marinas, boat ramps or docks used primarily for recreation, cargo storage and parking areas not essential for port operations, boat building or repair. The latter group are considered as industrial or accessory to other uses.

99. Private Dock means a dock and/or float for pleasure craft moorage or water sports for exclusive use by one waterfront lot owner.

100. Private Sign means a sign used on a private residence to indicate only the owner's name or address, that the premises are for rent or sale, or for other reasonable purposes related to residential use including permitted home occupations.

101. Projecting Sign means a sign which is attached to and projects at an angle from a building's exterior wall.

102. Protective Berm means an artificially placed berm for erosion defense; berms are often the most effective and economical defense work if size and material composition are appropriate.

R

103. Recreation - Any form of experience or activity in which an individual engages from choice because of the personal enjoyment and satisfaction which it brings directly to him. Most recreation which depends on or utilizes the shoreline is outdoor recreation such as: Fishing, hunting, clamming, beach combing, and rock hounding; various forms of boating, swimming and shoreline trails and paths; watching or recording activities such as photography, painting, bird watching or viewing of water or shorelines and related activities.

104. Recreational Development - Modification of the natural or existing environment to accommodate recreation. This includes clearing land, earth modifications, structures and other facilities such as parks, camps, camping clubs, launch ramps, golf courses and other outdoor recreation

areas. Second home subdivisions of land, resorts, motels, hotels and other commercial enterprises are not included in this definition; however, the policies and regulations of this section will apply to substantial development or areas devoted to private, community or public recreation use associated with such non-recreational development.

105. Region means the four counties of northwest Washington State— Whatcom, San Juan, Skagit and Island— as well as incorporated cities and towns therein and water bodies within the county boundaries.

106. Residential Development - Buildings, earth modifications, subdivision and use of land primarily for human residence, including but not limited to single family houses, mobile homes and parks, condominiums, apartment, and duplexes; together with accessory uses common to normal residential use. Camping sites or clubs, motels, hotels and other transient housing are not included in this definition.

107. Revetment means a sloped wall constructed of rip rap or other suitable material placed on stream banks or other shorelines to retard bank erosion from high velocity currents or waves respectively.

108. Rip Rap means dense, hard, angular rock free from cracks or other defects conducive to weathering used for revetments or other flood control works.

109. Road and Railway Development includes also related bridges and culverts, fills, embankments, causeways, parking areas, truck terminals and rail switchyards, sidings, spurs, and air fields. Not included are recreational trails, highway rest areas, ship terminals, seaplane moorages, nor logging roads; they are included respectively under Recreation, Piers and Docks, Residential, and Forest Practices.

110. Rock Shore means those shorelines whose bluffs and banks are typically composed of natural rock formations.

111. Roof Sign - A sign erected upon, against, or directly above a roof or on top of or above the parapet of a building; signs on mansard roofs shall be considered wall signs.

112. Rural Shoreline Area means an area developed at a low overall density or used at a low to moderate intensity; including but not limited to residences, agriculture, and outdoor recreation developments.

S

113. Seawalls are like bulkheads except their primary purpose is to artificially armor the shore from erosion by water waves, but they may incidentally retain uplands for fills. Seawalls are usually more massive than bulkheads or revetments because they are designed to resist the full force of waves.

114. Sensitive Area means any area which is naturally unsuitable or undesirable for intensive human use or structural development due to its higher development costs or its relatively higher value to region or

community in its natural or present condition; such as but not limited to estuaries, marshes, swamps, bogs, accretion shoreforms, pocket beaches, historic sites, and unique or scarce fish and wildlife habitats.

115. Shore Defense Works includes structures or modifications normally used only on marine or lake shores for the purpose of retarding shore erosion by wave action, protecting channels and harbors from wave action, encouraging deposition of materials, and retaining uplands; such as but not limited to bulkheads, seawalls, revetments, breakwaters, jetties, groins, or gabions. Defense works are commonly constructed from rip rap, treated wood, concrete, steel, or sand and gravel. Erosion defense works for streams are excluded. (See also Flood Control Works)

116. Shore Dependent Use - Any reasonable use that requires a water's edge or water surface location because of its intrinsic nature, including but not limited to navigation, ports, marinas, docks, piers, floats, boat fueling stations, ship yards, seafood harvest, aquaculture, recreational boating and swimming, and research and observation of natural shoreline phenomena. Uses in this category are considered the most appropriate in terms of this program.

117. *Shore Process Corridor means the linear shore zone of varying width within which all physical and biologic resources and processes unique to the dynamic land-water interface occur, including such resources as floodways, point bars, deltas, points, spits, backshore beaches, feeder bluff faces, driftways, tidelands, estuaries and other associated wetlands, as well as geo-hydraulic processes such as currents, floods, tides, erosion accretion, together with the web of littoral/aquatic plant and animal life.

118. Shore Related Use - Any use not intrinsically shoreline dependent but which:

A. cannot operate/occur successfully away from the shoreline or water surface under current physical or economic conditions;

B. is essential support to a shore dependent primary use; or

C. provides people with opportunities to enjoy shorelines without causing significant or irreversible adverse impact upon other more appropriate uses and shore features. Uses in this category are also considered appropriate in this program but less so than shore dependent uses; and include but are not limited to outdoor recreation, resort and lodging facilities, residences and restaurants; or

D. Provides specialty goods or services unique to shoreline resort communities in Urban Areas such as but not limited to curio shops; but not including auto service stations, bowling alleys, laundromats, amusement parks, and other retail outlets not unique to resort communities.

119. Shoreland means the periodically submerged land on the shore of a navigable lake or navigable river upstream of tidal flow between OHWM and the line of navigability.

120. Shoreline Permit means a shoreline substantial development permit, a shoreline program conditional use, or a shoreline program variance, or any combination thereof issued by Whatcom County pursuant to RCW 90.58.

121. Shorelines means all of the water areas of the state, including reservoirs and their associated wetlands, together with lands underlying them; except

A. Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and

B. Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

122. Shorelines of State-Wide Significance means the following shorelines in Whatcom County:

A. Those areas of Puget Sound and adjacent salt waters between the ordinary high water mark and the line of extreme low tide as follows: Birch Bay--from Point Whitehorn to Birch Point; and

B. Those areas of Puget Sound and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide; and

C. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more measured at the ordinary high water mark including Lakes Whatcom, Baker, and Ross; and

D. Those natural rivers or segments thereof as follows: Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second or more; including the Nooksack River's mainstem, the North Fork upstream to its confluence with Glacier Creek in Section 6, Township 39 North, Range 7 East W.M.; and the South Fork upstream to its confluence with Hutchinson Creek in Section 9, Township 37 North, Range 5 East, W.M.

E. Those wetlands associated with A, B, C, and D above.

123. Sign - Any placard, billboard, display, message, design, letters, symbol, light, figure, illustration, set of pennants, or other device intended to identify, inform, advertise, or attract attention to any private or public premises, and placed mainly outdoors so as to be seen from any public or quasi-public place. Double-faced signs are counted as two signs. Excluded from this definition are official traffic, directional or warning devices, other official public notices, signs required by law, or flag of a government or other noncommercial institution.

124. Solid Waste - All putrescible and nonputrescible solid and semi-solid waste including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abondoned vehicles and parts thereof, and any other discarded commodities.

125. *Spit means an accretion shoreform which is narrow in relation to length and extends parallel to or curves outward from shore; spits are also characterized by a substantial wave-built sand and gravel berm on the windward side, and a more gently sloping silt or marsh shore on the lagooned or leeward side; curved spits are called hooks.

126. Statement of Exemption means a written statement by the Administrator that a particular development proposal is exempt from the shoreline permit requirement and is generally consistent with this program including the policy of the act (RCW 90.58.020) pursuant to Section 5.4.

127. Streamway means a river or stream's central runoff corridor including all wet and dry channels, together with adjacent point-bars, channel-bars, and islands which are wetted or surrounded by stream flow at bankful stage; all the floodway fringe and those portions of the floodway in the flood plain are excluded. The streamway operates as a natural system of meander progression characteristic to its particular geo-hydraulic zone (see Cobble-Boulder, Gravel, Pastoral and Estuarine Zones). Also, the streamway is a unique linear, physical, and biologic resource corridor in which various aquatic and land plants and animals are dependent on and affected by physical features characteristic to the particular zone, including water level fluctuations.

128. Structure means a building or edifice of any kind, or any piece of work artifiicially built up or composed of parts joined together in some definite matter (after Uniform Building Code).

129. Substantial Development shall mean any development of which the total cost or fair market value exceeds one thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the classes of development, listed (a) through (k) under Section 5.3.2 shall be exempt from the substantial development permit requirement pursuant to RCW 90.58. 030 (3-e).

130. Surface Mining - All or any part of the processes involved in mining by removing the soil or rock overburden and mining directly from deposits thereby exposed, including also open-pit mining and mining of deposits naturally exposed at earth's surface, and including production of surface mining refuse.

131. Swamp means a natural wetland similar to a marsh except that reeds and water tolerant shrubs and trees comprise its characteristic vegetation. Marshes and swamps merge into each other, and both tend to merge into or become bogs.

T

132. Tideland means the land on the shore of marine water bodies between OHWM or MHHW and the line of extreme low tide which is submerged daily by tides.

133. Timber shall mean forest trees standing or down of a commercial species including Christmas trees.

134. *Tombolo means an accretion shoreform which began as a spit and accreted into a causeway-like connection to an island or offshore rock; tombolos normally develop from offshore bars (submarine berms) which build up in a low energy "wave-shadow" zone between the offshore, wave barrier element and an active driftway. Tombolos at maturity constitute an accretion terminal for each part of the divided drift sector; each side may be a berm beach, or the leeward may be a marsh or lagoon.

U

135. *Upland shall mean those shoreline areas landward of OHWM except berms, backshores, natural wetlands, and flood plains.

136. Urban Resort Area - The Urban Resort Shoreline Area is defined as an area developed with residential and commercial uses, with emphasis in the latter on hotels, motels, shops, restaurants, commercial rental campgrounds, rental cabins, and shoreline-related indoor recreation facilities, all geared to the needs of the tourist and day visitor.

137. Urban Shoreline Area means an area of intensive development including but not limited to urban density residential, commercial, and industrial uses.

138. Utility Development includes but is not limited to facilities for distributing, processing, or storage of water, sewage, solid waste, electrical energy including electronic communications, and their administrative structures, as well as pipelines for oil and gas, and fire fighting facilities. Power plants are considered industrial.

139. Variance means an adjustment in the application of this program's regulations to a particular site pursuant to Chapter 8.

140. Vegetative Stabilization includes planting of (1) hydrophytic (water-loving) land vegetation upon shoreline banks, slopes or berms to retain soil and retard erosion from surface runoff; (2) aquatic vegetation offshore to reduce wave action and retain bottom materials as well as; (3) utilization of temporary structures or netting to enable plants to establish themselves in unstable areas.

W

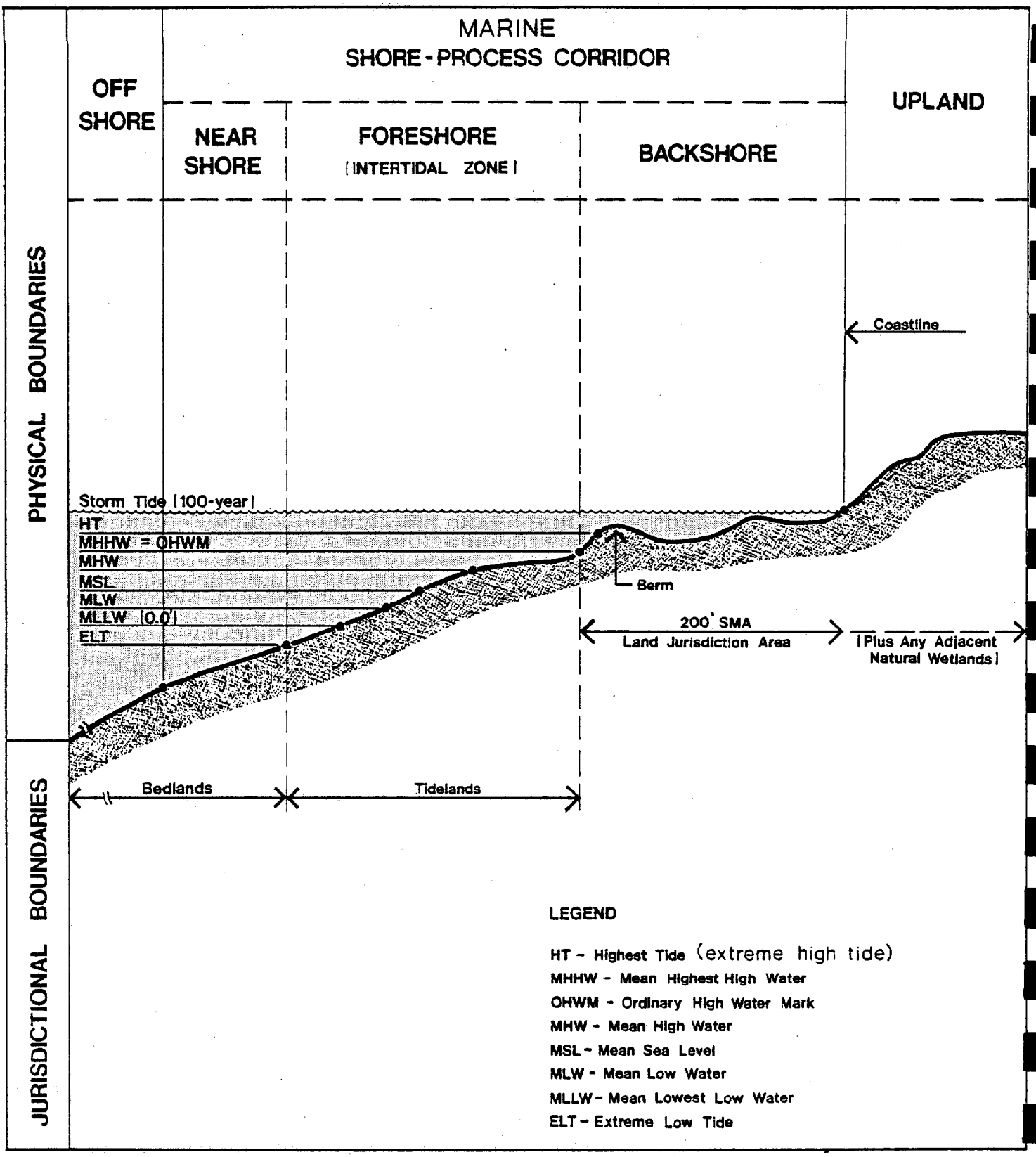
141. Wall Sign - a sign placed upon and parallel to the exterior wall of a building.

142. Weir means a structure in a streamway for measuring or regulating stream flow.

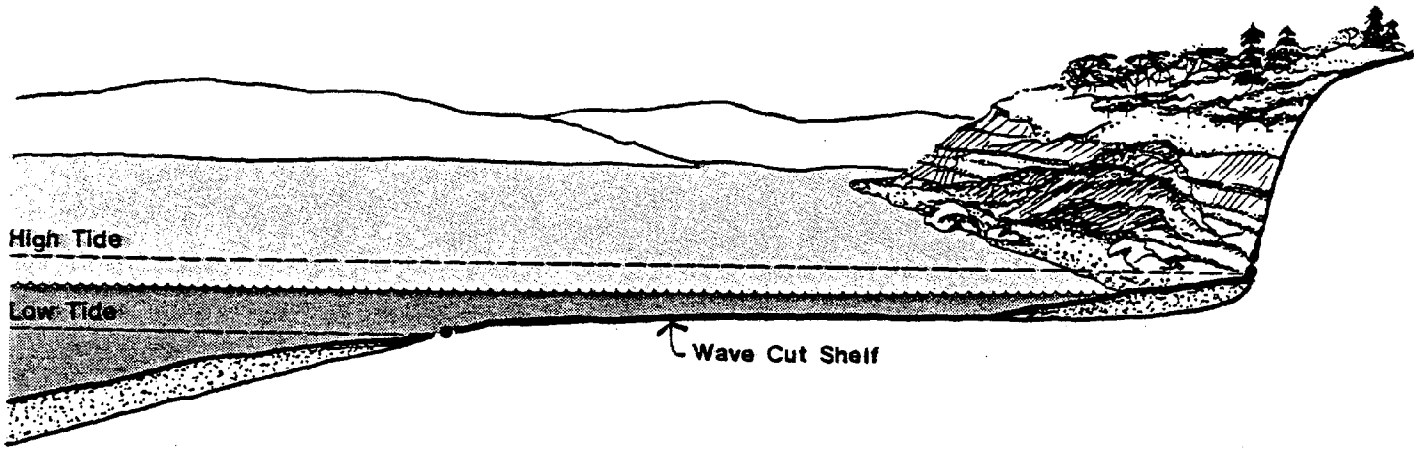
143. Wetlands or Wetland Areas means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward 200 feet from such floodways and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the act; the same to be designated as to location by the Department of Ecology; (see also natural wetlands, shorelines, uplands) PROVIDED that any county or city may determine that portion of a 100 year flood plain to be included in its shoreline program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward 200 feet therefrom.

144. Navigable Waters of the United States means a water body which in its ordinary condition, or by being united with other water bodies, forms a continued highway over which commerce is or may be carried on with other states or foreign countries in the customary modes in which such commerce is conducted by water.

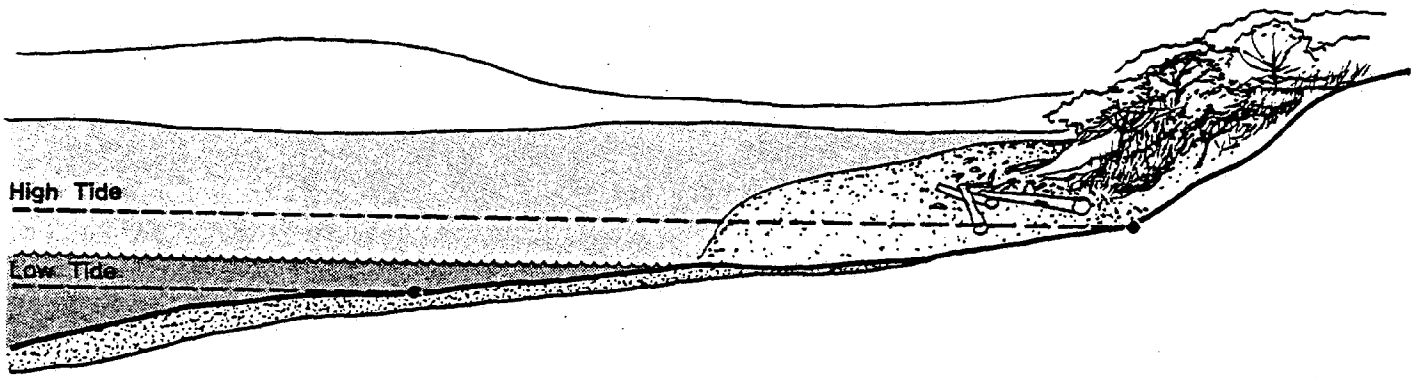
145. Unbuildable Land means land which is not suitable for use as building sites or for impervious road, parking or storage areas, because of inherent hazards to structures or human activity thereon. Such lands include but are not limited to: areas with average slopes exceeding thirty percent (30%); unstable geologic formations, as indicated by soil survey and/or past experience of movement or settling of the land; soils of low or variable shear strength or load-bearing capacity; major groundwater recharge areas; or areas designated formally by a State or County agency as floodways or coastal floor hazard areas.



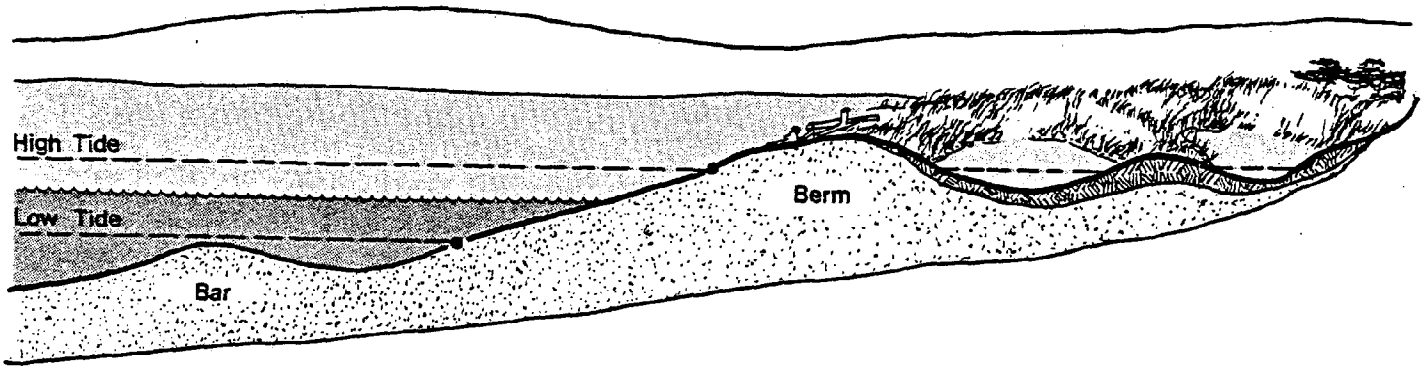
MARINE SHORE COMPONENTS



EROSIONAL - FEEDER BLUFF

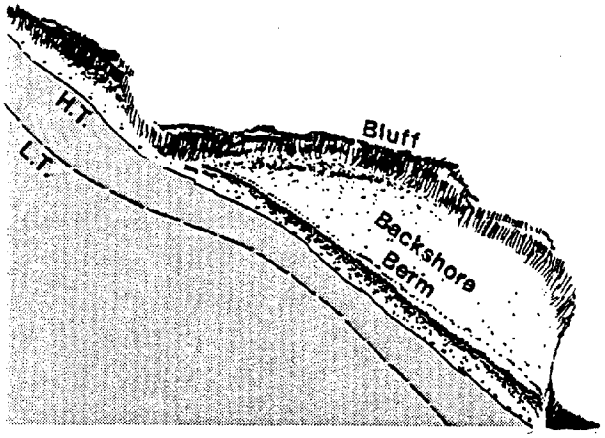


DRIFTWAY

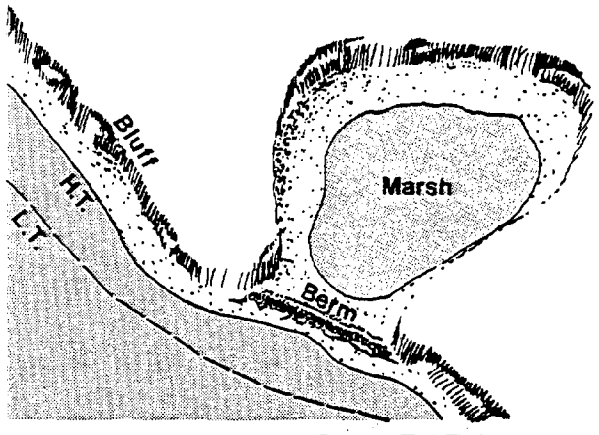


ACCRETION

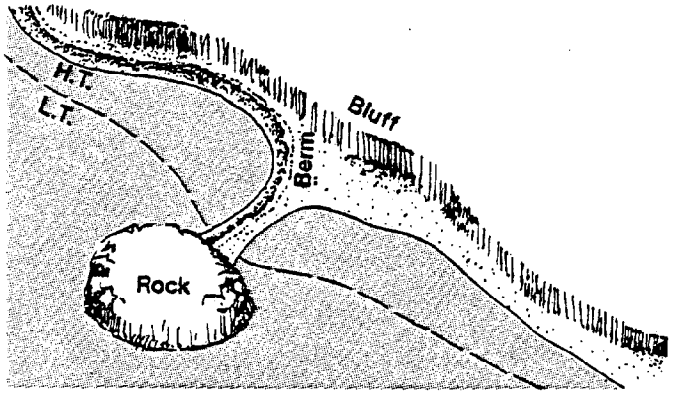
TYPICAL MARINE SHOREFORM SECTIONS



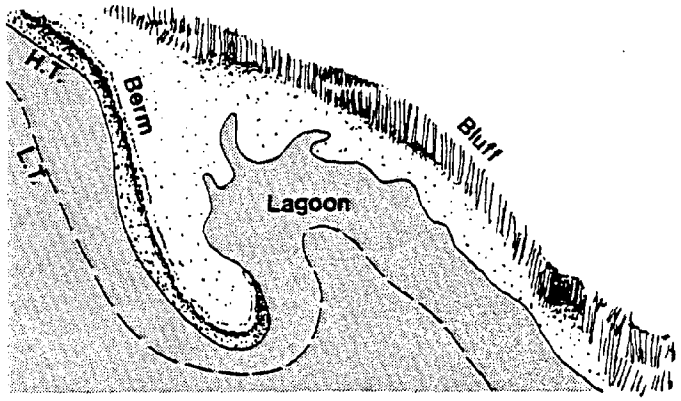
BLUFF BARRIER BEACH



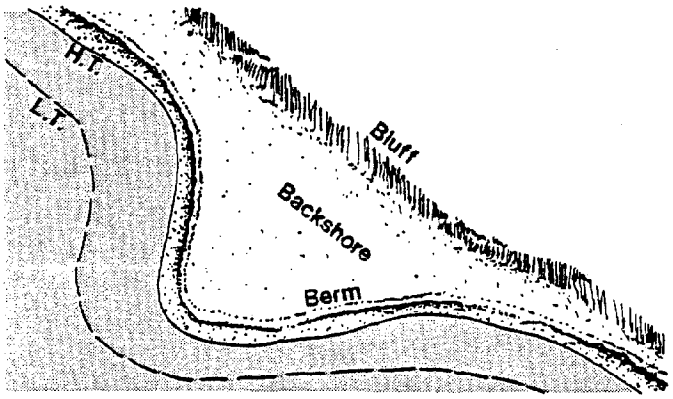
BAY BARRIER BEACH



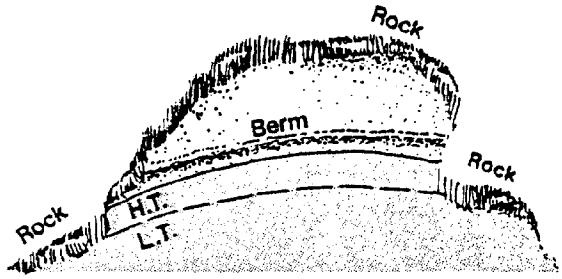
TOMBOLO



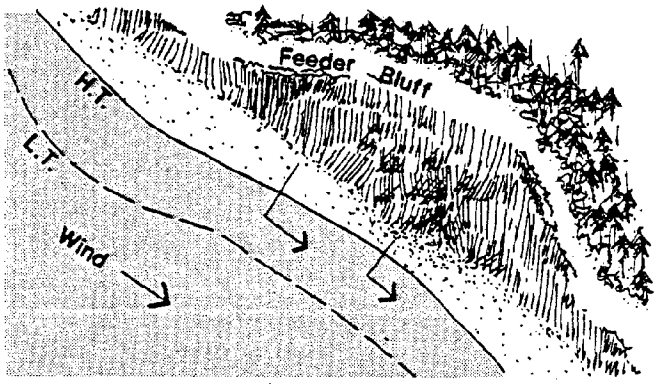
SPIT



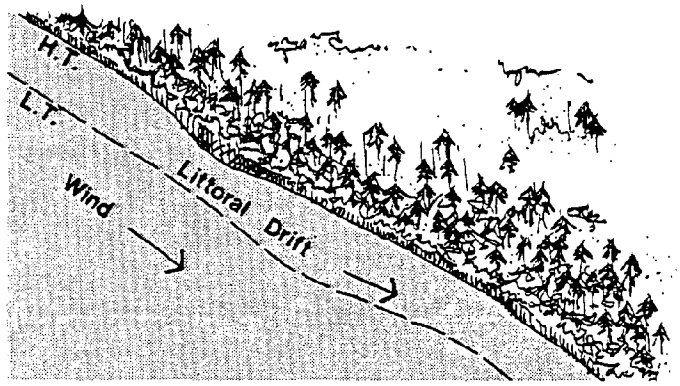
POINT



POCKET BEACH



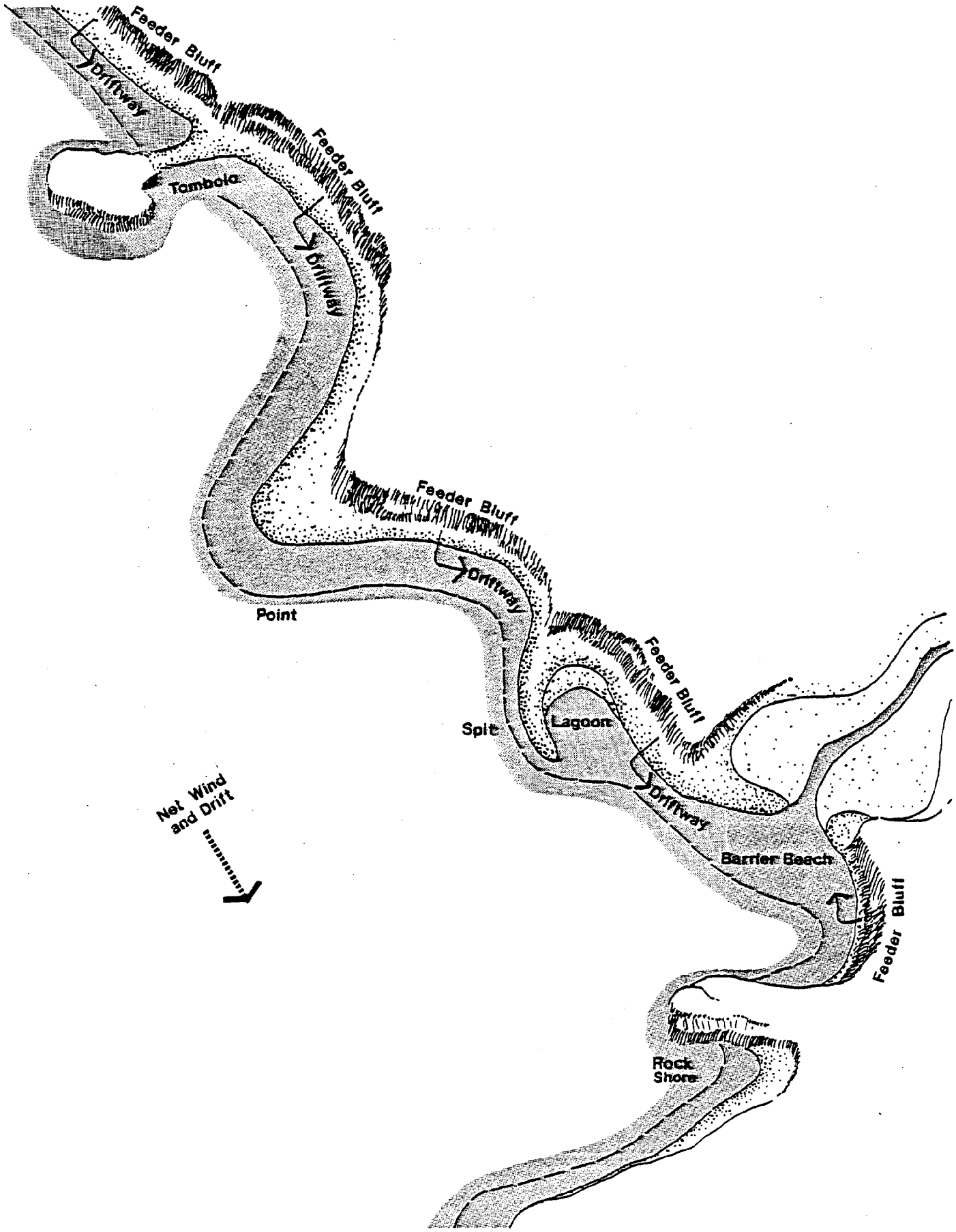
FEEDER BLUFF



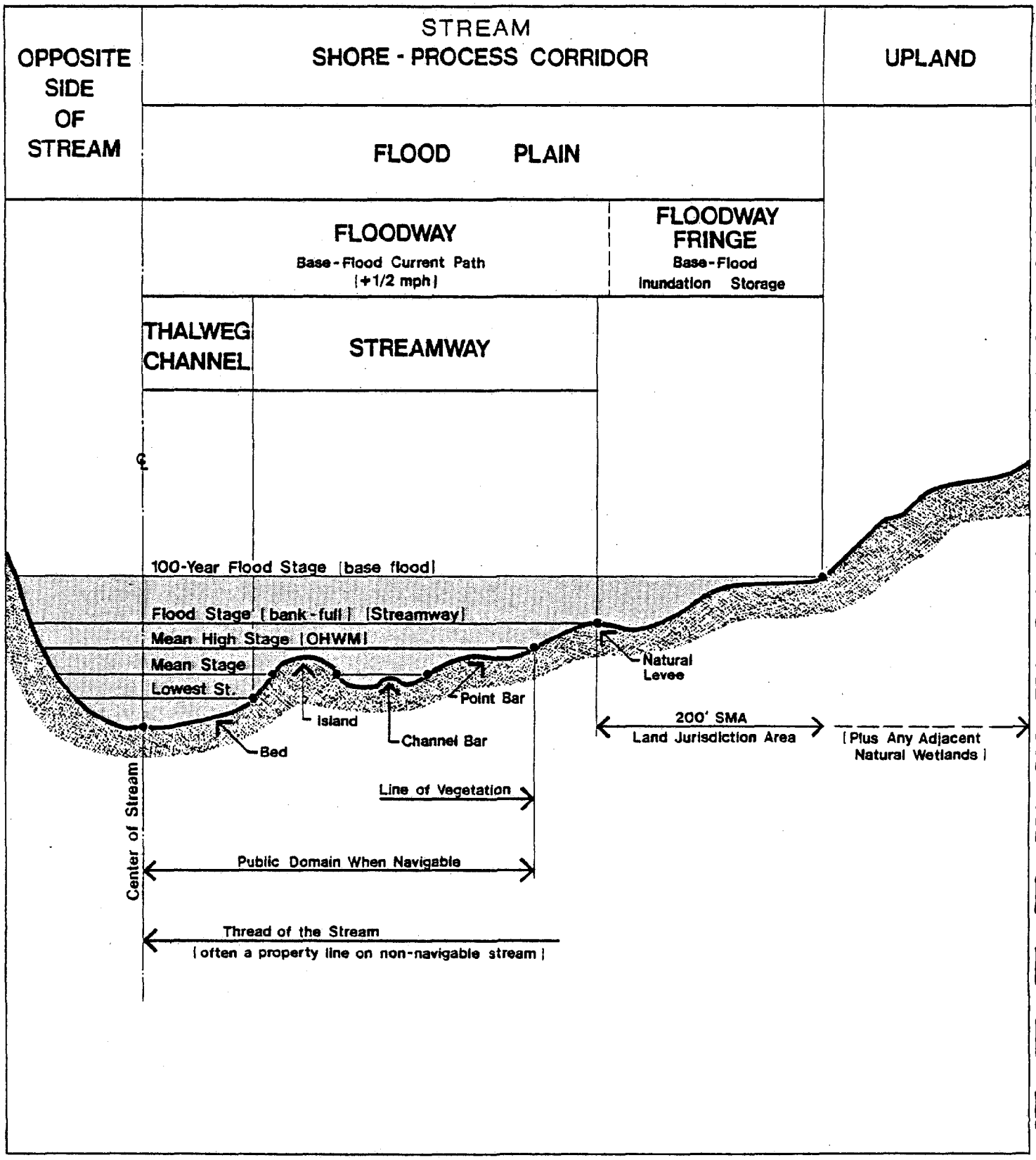
DRIFTWAY

H.T.: High Tide
L.T.: Low Tide

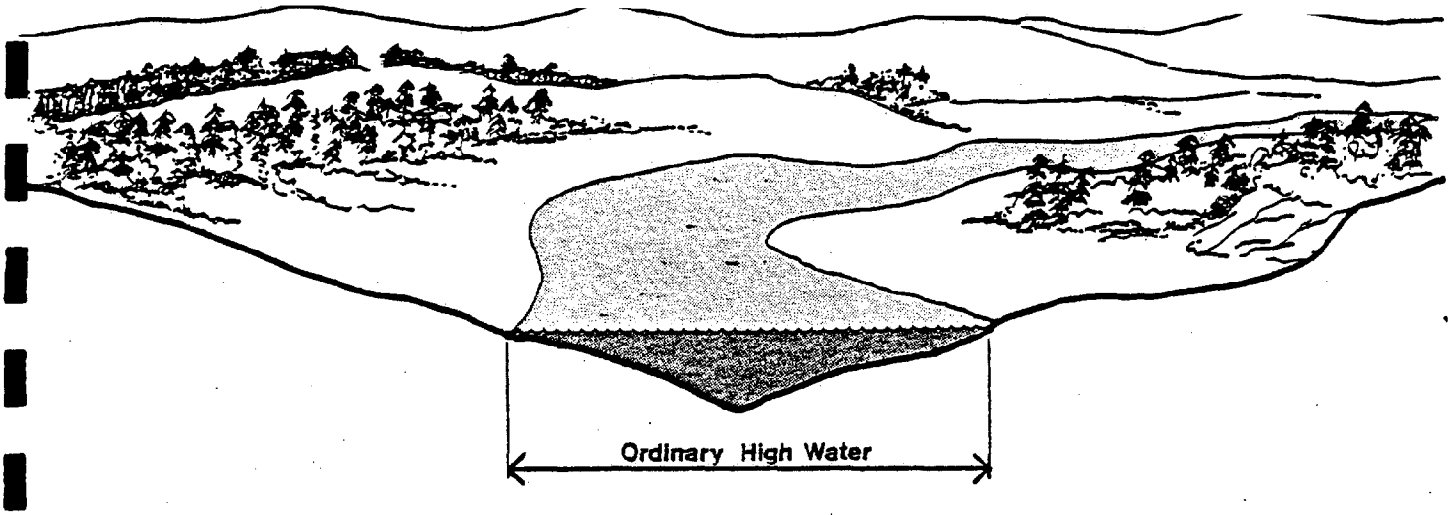
MARINE SHOREFORMS

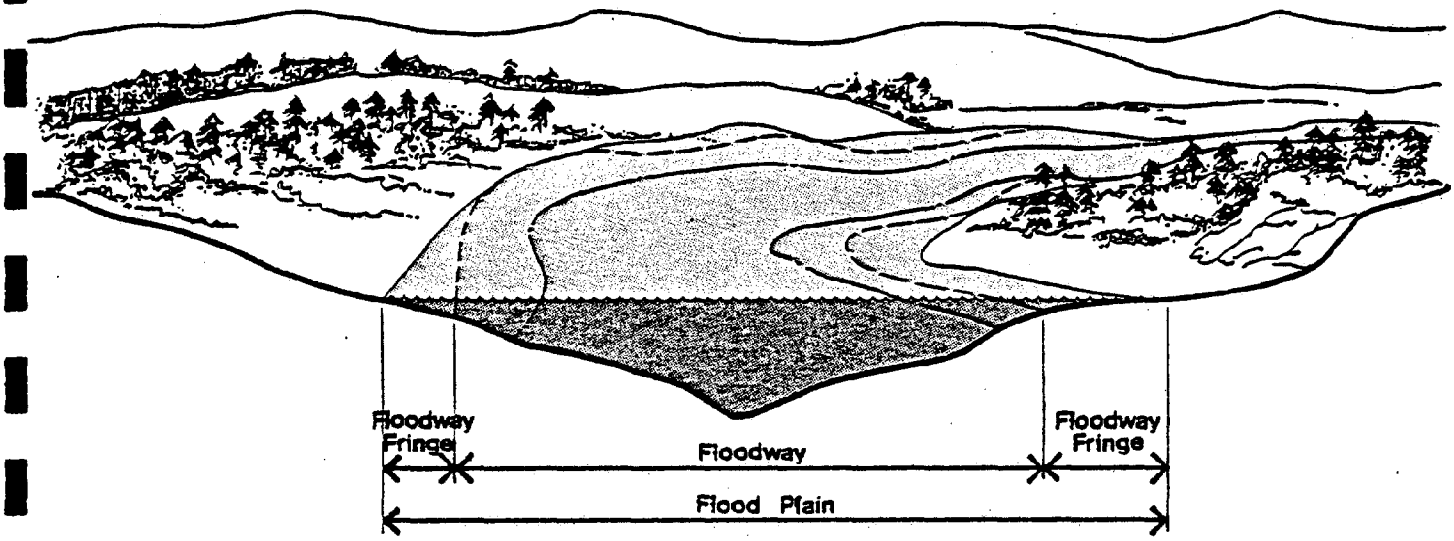


MARINE SHOREFORMS

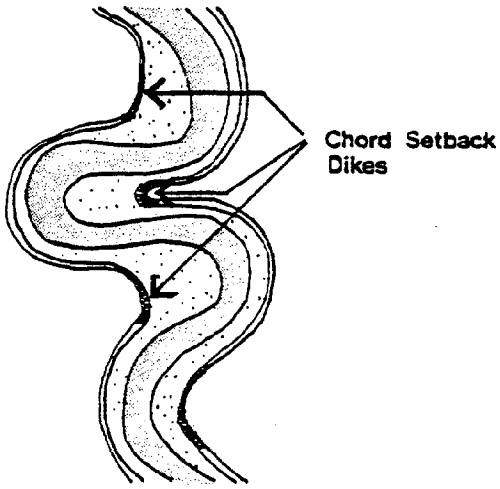


STREAM SHORE COMPONENTS

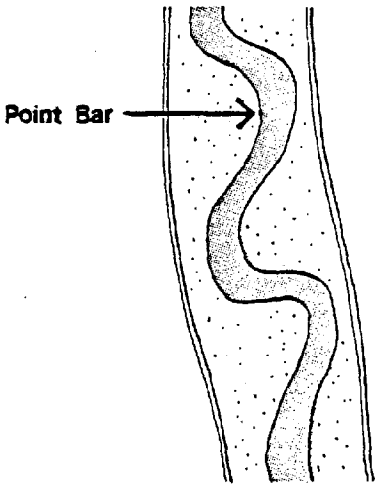




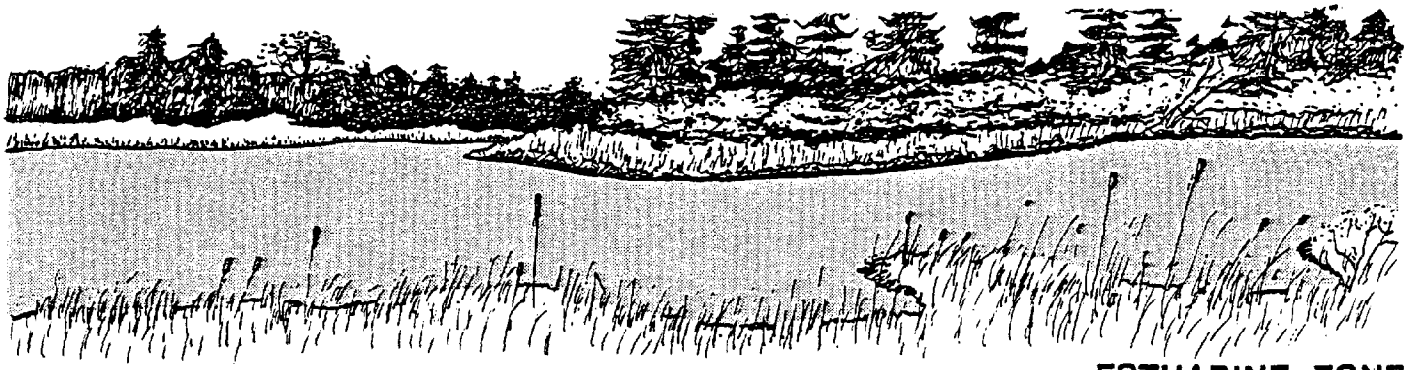
FLOOD PRONE AREA



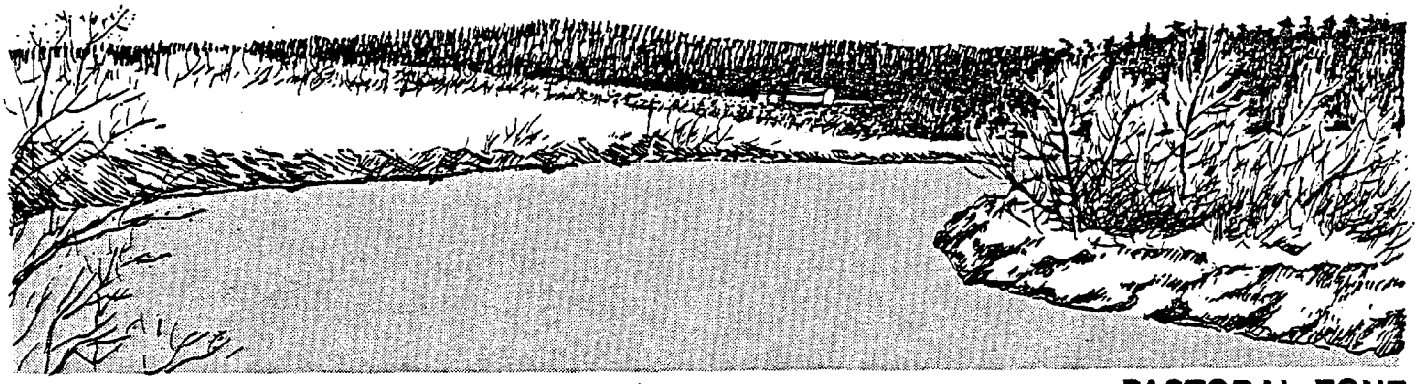
CHORD SET-BACK DIKE



TANGENT SET-BACK DIKE



ESTUARINE ZONE

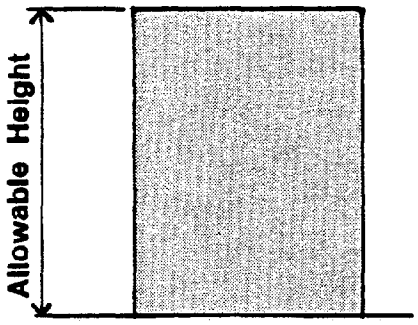


PASTORAL ZONE

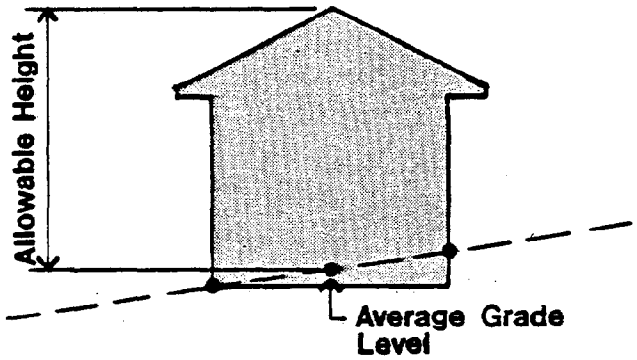
GRAVEL ZONE

COBBLE/BOULDER ZONE

STREAM ZONES

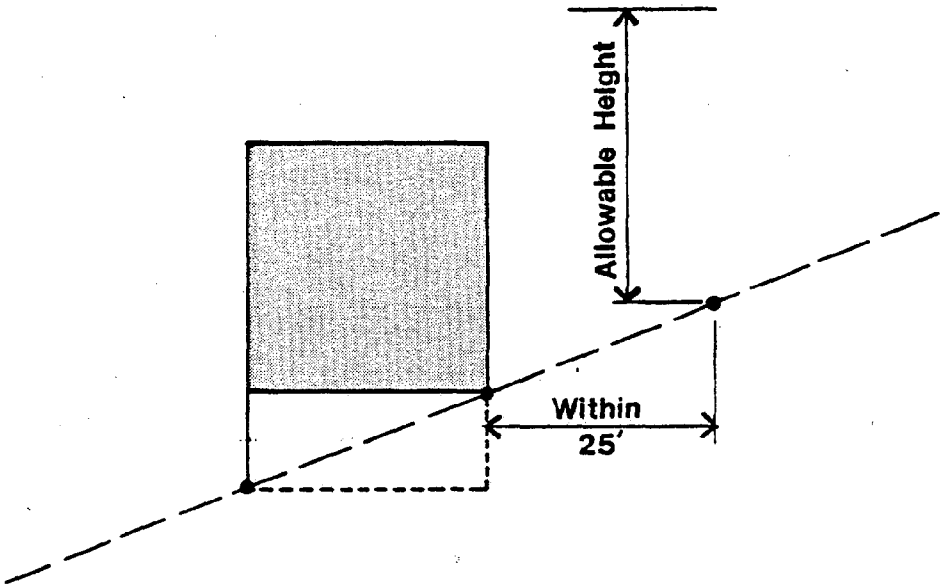


LEVEL GRADE



SLOPED GRADE

METHOD A



METHOD B