

EXHIBIT A

Whatcom County Comprehensive Plan Amendments - Chapter 11: Shorelines

Chapter Eleven Shorelines

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4 **Introduction**

5 The State Legislature passed the Washington State Shoreline Management Act (SMA)
6 in June 1971. The SMA was overwhelmingly passed by public initiative in 1972. Under
7 the SMA, each county and city were required to prepare a shoreline “master program”
8 in accordance with the shoreline guidelines issued by the State Department of
9 Ecology in 1972.

10 The Whatcom County Shoreline Management Program (SMP) is the set of policies and
11 regulations that implement the goals and policies of the SMA at the local level. It was
12 first adopted in 1976 in accordance with RCW 90.58. The goals and policies of the
13 Whatcom County SMP constitute the shoreline component of the Whatcom County
14 Comprehensive Plan.

15 The Whatcom County Shoreline Management Program jurisdiction includes:

- 16 • More than 130 miles of marine shoreline;
- 17 • More than 60 miles of lake shoreline;
- 18 • More than 220 miles of stream channels; and,
- 19 • All wetlands and floodways associated with the above shorelines, together
20 with all upland areas within 200-feet of the Ordinary High-Water Mark
21 (OHWM).

22 Whatcom County and the Washington State Department of Ecology (DOE) share joint
23 authority and responsibility for the Whatcom County SMP. Whatcom County Planning
24 and Development Services is the primary agency responsible for its implementation.

25 **Chapter Organization**

26 This chapter is composed of an introduction and five sections organized by topic
27 heading. The first section, entitled "Overall SMP Goals and Objectives," addresses
28 general shoreline goals and objectives. The next provides the purposes, designation
29 criteria, and policies for the County’s various shoreline area designations. The third
30 section contains the County’s policies for Shorelines of Statewide Significance. The
31 fourth section provides the general policies that apply to all area designations. And
32 the fifth section provides the policies specific to the type of use proposed. Together
33 with the regulations of WCC Title 23, the sections of this chapter provide the direction
34 necessary to ensure and promote long-term sustainability of the shorelines in
35 Whatcom County.

36 **Purpose**

37 This chapter together with WCC Title 23 comprises Whatcom County’s Shoreline
38 Management Program. This chapter contains the SMP’s goals, objectives, and
39 policies, while its regulations are found in WCC Title 23. All development proposed
40 within jurisdictional shorelines must be consistent with both the policies of this
41 chapter and the regulations of WCC Title 23.

1 The Shoreline Management Act (SMA) was developed and adopted to protect “the
2 most valuable and fragile of [the state’s] natural resources from the “inherent harm
3 in uncoordinated and piecemeal development of the state’s shorelines” (quotes
4 from RCW 90.58.020). The SMA in Chapter 90.58 RCW contains three distinct but
5 related priorities:

- 6 1. The promotion of shoreline uses that are both water-oriented and
7 appropriate for the broader environmental context. Developments such as
8 single-family residences, recreational areas, and water-dependent businesses
9 such as marinas are considered priority uses provided they are constructed in
10 a manner “consistent with control of pollution and prevention of damage to
11 the environment” (quote from RCW 90.58.020).
- 12 2. The SMA requires local governments to take an active role in protecting the
13 shoreline ecology: the water, the land, the vegetation and the wildlife. The
14 state guidelines are explicit: “Local master programs shall include regulations
15 and mitigation standards ensuring that each permitted development will not
16 cause a net loss of ecological functions of the shoreline.” (WAC 173-26-
17 186(8)(b)(i).)
- 18 3. The SMA also promotes public access to the shoreline by requiring protection
19 of existing public access features and requiring certain types of new
20 development to include public access.

21 The SMP regulations (WCC Title 23) apply to individual projects, and impacts of
22 shoreline development are evaluated on a project-by-project basis. However, the
23 SMP goals and policies, shoreline designations, regulations, and the restoration plan
24 are comprehensively structured to achieve no net loss of shoreline ecological
25 functions as a whole in Whatcom County.

26 **GMA Goals and Countywide Planning Policies**

27 First adopted in 1990, The Growth Management Act (GMA) is a series of state statutes
28 that requires fast-growing cities and counties to develop a comprehensive plan to
29 manage their population growth. It is primarily codified under Chapter 36.70A RCW,
30 although it has been amended and added to in several other parts of the RCW. Under
31 RCW 36.70A.020, the GMA established a series of 13 goals that should act as the
32 basis of all comprehensive plans. In 2003, the legislature added the goals and policies
33 of the Shoreline Management Act as the fourteenth GMA goal (RCW 36.70A.480).
34 The shoreline goals may be found at RCW 90.58.020.

35 As of this time, there are no Countywide Planning Policies that address development
36 in the shoreline.

37 **SMA Requirements**

38 Under the provisions of the SMA, all development along shorelines of the state is
39 required to comply with the provisions of local shoreline master programs. The
40 Whatcom County SMP works with other chapters of the Whatcom County Code to
41 protect and preserve saltwater and freshwater shorelines throughout the county by
42 managing natural resources and directing development and land use suitable for the
43 shoreline environment.

1 **Governing Principles**

2 The following principles, along with the policy statements of RCW 90.58.020 and the
3 principles of Chapter 173-26 WAC, establish basic concepts that underpin the goals,
4 policies, and regulations of the Shoreline Management Plan (SMP):

5 A. Any inconsistencies between the SMP and the Shoreline Management Act
6 (SMA) must be resolved in accordance with the SMA.

7 B. The policies of the SMP may be achieved by diverse means, one of which is
8 regulation. Other means authorized by the SMA include, but are not limited to:
9 acquisition of lands and/or easements by purchase or gift, incentive programs,
10 and implementation of capital facility and/or nonstructural programs.

11 C. Protecting the shoreline environment is an essential statewide policy goal,
12 consistent with other policy goals. Permitted and/or exempt development,
13 actions taken prior to the SMA's adoption, and/or unregulated activities can
14 impair shoreline ecological processes and functions. The SMP protects
15 shoreline ecology from such impairments in the following ways:

16 1. By using a process that identifies, inventories, and ensures meaningful
17 understanding of current and potential ecological functions provided by
18 shorelines.

19 2. By including policies and regulations that require mitigation of adverse
20 impacts in a manner that ensures no net loss of shoreline ecological
21 functions. The required mitigation shall include avoidance, minimization,
22 and compensation of impacts in accordance with the policies and
23 regulations for mitigation sequencing in WCC 23 and the Whatcom County
24 Critical Areas Ordinance (CAO, Chapter 16.16 WCC). The SMP and any
25 future amendment thereto shall ensure no net loss of shoreline ecological
26 functions and processes on a programmatic basis in accordance with the
27 baseline functions present as of the date of adoption of the comprehensive
28 SMP update, February 27, 2007.

29 3. By including policies and regulations to address cumulative impacts,
30 including ensuring that the cumulative effect of exempt development will
31 not cause a net loss of shoreline ecological functions, and by fairly allocating
32 the burden of addressing such impacts among development opportunities.

33 4. By including regulations and regulatory incentives designed to protect
34 shoreline ecological functions, and restore impaired ecological functions
35 where such opportunities have been identified, consistent with the
36 Shoreline Management Program Restoration Plan developed by Whatcom
37 County.

38 D. Regulation of private property to implement SMP goals such as public access
39 and protection of ecological functions and processes must be consistent with
40 all relevant constitutional and other legal limitations. These include, but are
41 not limited to, civil rights guaranteed by the U.S. and state Constitutions,
42 pertinent federal and state case law, and state statutes, such as RCW
43 34.05.328 and 43.21C.060 and Chapter 82.02 RCW.

- 1 E. Regulatory or administrative actions must be implemented consistent with the
2 public trust doctrine and other applicable legal principles as appropriate and
3 must not unconstitutionally infringe on private property rights or result in an
4 unconstitutional taking of private property.
- 5 F. The regulatory provisions of the SMP are limited to jurisdictional shorelines,
6 whereas the planning functions of the SMP may extend beyond the designated
7 shoreline boundaries.
- 8 G. The policies and regulations established by the SMP must be integrated and
9 coordinated with those policies and rules of the Comprehensive Plan and
10 development regulations adopted under the GMA and RCW 34.05.328.
- 11 H. Consistent with the policy and use preferences of RCW 90.58.020, Whatcom
12 County should balance the various policy goals of the SMP giving consideration
13 to other relevant local, state, and federal regulatory and non-regulatory
14 programs.

15 **Overall Shoreline Management Program Goals and Objectives**

16 This section contains overall SMP goals and objectives. They provide the foundation
17 and framework upon which the shoreline area designations, policies, regulations, and
18 administrative procedures are based.

19 The general policies and regulations (in a later section of this chapter and in Title 23
20 WCC, respectively) and the specific use policies and regulations (in a later section of
21 this chapter and in WCC Title 23, respectively) are the means by which these goals
22 and objectives are implemented.

23 **Economic Development**

24 The economic development element provides for the location and design of
25 industries, transportation facilities, port facilities, tourist facilities, commerce, and
26 other developments that are particularly dependent upon a shoreline location and/or
27 use of the shorelines of the state.

28 **Goal 11A: Create and maintain an economic environment that can**
29 **coexist harmoniously with the natural and human**
30 **environment.**

31 Objectives11A-1: Encourage economic development that has minimal adverse
32 effects and mitigates unavoidable impacts upon shoreline
33 ecological functions and processes and the built environment.

34 11A-2: Encourage shoreline development that has a positive effect upon
35 economic and social activities of value to the region.

36 11A-3: Encourage new water-dependent, water-related, and water-
37 enjoyment economic development in priority order.

38 11A-4: Encourage economic development that is consistent with the
39 adopted Comprehensive Economic Development Strategy (CEDS)
40 for Whatcom County.

- 1 11A-5: Implement economic development policies contained in other
- 2 chapters of the Comprehensive Plan in shoreline areas consistent
- 3 with this chapter, WCC Title 23 and the SMA.
- 4 11A-6: Encourage new economic development to locate in areas that are
- 5 already developed with similar uses.
- 6 11A-7: Discourage expansion of existing development that is
- 7 incompatible with the Comprehensive Plan, WCC Title 23, or the
- 8 character of the local area.

9 **Public Access**

10 The public access element provides for public access to publicly or privately-owned

11 shoreline areas where the public is granted a right of use or access.

12 **Goal 11B: Increase the general public’s ability to reach, touch, and**

13 **enjoy the water’s edge, to travel on the waters of the state,**

14 **and/or to view the water and the shoreline from adjacent**

15 **locations; provided, that private rights, public safety, and**

16 **shoreline ecological functions and processes are protected**

17 **consistent with the U.S. and state Constitutions, state case**

18 **law, and state statutes.**

19 Objectives:

- 20 11B-1: Locate, design, manage, and maintain public access in a manner
- 21 that protects shoreline ecological functions and processes and the
- 22 public health and safety.
- 23 11B-2: Design and manage public access in a manner that ensures
- 24 compatibility with water-dependent uses.
- 25 11B-3: Where appropriate, acquire access to publicly owned tidelands
- 26 and shorelands. Encourage cooperation among the County,
- 27 landowners, developers, and other agencies and organizations to
- 28 enhance and increase public access to shorelines as specific
- 29 opportunities arise.
- 30 11B-4: Provide and protect visual access to shorelines and tidelands.
- 31 11B-5: Require physical or visual access to shorelines as a condition of
- 32 approval for shoreline development activities commensurate with
- 33 the impacts of such development and the corresponding benefit
- 34 to the public, consistent with constitutional limitations.
- 35 11B-6: Develop and manage public access to prevent adverse impacts to
- 36 adjacent private shoreline properties and developments.

37 **Recreation**

38 The recreation element provides for the preservation and expansion of water-oriented

39 recreational opportunities that facilitate the public’s ability to enjoy the physical and

40 aesthetic qualities of the shoreline through parks, public access to tidelands and

41 beaches, bicycle and pedestrian paths, viewpoints, and other recreational amenities.

1 **Goal 11C: Provide opportunities and space for diverse forms of**
 2 **water-oriented recreation.**

3 Objectives:

4 11C-1: Locate, develop, manage, and maintain recreation areas in a
 5 manner that protects shoreline ecological functions and
 6 processes.

7 11C-2: Provide a balanced choice of water-oriented public recreational
 8 opportunities regionally. Ensure that shoreline recreation facilities
 9 serve projected County growth in accordance with the level of
 10 service standards established in the Comprehensive Plan and
 11 related goals and policies, the Comprehensive Park and
 12 Recreation Open Space Plan, the Whatcom County Bicycle Plan,
 13 and the Natural Heritage Plan.

14 11C-3: Acquire additional recreation and public access areas with a high
 15 recreation value prior to demand to assure that sufficient
 16 shoreline recreation opportunities are available to serve future
 17 recreational needs.

18 11C-4: Encourage cooperation among public agencies, nonprofit groups,
 19 private landowners, and developers to increase and diversify
 20 recreational opportunities through a variety of means including
 21 incorporating water-oriented recreational opportunities into
 22 mixed use developments and other innovative techniques.

23 11C-5: Recognize and protect the interest of all people of the state by
 24 providing increased recreational opportunities within shorelines of
 25 statewide significance and associated shorelands.

26 11C-6: Encourage private and public investment in recreation facilities.

27 11C-7: Locate, design, and operate recreational development in a
 28 manner that minimizes adverse effects on adjacent properties as
 29 well as other social, recreational, or economic activities.

30 **Transportation and Essential Public Facilities**

31 The transportation and essential public facilities element provide for the general
 32 location and extent of existing and proposed public thoroughfares, transportation
 33 routes, terminals, and other public utilities and facilities.

34 **Goal 11D: Provide transportation systems and essential public**
 35 **facilities in shoreline areas without adverse effects on**
 36 **existing shoreline use and development or shoreline**
 37 **ecological functions and/or processes.**

38 Objectives:

39 11D-1: Locate, develop, manage, and maintain transportation systems
 40 and essential public facilities in a manner that protects shoreline
 41 ecological functions and processes. Minimize and mitigate
 42 unavoidable impacts.

- 1 11D-2: Locate and design transportation systems and essential public
2 facilities to be harmonious with the existing and future economic
3 and social needs of the community.
- 4 11D-3: Discourage the development of non-water-dependent
5 transportation systems and essential public facilities unless no
6 feasible alternatives exist. Devote roads within the shoreline
7 jurisdiction to low volume local access routes and shoreline public
8 access where feasible.
- 9 11D-4: When appropriate, require appropriate compensation where
10 transportation systems and essential public facilities reduce the
11 benefits people derive from their property.
- 12 11D-5: Provide for alternate modes of travel, encourage freedom of
13 choice among travel modes, and provide multiple use
14 transportation corridors where compatible in association with
15 shoreline transportation development.
- 16 11D-6: Require transportation system and essential public facility
17 development in shoreline areas to protect and enhance physical
18 and visual shoreline public access.

19 **Shoreline Use**

20 The shoreline use element prioritizes the use and development of shorelines and
21 adjacent land areas for housing, business, industry, transportation, agriculture,
22 forestry, natural resources, recreation, education, public institutions, utilities, and
23 other categories of public and private land use with respect to the type, general
24 distribution, location, and extent of such uses and developments.

25 **Goal 11E: Preserve and develop shorelines in a manner that allows**
26 **for an orderly balance of uses.**

27 Objectives: 11E-1: Give preference to water-dependent and single-family residential
28 uses that are consistent with preservation of shoreline ecological
29 functions and processes. Give secondary preference to water-
30 related and water-enjoyment uses. Allow non-water-oriented
31 uses only when substantial public benefit is provided with respect
32 to the goals of the SMA for public access and ecological
33 restoration.

34 11E-2: Designate and maintain appropriate areas for protecting and
35 restoring shoreline ecological functions and processes to control
36 pollution and prevent damage to the shoreline environment
37 and/or public health.

38 11E-3: Ensure shoreline uses are consistent with the Comprehensive
39 Plan.

40 11E-4: Balance the location, design, and management of shoreline uses
41 throughout the County to prevent a net loss of shoreline
42 ecological functions and processes over time.

- 1 11E-5: Encourage mixed use developments that include and support
- 2 water-oriented uses and provide a substantial public benefit
- 3 consistent with the public access and ecological restoration goals
- 4 and policies of the SMA.
- 5 11E-6: Encourage shoreline uses and development that enhance
- 6 shoreline ecological functions and/or processes or employ
- 7 innovative features that further the purposes of the SMP.
- 8 11E-7: Encourage shoreline uses and development that enhance and/or
- 9 increase public access to the shoreline.

10 **Conservation**

11 The shoreline conservation element provides for the protection of natural resources
 12 and shoreline ecological functions and processes. Resources to be conserved and
 13 protected include, but are not limited to, wetlands; riparian, nearshore, and aquatic
 14 habitats; priority fish and wildlife habitats and species; floodplains; feeder bluffs and
 15 other geological features; cultural and historic resources; as well as scenic vistas and
 16 aesthetics.

17 **Goal 11F: Conserve shoreline resources and important shoreline**
 18 **features, and protect shoreline ecological functions and**
 19 **the processes that sustain them to the maximum extent**
 20 **practicable.**

21 Objectives: 11F-1: Maintain regulations and mitigation standards that ensure new
 22 shoreline developments prevent a net loss of shoreline ecological
 23 functions and processes. Implement such regulations and
 24 standards in a manner consistent with all relevant constitutional
 25 and other legal limitations on the regulation of private property.

26 11F-2: Protect critical areas in accordance with the County’s critical areas
 27 regulations (WCC Chapter 16.16), as adopted by reference in the
 28 SMP.

29 11F-3: Manage renewable natural resources on a sustained yield basis.
 30 Extract nonrenewable natural resources in a manner that
 31 maintains the quality of other resources and shoreline ecological
 32 functions and processes.

33 11F-4: Prioritize protection and/or conservation of shoreline areas that
 34 are ecologically intact and minimally developed or degraded.

35 **Cultural Resources**

36 The cultural resource element provides for protection, preservation and/or
 37 restoration of buildings, sites, and areas having archaeological, historical, cultural, or
 38 scientific value or significance. “Cultural resource” refers to any archaeological,
 39 historic, cemetery, or other cultural sites or artifacts; as well as those traditional
 40 food, medicine, fibers, and objects that sustain the religious, ceremonial, and social
 41 activities of affected Native American tribes that may be regulated under state or

1 federal laws administered by the Washington State Department of Archaeologic and
 2 Historic Preservation (DAHP).

3 **Goal 11G: Protect shoreline features of historic, cultural,**
 4 **archeological, or scientific value or significance to prevent**
 5 **damage or destruction through coordination and**
 6 **consultation with the appropriate local, state and federal**
 7 **authorities, including affected Indian tribes.**

8 Objectives: 11G-1: Protect cultural resources in collaboration with appropriate tribal,
 9 state, federal, and local governments.

10 11G-2 Engage in and encourage public agencies and private parties to
 11 cooperate in the identification, protection and management of
 12 cultural resources.

13 11G-3: Consult with the Washington State Department of Archaeology
 14 and Historic Preservation (DAHP) and affected Native American
 15 tribes when developing local policies and regulations for
 16 identifying, protecting, and preserving cultural resources.

17 11G-4: Where appropriate, restore unique resources that have cultural,
 18 archaeological, historic, educational, or scientific value or
 19 significance to further enhance the value of the shorelines.

20 11G-5: Where appropriate provide access to cultural resources in a
 21 manner that is culturally sensitive and does not degrade the
 22 resource or impact the quality of the environment.

23 11G-3: Provide opportunities for education related to archaeological,
 24 historical, and cultural features where appropriate and
 25 incorporated into public and private programs and development.

26 **Views and Aesthetics**

27 This element provides for preservation and/or protection of scenic vistas, views of
 28 the water, and other aesthetic qualities of shorelines for public enjoyment.

29 **Goal 11H: Assure that the public’s ability and opportunity to enjoy**
 30 **shoreline views and aesthetics is protected.**

31 Objectives: 11H-1: Identify and protect areas with scenic vistas and areas where the
 32 shoreline has high aesthetic value.

33 11H-2: Design development to minimize adverse impacts on views from
 34 public property or views enjoyed by a substantial number of
 35 residences.

36 **Restoration and Enhancement**

37 This element provides for the timely restoration and enhancement of ecologically
 38 impaired areas in a manner that achieves a net gain in shoreline ecological functions
 39 and processes above baseline conditions set as of the date of adoption of the
 40 comprehensive SMP update, February 27, 2007.

1 **Goal 11I:** **Reestablish, rehabilitate and/or otherwise improve**
 2 **impaired shoreline ecological functions and/or processes**
 3 **through voluntary and incentive-based public and private**
 4 **programs and actions that are consistent with the**
 5 **Shoreline Management Program Restoration Plan and**
 6 **other approved restoration plans.**

7 Objectives: 11I-1: Encourage and facilitate cooperative restoration and
 8 enhancement programs between local, state, and federal public
 9 agencies, tribes, nonprofit organizations, and landowners to
 10 address shorelines with impaired ecological functions and/or
 11 processes.

12 11I-2: Restore and enhance shoreline ecological functions, processes,
 13 and features through voluntary and incentive-based public and
 14 private programs, such as the Shore Friendly Program developed
 15 by the Washington State Department of Fish and Wildlife,
 16 Washington State Department of Natural Resources, and the
 17 Environmental Protection Agency.

18 11I-3: Target restoration and enhancement towards improving habitat
 19 requirements of priority and/or locally important wildlife species.

20 11I-4: Ensure restoration and enhancement is consistent with and,
 21 where practicable, prioritized based on the biological recovery
 22 goals for early Chinook and bull trout populations and other
 23 species and/or populations for which a recovery plan is available.

24 11I-5: Integrate restoration and enhancement with other parallel natural
 25 resource management efforts such as the WRIA 1 Salmonid
 26 Recovery Plan, Drayton Harbor and Portage Bay Shellfish
 27 Protection District Plans, WRIA 1 Watershed Management Plan,
 28 and the Puget Sound Salmon Recovery Draft Plan.

29 **Shoreline Environment Designations**

30 A set of 10 shoreline area designations has been developed as a part of the SMP. The
 31 purpose of the shoreline area designations is to provide a systematic, rational, and
 32 equitable basis upon which to guide and regulate development within specific
 33 shoreline reaches.

34 Shoreline area designations have been determined after consideration of:

- 35 1. The ecological functions and processes that characterize the shoreline,
 36 together with the degree of human alteration;
- 37 2. Existing development patterns together with WCC Title 20 Zoning
 38 designations, the Comprehensive Plan designations, and other officially
 39 adopted plans;
- 40 3. Federal and tribal ownership status;
- 41 4. The goals of Whatcom County citizens for their shorelines;

- 1 5. Pursuant to RCW 90.58.100(4), in designating state-owned shorelines,
2 consideration has been given to public demand for wilderness beaches,
3 ecological study areas, and other recreational activities; and,
- 4 6. Other state policies in the SMA and the SMP Guidelines (RCW 90.58.020 and
5 Chapter 173-26 WAC, respectively).

6 **Urban Shoreline Area**

7 **Purpose**

8 The purpose of the urban shoreline area is to provide for intensive development of
9 water-oriented commercial, transportation, and industrial uses and accommodate
10 mixed use developments such as those consisting of urban density residential,
11 commercial, and industrial uses, while protecting existing shoreline ecological
12 functions and processes and restoring shoreline ecological functions and/or processes
13 in areas that have been previously degraded.

14 **Designation Criteria**

15 The urban shoreline area is applied to shoreline areas zoned commercial, industrial,
16 and urban density residential within urban growth areas and industrial or commercial
17 areas in Limited Areas of More Intense Rural Development (LAMIRDs), if they:

- 18 A. Are currently characterized by high intensity development and/or uses; are
19 designated by the Comprehensive Plan for high intensity uses or intensive uses
20 related to commerce, transportation or navigation; or are suitable and planned
21 for high intensity mixed use; and
- 22 B. Do not contain limitations to urban use such as geologic hazards, and have
23 adequate utilities and access; and
- 24 C. Do not provide important ecological functions that would be significantly
25 compromised by high intensity residential, commercial, or industrial use.

26 **Policies**

27 Development within urban shoreline areas shall be consistent with the following
28 policies:

29 Policy 11J-1: New urban character development should be directed toward
30 already developed or developing areas where compatible.

31 Policy 11J-2: First priority should be given to water-dependent uses. Second
32 priority should be given to water-related and then water-
33 enjoyment uses. Non-water-oriented uses should not be allowed
34 except as part of mixed-use developments. Non-water-oriented
35 uses may also be allowed in limited situations where they do not
36 conflict with or limit opportunities for water-oriented uses or on
37 sites where there is no direct access to the shoreline, or where
38 the needs of existing and future water-dependent uses are met.

1 **Urban Resort Shoreline Area**

2 **Purpose**

3 The purpose of the urban resort shoreline area is to provide for intensive residential
4 and commercial uses geared to the needs of tourists and day visitors while protecting
5 existing shoreline ecological functions and processes. Emphasis is on hotels, motels,
6 shops, restaurants, commercial rental campgrounds, rental cabins, and shoreline-
7 related recreation facilities.

8 **Designation Criteria**

9 The urban resort shoreline area is applied to shoreline areas identified in the
10 Comprehensive Plan as suitable for resort commercial development with substantial
11 features that might reasonably attract resort development compatible with other
12 development in the area, and which have existing and/or planned infrastructure
13 sufficient to support such development.

14 **Policies**

15 Development within urban resort shoreline areas shall be consistent with the
16 following policies:

17 Policy 11K-1: Scale and design of resort development should assure
18 compatibility with allowed uses of adjacent shoreline areas and
19 shoreline ecological functions and processes.

20 Policy 11K-2: Buildings over 35 feet in height may be permitted if additional
21 open space, view areas, public access and/or other amenities are
22 provided.

23 **Urban Conservancy Shoreline Area**

24 **Purpose**

25 The purpose of the urban conservancy shoreline area is to protect shoreline ecological
26 functions and processes in urban growth areas and Limited Areas of More Intense
27 Rural Development (LAMIRDs) that are not designated for high intensity residential
28 use and are not generally suitable for water-dependent uses. The primary
29 management goal is to preserve shoreline ecological functions and processes by
30 avoiding forms of development that would be incompatible with existing functions
31 and processes, as well as identify and focus restoration efforts in areas where benefits
32 to overall functions and processes can be realized. This policy should be furthered by
33 maintaining most of the area's natural character.

34 **Designation Criteria**

35 The urban conservancy shoreline area is applied to shoreline areas inside urban
36 growth areas where any of the following characteristics apply:

37 A. They support or retain important shoreline ecological functions and/or
38 processes, even though partially developed.

- 1 B. They have the potential for development at an intensity and character that is
- 2 compatible with preserving and restoring ecological functions. They are
- 3 generally not designated for high intensity residential use, commercial use, or
- 4 industrial use.
- 5 C. They are characterized by critical areas or the presence of other valuable or
- 6 sensitive ecological resources.

7 **Policies**

8 Development within urban conservancy shoreline areas shall be consistent with the
9 following policies:

- 10 Policy 11L-1: Primary permitted uses should consist of low intensity residential
11 uses or other low intensity uses that preserve the natural
12 character of the area or promote preservation of open space and
13 critical areas.
- 14 Policy 11L-2: Moderate to high intensity residential use may be permitted if the
15 proposed uses and design result in substantial open space, public
16 access and/or restoration of shoreline ecological functions and/or
17 processes, and if compatible with surrounding uses.
- 18 Policy 11L-3: Public access and public recreation facilities are a preferred use if
19 they will not cause substantial ecological impacts and when
20 restoration of ecological functions is incorporated.
- 21 Policy 11L-4: Low intensity commercial uses may be permitted if the specific
22 uses and design result in substantial open space, public access,
23 and/or restoration of ecological functions, and if compatible with
24 surrounding uses.

25 **Shoreline Residential Area**

26 **Purpose**

27 The shoreline residential shoreline area accommodates residential development and
28 accessory structures that are consistent with this chapter.

29 **Designation Criteria**

30 The shoreline residential shoreline area is applied to shorelines if they have been
31 predominantly developed with single-family or multifamily residential uses or are
32 planned and platted for residential development. The designation is generally applied
33 to residential densities of greater than one unit per acre.

34 **Policies**

35 Development within shoreline residential shoreline areas shall be consistent with the
36 following policies:

- 37 Policy 11M-1: The scale and density of new uses and development should be
38 compatible with, and protect or enhance, the existing residential

1 character of the area while sustaining shoreline ecological
 2 functions and processes.

3 Policy 11M-2: Public or private outdoor recreation facilities should be
 4 encouraged if compatible with the character of the area. Preferred
 5 uses include water-dependent and water-enjoyment recreation
 6 facilities that provide opportunities for substantial numbers of
 7 people to access and enjoy the shoreline.

8 Policy 11M-3: Commercial development should be limited to water-oriented
 9 uses. Non-water-oriented commercial uses may be permitted as
 10 part of mixed-use developments where the primary use is
 11 residential; provided that such uses provide a substantial benefit
 12 with respect to the goals and policies of the SMP, such as
 13 providing public access or restoring degraded shorelines.

14 **Rural Shoreline Area**

15 **Purpose**

16 The purpose of the rural shoreline area is to protect shoreline ecological functions in
 17 areas having a rural character characterized by open space and low-density
 18 development including, but not limited to: residences, agriculture, forestry, and
 19 outdoor recreation. Uses should be compatible with the physical capabilities and
 20 limitations, natural resources, and shoreline ecological functions and processes of the
 21 area.

22 **Designation Criteria**

23 The rural shoreline area is applied to shoreline areas outside urban growth areas,
 24 particularly areas designated as Rural in the Comprehensive Plan, and includes areas:

- 25 A. Where the shoreline currently accommodates residential uses outside urban
 26 growth areas and is characterized by low density development, pasture,
 27 agriculture, woodlots, home occupations, and cottage industries. The
 28 distribution of rural land use is adjacent to agricultural, forestry, and urban
 29 land uses and often provides a transition between urban areas and commercial
 30 agriculture and forestry uses. Natural vegetative cover and topography have
 31 been altered in many rural areas, but substantial ecological functions, and/or
 32 the potential for restoration of ecological functions, are present.
- 33 B. That are now used or potentially usable for a mix of agriculture, forestry, and
 34 residential use.
- 35 C. Where residential development is or should be of low density, because of
 36 limitations by physical features, infrastructure, the presence of critical areas,
 37 and/or lack of utilities or access.
- 38 D. That have high recreational value or unique historic or cultural resources.
- 39 E. Where low intensity outdoor recreation use or development would be
 40 appropriate and compatible with other uses and the physical environment.

1 F. Where the shoreline has been developed with low intensity water-dependent
2 uses.

3 **Policies**

4 Development within rural shoreline areas shall be consistent with the following
5 policies:

6 Policy 11N-1: Uses in rural areas should protect or enhance the rural character
7 of the shoreline and sustain the shoreline ecological functions and
8 processes by limiting building density and height, and providing
9 effective setbacks, buffers, and open space.

10 Policy 11N-2: Residential development consistent with the rural character of the
11 area is permitted, provided it includes measures to protect
12 ecological functions and processes. Related uses consistent with
13 the rural character of the area are permitted.

14 Policy 11N-3: Public or private outdoor recreation facilities should be
15 encouraged if compatible with the rural character of the area and
16 developed in a manner that maintains shoreline ecological
17 functions and processes. Preferred uses include water-oriented
18 recreation facilities that do not deplete shoreline resources over
19 time, such as boating facilities, angling, wildlife viewing trails, and
20 swimming beaches.

21 Policy 11N-4: Industrial or commercial development should be limited to water-
22 oriented commercial and industrial uses in the limited locations
23 where such uses have been established or at sites in rural
24 communities that possess appropriate shoreline conditions and
25 services sufficient to support such developments. Non-water-
26 dependent uses should only be allowed when they provide a
27 substantial benefit with respect to the goals and policies of the
28 SMP, such as providing public access and/or restoring degraded
29 shorelines.

30 Policy 11N-5: Agriculture and forestry consistent with rural character and the
31 maintenance of shoreline ecological functions and processes
32 should be encouraged.

33 **Resource Shoreline Area**

34 **Purpose**

35 The purpose of the resource shoreline area is to protect shoreline ecological functions
36 and processes in areas designated in the Comprehensive Plan as agriculture, forestry,
37 and mineral resource lands and to protect the economic base of those lands and limit
38 incompatible uses.

39 **Designation Criteria**

40 The resource shoreline area is applied to shoreline areas designated as agriculture,
41 rural forestry, commercial forestry, and mineral resource lands in the Comprehensive

1 Plan and includes areas where the shoreline currently accommodates ongoing
 2 resource management, where natural vegetation cover has been altered but
 3 substantial ecological functions, or the potential for restoring ecological functions, are
 4 present.

5 **Policies**

6 Development within resource shoreline areas shall be consistent with the following
 7 policies:

8 Policy 110-1: Uses in resource areas should protect the economic base of those
 9 lands, limit incompatible uses, and sustain the shoreline area
 10 ecological processes and functions by limiting uses and intensity.
 11 Residential use is generally limited to one dwelling per existing
 12 parcel. The dwelling may be located within the shoreline
 13 jurisdiction only where no other building site is feasible on the
 14 parcel.

15 Policy 110-2: Public or private outdoor recreation facilities should be permitted
 16 if they do not displace designated resource lands and if they are
 17 developed in a manner that maintains shoreline ecological
 18 functions. Preferred uses include water-dependent and water-
 19 enjoyment recreation facilities.

20 Policy 110-3: Industrial or commercial use and development should be limited
 21 to uses that serve resource uses. Such uses may be located within
 22 the shoreline only if they are water-dependent, water-related, or
 23 if no other feasible location exists within the contiguous property.

24 **Conservancy Shoreline Area**

25 **Purpose**

26 The purpose of the conservancy shoreline area is to retain shoreline ecological
 27 functions in areas outside of urban growth areas and LAMIRDs where important
 28 ecological processes have not been substantially degraded by human activities. The
 29 primary management goal is to preserve shoreline ecological functions and processes
 30 by avoiding forms of development that would be incompatible with existing functions
 31 and processes, as well as identify and focus restoration efforts in areas where benefits
 32 to overall functions and processes can be realized. This policy should be furthered by
 33 keeping overall intensity of development or use low, and by maintaining most of the
 34 area’s natural character.

35 **Designation Criteria**

36 The conservancy shoreline area is applied to shoreline areas outside urban growth
 37 areas and LAMIRDs that include areas:

38 A. Where development activities and uses are buffered from and do not
 39 substantially degrade ecological processes and functions.

40 B. Where ecological functions are more intact than in areas designated rural or
 41 resource.

- 1 C. Of outstanding scenic quality or other aesthetic qualities of high value to the
2 region, which would likely be diminished unless development is strictly
3 controlled.
- 4 D. Containing critical areas or other sensitive natural or cultural features that
5 require more than normal restrictions on development and use.
- 6 E. Having the potential to influence ecological processes in a manner that will
7 produce ecosystem-wide benefits upon restoration.
- 8 F. That contain valuable or sensitive natural or cultural features that preclude
9 more than a low overall density of residents, recreation use, structures, or
10 livestock, as well as extensive alterations to topography or other features.
- 11 G. Have recreational value to the region that would likely be diminished unless
12 development is strictly controlled.

13 **Policies**

14 Development within conservancy shoreline areas shall be consistent with the
15 following policies:

- 16 Policy 11P-1: Natural ecological processes should be protected and renewable
17 resources managed so that ecological functions and the resource
18 base are maintained. Nonrenewable resources should only be
19 consumed in a manner compatible with conservation of other
20 resources and other appropriate uses.
- 21 Policy 11P-2: Permitted uses should be limited to those compatible with each
22 other and with conservation of shoreline ecological processes and
23 resources.
- 24 Policy 11P-3: Shorelines should be protected from concentrations of people,
25 livestock, buildings, or structures that would adversely impact
26 shoreline ecological functions and processes.
- 27 Policy 11P-4: Opportunities for ecological restoration should be pursued,
28 prioritizing those areas with the greatest potential to restore
29 ecosystem-wide processes and functions.
- 30 Policy 11P-5: Outstanding recreational or scenic values should be protected
31 from incompatible development.

32 **Natural Shoreline Area**

33 **Purpose**

34 The purpose of the natural shoreline area is to ensure long-term preservation of
35 ecologically intact shorelines inside or outside urban growth areas.

36 **Designation Criteria**

37 The natural shoreline area is applied to shoreline areas where any of the following
38 characteristics apply:

- 1 A. The majority of natural ecological shoreline functions and/or processes are
2 retained, often evidenced by the shoreline configuration and the presence of
3 native vegetation. Generally, but not necessarily, they include ecologically
4 intact shorelines that are free of structural shoreline modifications, structures,
5 and intensive human uses.
- 6 B. Forested areas that generally include native vegetation with diverse plant
7 communities, multiple canopy layers, and the presence of large woody debris
8 available for recruitment to adjacent water bodies.
- 9 C. Valuable functions are provided for the larger aquatic and terrestrial
10 environments, which could be lost or significantly reduced by human
11 development.
- 12 D. Ecosystems or geologic types that are of particular scientific and educational
13 interest are represented.
- 14 E. Largely undisturbed areas of wetlands, estuaries, unstable bluffs, coastal
15 dunes, and spits are present.
- 16 F. New development, extractive uses, or physical modifications cannot be
17 supported without significant adverse impacts to ecological functions and/or
18 processes or risk to human safety.

19 **Policies**

20 Development within natural shoreline areas shall be consistent with the following
21 policies:

22 Policy 11Q-1: Preservation of the area’s ecological functions, natural features
23 and overall character must receive priority over any other
24 potential use. Uses should not degrade shoreline ecological
25 functions or processes or the natural character of the shoreline
26 area. New development or significant vegetation removal that
27 would reduce the capability of the shoreline to perform a full
28 range of ecological functions or processes should not be
29 permitted.

30 Policy 11Q-2: Private and/or public enjoyment of natural shoreline areas should
31 be encouraged and facilitated through low intensity recreational,
32 scientific, historical, cultural, and educational research uses;
33 provided, that no significant ecological impact on the area will
34 result.

35 Policy 11Q-3: Agricultural and forestry uses of a very low intensity nature may
36 be consistent with the natural shoreline area when such use is
37 subject to appropriate limitations or conditions to assure that the
38 use does not expand or alter practices in a manner inconsistent
39 with the purpose of the designation.

40 Policy 11Q-4: The following uses should not be permitted in the natural
41 shoreline area:
42 1. Commercial uses.
43 2. Industrial uses.

- 1 3. Non-water-oriented recreation.
- 2 4. Roads, utility corridors, and parking areas that can be located
- 3 outside of natural shoreline areas.

4 **Aquatic Shoreline Area**

5 **Purpose**

6 The purpose of the aquatic shoreline area is to protect, restore, and manage the
7 characteristics and resources of the areas waterward of the ordinary high-water
8 mark.

9 **Designation Criteria**

10 The aquatic shoreline area is defined as the area waterward of the ordinary high-
11 water mark of all streams, rivers, lakes, and marine waterbodies, constituting
12 shorelines of the state together with their underlying lands and their water column.

13 **Policies**

14 Development within aquatic shoreline areas shall be consistent with the following
15 policies:

16 Policy 11R-1: New over-water structures should only be permitted for water-
17 dependent uses, public access, or ecological restoration. The size
18 of new over-water structures should be limited to the minimum
19 necessary to support the structure’s intended use. In order to
20 reduce the impacts of shoreline development and increase
21 effective use of water resources, multiple use of over-water
22 facilities should be encouraged.

23 Policy 11R-2: All developments and uses on navigable waters or their beds
24 should be located and designed to minimize interference with
25 surface navigation, to consider impacts to public views, and to
26 allow for the safe, unobstructed passage of fish and wildlife,
27 particularly those species dependent on migration.

28 Policy 11R-3: Uses that adversely impact the ecological functions of critical
29 saltwater and freshwater habitats should not be permitted except
30 where necessary to achieve the objectives of RCW 90.58.020, and
31 then only when all potential impacts are mitigated as necessary
32 to assure maintenance of shoreline ecological functions and
33 processes.

34 Policy 11R-4: Shoreline uses and modifications should be designed and
35 managed to prevent degradation of water quality and alteration
36 of natural conditions.

1 **Cherry Point Management Area**

2 **Purpose**

3 Washington State natural resource agencies and Whatcom County have identified
4 certain portions of the Cherry Point management area as providing herring spawning
5 habitat and other key habitat characteristics that warrant special consideration due
6 to their importance to regional fisheries and other elements of the aquatic
7 environment. The purpose of the Cherry Point management area is to provide a
8 regulatory framework that recognizes and balances the special port, industrial, and
9 natural resource needs associated with the development of this marine resource.

10 **Designation Criteria**

11 The Cherry Point Management Area is a geographic area lying between the eastern
12 property boundary of Tax Lots 2.27 and 2.28 within the SE 1/4 of Section 11,
13 Township 39 North, Range 1 West, as it existed on June 18, 1987, and the southern
14 boundary of Section 32, Township 39 North, Range 1 East, extending waterward a
15 distance of 5,000 feet and extending landward for 200 feet as measured on a
16 horizontal plane from the OHWM. This area shall have the Cherry Point Management
17 Area shoreline environment designation.

18 **Policies**

19 Policies applicable to the Cherry Point Management Area are found in the Shoreline
20 Use and Modifications Policies section of this chapter; applicable regulations are found
21 in WCC Title 23.

22 **Shorelines of Statewide Significance**

23 In accordance with RCW 90.58.020, the following management and administrative
24 policies are adopted for all shorelines of statewide significance in unincorporated
25 Whatcom County, as defined in RCW 90.58.030(2)(e) and identified in WCC
26 23.2.060. Consistent with the policy contained in RCW 90.58.020, preference shall
27 be given to the uses that are consistent with the statewide interest in such shorelines.
28 In the following order or preference, these are uses that:

- 29 A. Recognize and protect the statewide interest over local interest.
- 30 B. Preserve the natural character of the shoreline.
- 31 C. Result in long-term over short-term benefit.
- 32 D. Protect the resources and ecology of the shoreline.
- 33 E. Increase public access to publicly owned areas of the shoreline.
- 34 F. Increase recreational opportunities for the public in the shoreline.
- 35 G. Provide for any other element as defined in RCW 90.58.100 deemed
36 appropriate or necessary.

37 Uses that are not consistent with these policies should not be permitted on shorelines
38 of statewide significance.

39 The statewide interest should be recognized and protected over the local interest in
40 shorelines of statewide significance. To ensure that statewide interests are protected

- 1 over local interests, the County shall review all development proposals within
2 shorelines of statewide significance for consistency with RCW 90.58.030 and the
3 following policies:
- 4 Policy 11-1: A. Redevelopment of shorelines should be encouraged where it
5 restores or enhances shoreline ecological functions and processes
6 impaired by prior development activities.
- 7 Policy 11S-2: The Washington Departments of Fish and Wildlife and Ecology,
8 the Lummi Nation, the Nooksack Tribe, and other resources
9 agencies should be consulted for development proposals that
10 could affect anadromous fisheries.
- 11 Policy 11S-3: Where commercial timber cutting takes place pursuant to WCC
12 23.40.110 and RCW 90.58.150, reforestation should take place
13 as soon as possible.
- 14 Policy 11S-4: Activities that use shoreline resources on a sustained yield or non-
15 consuming basis and that are compatible with other appropriate
16 uses should be given priority over uses not meeting these criteria.
- 17 Policy 11S-5: The range of options for shoreline use should be preserved to the
18 maximum possible extent for succeeding generations.
19 Development that consumes valuable, scarce, sensitive, or
20 irreplaceable natural resources should be protected to the
21 maximum extent feasible and should not be permitted if
22 alternative sites are available.
- 23 Policy 11S-6: Potential short-term economic gains or convenience should be
24 measured against potential long-term and/or costly impairment
25 of natural features.
- 26 Policy 11S-7: Protection or enhancement of aesthetic values should be actively
27 promoted in design review of new or expanding development.
- 28 Policy 11S-8: Resources and ecological systems of shorelines of statewide
29 significance should be protected. Shorelands and submerged
30 lands should be protected to accommodate current and projected
31 demand for economic resources of statewide importance, such as
32 commercial shellfish beds.
- 33 Policy 11S-9: Erosion and sedimentation from development sites should be
34 controlled to minimize adverse impacts on ecosystem processes.
35 If site conditions preclude effective erosion and sediment control,
36 excavations, land clearing, or other activities likely to result in
37 significant erosion should be severely limited.
- 38 Policy 11S-10: Public access development in extremely sensitive areas should be
39 restricted or prohibited. All forms of recreation or access
40 development should be designed to protect the resource base
41 upon which such uses in general depend.
- 42 Policy 11S-11: Public and private developments should be encouraged to provide
43 trails, viewpoints, water access points, and shoreline-related

1 recreation opportunities whenever possible. Such development is
2 recognized as a high priority use.

3 Policy 11S-12: Development not requiring a shoreline location should be located
4 inland so that lawful public enjoyment of shorelines is preserved.

5 Policy 11S-13: Lodging and related facilities should be located inland and provide
6 for appropriate means of access to the shoreline.

7 **General Policies**

8 The following general policies apply to all use and development activities on
9 shorelines.

10 **Land Use**

11 Policy 11T-1: Single-family residences should be given preference for location
12 on shorelines in those limited instances when an alteration of the
13 shorelines is authorized (RCW 90.58.020).

14 Policy 11T-2: Shoreline uses that are water-dependent or water-related should
15 be given preference (RCW 90.58.020). Such uses should be
16 located, designed, and maintained in a manner that minimizes
17 adverse impacts to shoreline ecological functions and/or
18 processes. Non-water-oriented development may be allowed;
19 provided, that existing water-dependent uses are not displaced
20 and the future supply of sites for water-dependent or water-
21 related uses is not compromised.

22 Policy 11T-3: Adequate space should be reserved on shorelines to meet the
23 current and projected demand for water-dependent uses, in
24 conjunction with areas provided in cities, towns and areas under
25 tribal jurisdiction.

26 **Ecological Protection and Critical Areas**

27 Policy 11U-1: Shoreline use and development should be carried out in a manner
28 that prevents or mitigates adverse impacts so that the resulting
29 ecological condition does not become worse than the current
30 condition. This means assuring no net loss of ecological functions
31 and processes and protecting critical areas designated in WCC
32 Chapter 16.16, in a manner consistent with all relevant
33 constitutional and other legal limitations on the regulation of
34 private property. Permitted uses shall be designed and conducted
35 to minimize, insofar as practical, any resultant damage to the
36 ecology and environment (RCW 90.58.020). Shoreline ecological
37 functions that should be protected include, but are not limited to,
38 fish and wildlife habitat, food chain support, and water
39 temperature maintenance. Shoreline processes that should be
40 protected include, but are not limited to, water flow; littoral drift;
41 erosion and accretion; infiltration; ground water recharge and
42 discharge; sediment delivery, transport, and storage; large

- 1 woody debris recruitment; organic matter input; nutrient and
2 pathogen removal; and stream channel formation/maintenance.
- 3 Policy 11U-2: In assessing the potential for net loss of ecological functions or
4 processes, project-specific and cumulative impacts should be
5 considered.
- 6 Policy 11U-3: Development standards for density, frontage, setbacks,
7 impervious surface, shoreline stabilization, vegetation
8 conservation, buffers, critical areas, and water quality should
9 protect existing shoreline ecological functions and processes.
10 During permit review, the administrator should consider the
11 expected impacts associated with proposed shoreline
12 development when assessing compliance with this policy.

13 **Water Quality and Quantity**

- 14 Policy 11V-1: The location, construction, operation, and maintenance of all
15 shoreline uses and developments should maintain the quantity
16 and maintain or enhance the quality of surface and groundwater
17 over the long term.
- 18 Policy 11V-2: Shoreline use and development should minimize the need for
19 chemical fertilizers, pesticides, or other similar chemical
20 treatments to prevent contamination of surface and ground water
21 and/or soils, and adverse effects on shoreline ecological functions
22 and values.
- 23 Policy 11V-3: Appropriate buffers along all wetlands, streams, lakes, and
24 marine water bodies should be provided and maintained in a
25 manner that avoids the need for chemical treatment.

26 **Views and Aesthetics**

- 27 Policy 11W-1: Shoreline use and development activities should be designed and
28 operated to minimize obstructions of the public’s visual access to
29 the water and shoreline.
- 30 Policy 11W-2: Shoreline use and development should not significantly detract
31 from shoreline scenic and aesthetic qualities that are derived from
32 natural or cultural features, such as shoreforms, vegetative cover
33 and historic sites/structures.
- 34 Policy 11W-3: Aesthetic objectives should be implemented through regulations
35 and criteria for site planning, maximum height, setbacks, siting
36 of buildings and accessories, screening, vegetation conservation,
37 architectural standards, sign control regulations, appropriate
38 development siting, designation of view corridors, and
39 maintenance of natural vegetative buffers.
- 40 Policy 11W-4: To protect shoreline ecological functions and aesthetics,
41 vegetation conservation should be preferred over the creation or
42 maintenance of views from shoreline properties. Clearing,

1 thinning, and/or limbing for limited view corridors should only be
 2 allowed where it does not adversely impact ecological and/or
 3 aesthetic values, and/or slope stability.

4 **Vegetation Conservation**

5 Policy 11X-1: Where new developments and/or uses are proposed, native
 6 shoreline vegetation should be conserved to maintain shoreline
 7 ecological functions and/or processes and mitigate the direct,
 8 indirect and/or cumulative impacts of shoreline development,
 9 wherever feasible.

10 **Cultural Resources**

11 The following policies apply to cultural resources that are (a) listed on the national,
 12 state, or local registers of historic places; (b) recorded by the Washington State
 13 Department of Archaeology and Historic Preservation (DAHP), a Native American
 14 tribe, and/or a local jurisdiction; or (c) undiscovered, inadvertently uncovered, or yet
 15 unrecorded.

16 Archaeological sites located in (as well as outside of) shoreline jurisdiction are subject
 17 to RCW Chapter 27.44 (Indian graves and records) and RCW Chapter 27.53
 18 (Archaeological sites and records). Shoreline uses or development that may impact
 19 such sites shall comply with WAC Chapter 25-48 as well as the provisions of this
 20 Shoreline Master Program.

21 Pursuant to RCW 27.53.070, information and documents pertaining to the location of
 22 archaeological sites or resources are confidential and not considered public records
 23 that require disclosure.

24 Policy 11X-1: The County should work with tribal, state, federal, and local
 25 governments as appropriate to maintain an inventory of all known
 26 significant cultural resources in observance of applicable state
 27 and federal laws protecting such information from general public
 28 disclosure. As appropriate, such sites should be protected,
 29 preserved and/or restored for study, education, and/or public
 30 enjoyment to the maximum possible extent.

31 Policy 11X-2: Site development plans should incorporate provisions for cultural
 32 resource preservation, restoration, and education with open
 33 space or recreation areas whenever compatible and possible.

34 Policy 11X-3: Owners of property containing cultural resources are encouraged
 35 to make development plans known well in advance of application,
 36 so that appropriate agencies such as the Lummi Nation, Nooksack
 37 Tribe, Washington State Department of Archaeology and Historic
 38 Preservation, and others may have adequate time to assess the
 39 site and decide to preserve cultural values as applicable.

40 Policy 11X-4: Private and public owners of historic sites should be encouraged
 41 to provide public access and educational opportunities in a
 42 manner consistent with long-term protection of both historic
 43 values and shoreline ecological functions.

- 1 Policy 11X-5: Development on sites containing cultural resources should be
 2 planned and carried out so as to prevent impacts to the resource.
 3 Impacts to neighboring properties and other shore uses should
 4 be limited to temporary or reasonable levels.
- 5 Policy 11X-6: If development is proposed adjacent to an identified cultural
 6 resource, then the proposed development should be designed and
 7 operated so as to be compatible with continued protection of that
 8 resource.
- 9 Policy 11X-7: The cultural resource provisions of this program are consistent
 10 with Chapters 27.44 and 27.53 RCW and WAC 25-48-060. In
 11 accordance with state law, all applicants are subject to these
 12 requirements.
- 13 Policy 11X-8: The County shall consult with DAHP and affected Native American
 14 tribes as appropriate in implementing the cultural resource goals,
 15 objectives, policies, and regulations of this program.
- 16 Policy 11X-9: In reviewing development proposals, the County shall take, or
 17 cause project applicants to take, all required actions to:
- 18 1. Minimize the risk of disturbing cultural resources within
 19 Whatcom County shorelines.
 - 20 2. Due to the limited and irreplaceable nature of the
 21 resource(s), prevent the destruction of or damage to any site
 22 having historic, cultural, scientific, or educational value as
 23 identified by the appropriate authorities, including affected
 24 Tribes and the DAHP.
 - 25 3. Consult with professional archaeologists, DAHP, and affected
 26 Tribes before permitting or otherwise approving the use or
 27 development of shoreline areas containing cultural resources.
 28 This consultation shall be accomplished through the
 29 regulations and procedures provided in WCC Title 23.
 - 30 4. Consult with DAHP and affected Tribes and coordinate with
 31 project archaeologists to establish site- and project-specific
 32 procedures for protection and management of cultural
 33 resources.
 - 34 5. Make informed specific land use decisions based upon
 35 information provided by DAHP and Tribes.
 - 36 6. Ensure the use of the best available information, technology,
 37 and techniques in identifying, protecting, preserving, and
 38 restoring cultural resources.

39 **Public Access**

- 40 Policy 11Y-1: Use and development that provide an opportunity for substantial
 41 numbers of people to enjoy the shorelines of the state are a
 42 preferred use.

- 1 Policy 11Y-2: Physical or visual access to shorelines should be incorporated in
 2 all new development when the development would either
 3 generate a demand for one or more forms of such access, and/or
 4 would impair existing legal access opportunities or rights. As
 5 required by the governing principles, all such conditions should
 6 be consistent with all relevant constitutional and other legal
 7 limitations on regulation of private property.
- 8 Policy 11Y-3: Public access should be provided for water-oriented uses and
 9 non-water-dependent uses and developments that increase
 10 public use of the shorelines and public aquatic lands, or that
 11 would impair existing, legal access opportunities.
- 12 Policy 11Y-4: Non-water-related uses or activities located on the shoreline
 13 should provide public access as a public benefit.
- 14 Policy 11Y-5: Public access area and/or facility requirements should be
 15 commensurate with the scale and character of the development
 16 and should be reasonable, effective, and fair to all affected parties
 17 including but not limited to the landowner and the public.
- 18 Policy 11Y-6: Public access design should provide for public safety and minimize
 19 potential impacts to private property, individual privacy, and
 20 shoreline ecological functions and processes.
- 21 Policy 11Y-7: Shoreline development by public entities, such as local
 22 governments, port districts, state agencies, and public utility
 23 districts, should provide public access measures as part of each
 24 development project, unless such access is shown to be
 25 incompatible due to reasons of safety, security, or impact to the
 26 shoreline.

27 **Site Planning**

- 28 Policy 11Z-1: Development and use should be designed in a manner that directs
 29 land alteration to the least sensitive portions of the site to
 30 maximize vegetation conservation; minimize impervious surfaces
 31 and runoff; protect riparian, nearshore and wetland habitats;
 32 protect wildlife and habitats; protect archaeological, historic, and
 33 cultural resources; and preserve aesthetic values. This may be
 34 accomplished by minimizing the project footprint, the use of
 35 clustering, and other appropriate design approaches.
- 36 Policy 11Z-2: To maintain shoreline ecological functions and processes, low
 37 impact and sustainable development practices such as rain
 38 gardens and pervious surfacing methods including, but not
 39 limited to, porous paving blocks, porous concrete, and other
 40 similar materials, should be incorporated in developments where
 41 site conditions allow. Topographic modification, vegetation
 42 clearing, use of impervious surfaces, and alteration of natural
 43 drainage or other features should be limited to the minimum
 44 necessary to accommodate approved uses and development. An

- 1 engineering geologist should be consulted prior to using
2 infiltration practices on shore bluffs.
- 3 Policy 11Z-3: Accessory development or use that does not require a shoreline
4 location should be located outside of shoreline jurisdiction unless
5 such development is required to serve approved water-oriented
6 uses and/or developments. When sited within shoreline
7 jurisdiction, uses and/or developments such as parking, service
8 buildings or areas, access roads, utilities, signs, and storage of
9 materials should be located inland away from the land/water
10 interface and landward of water-oriented developments and/or
11 other approved uses.
- 12 Policy 11Z-4: Development should be located, designed, and managed so that
13 impacts on shoreline or upland uses are minimized through bulk
14 and scale restrictions, setbacks, buffers, and control of proximity
15 impacts such as noise or light and glare.
- 16 Policy 11Z-5: Shoreline uses should not deprive other uses of reasonable access
17 to navigable waters. Public recreation activities such as fishing,
18 clam digging, swimming, boating, wading, and other water-
19 related recreation should be preserved and enhanced. The rights
20 of treaty tribes to resources within their usual and accustomed
21 areas should be accommodated.

22 **Climate Change/Sea Level Rise**

- 23 Policy 11AA-1: Coordinate with Tribal, Federal, State, and local agencies to
24 address issues related to climate change and sea level rise as
25 related to shoreline management.
- 26 Policy 11AA-2: Whatcom County should plan and prepare for the likely impacts
27 of climate change on County-owned facilities, infrastructure, and
28 natural resources and ensure that projects for major maintenance
29 or replacement of utilities, roads, and other public infrastructure
30 consider the impacts of sea-level rise in the location, design, and
31 operation of the projects.
- 32 Policy 11AA-3: Whatcom County should strive to increase resident and business
33 resiliency to the anticipated impacts of climate change by
34 implementing land use regulations based on best available
35 science, such as sea level rise, changes in rainfall patterns,
36 changes in flood volumes and frequencies, and changes in
37 average and extreme temperatures.
- 38 Policy 11AA-4: Habitat protection and restoration projects in shoreline
39 jurisdiction should consider implications of sea-level rise and
40 other climate change impacts to promote resiliency of habitats
41 and species. Those that promote climate change and sea-level
42 rise resiliency should be considered priority actions.

- 1 Policy 11AA-5: Whatcom County should monitor the impacts of climate change
 2 on Whatcom County’s shorelands, the shoreline master program’s
 3 ability to adapt to sea level rise and other aspects of climate
 4 change at least every periodic update, and revise the shoreline
 5 master program as needed. Whatcom County should periodically
 6 assess the best available sea level rise projections and other
 7 science related to climate change within shoreline jurisdiction and
 8 incorporate them into future program updates, as relevant.
- 9 Policy 11AA-6: Public infrastructure—such as transportation systems, utilities,
 10 flood hazard control, and instream structures—and essential
 11 public facilities in shoreline areas should be built in a manner that
 12 accounts for increased sea level rise and storm surge, and the
 13 flooding that may accompany it.
- 14 Policy 11AA-7: Whatcom County should evaluate opportunities to protect
 15 shoreline investments and infrastructure from the impacts of
 16 climate change, as necessary and feasible. Specifically, the
 17 County should maintain shoreline protection and erosion control
 18 by:
- 19 • Facilitating the installation and maintenance of native
 20 vegetation along appropriate areas of shoreline;
 - 21 • Revisiting development policies with the objective of
 22 providing additional shoreline buffer area between developed
 23 areas and the shoreline; and
 - 24 • Only consider structural shoreline stabilization structures
 25 when alternative options are unavailable.

26 **Shoreline Use and Modification Policies**

27 The following shoreline use and modification policies apply to specific development
 28 activities on shorelines.

29 **Shoreline Bulk Provisions – Buffers, Setbacks, Height, Open Space and**
 30 **Impervious Surface Coverage**

31 Policy 11BB-1: Standards for density, setbacks, height, and other provisions
 32 should ensure no net loss of shoreline ecological functions and/or
 33 processes and preserve the existing character of the shoreline
 34 consistent with the purpose of the shoreline area designation.

35 **Agriculture**

36 Policy 11BB-1: The SMP recognizes the importance of agriculture in Whatcom
 37 County and supports its continued economic viability. It allows
 38 for ongoing agricultural activities and should protect agricultural
 39 lands from conflicting uses such as intensive or unrelated
 40 residential, industrial, or commercial uses while also maintaining
 41 shoreline ecological functions and processes.

1 Policy 11BB-2: Agricultural uses and development in support of agricultural uses
 2 should be conducted in such a manner as to assure no net loss of
 3 shoreline ecological functions and processes and avoid substantial
 4 adverse impacts on other shoreline resources and values.

5 Policy 11BB-3: Conversion of agricultural uses to other uses should comply with
 6 all policies and regulations for nonagricultural uses.

7 **Aquaculture**

8 Policy 11CC-1: Aquaculture is a water-dependent use and, when consistent with
 9 control of pollution, avoidance of adverse impacts to the
 10 environment, and preservation of habitat for resident native
 11 species, is a preferred use of the shoreline (WAC 173-26-
 12 241(3)(b)).

13 Policy 11CC-2: Potential locations for aquaculture activities are relatively
 14 restricted because of specific requirements related to water
 15 quality, temperature, oxygen content, currents, adjacent land
 16 use, wind protection, commercial navigation, and salinity. The
 17 technology associated with some forms of aquaculture is still
 18 experimental and in formative states. Therefore, some latitude
 19 should be given when implementing the policies of this subsection
 20 and the regulations in WCC Title 23; provided, that potential
 21 impacts on existing uses and shoreline ecological functions and
 22 processes should be given due consideration.

23 Policy 11CC-3: Preference should be given to those forms of aquaculture that
 24 involve lesser environmental and visual impacts and lesser
 25 impacts to native plant and animal species. In general, projects
 26 that require submerged, intertidal, or no structures are preferred
 27 over those that involve substantial floating structures. Projects
 28 that involve little or no substrate modification are preferred over
 29 those that involve substantial modification. Projects that involve
 30 little or no supplemental food sources, pesticides, herbicides, or
 31 antibiotic application are preferred over those that involve such
 32 practices.

33 Policy 11CC-4: Aquaculture activities should be designed, located and operated
 34 in a manner that supports long-term beneficial use of the
 35 shoreline and protects and maintains shoreline ecological
 36 functions and processes. Aquaculture should not be permitted
 37 where it would result in a net loss of shoreline ecological
 38 functions; adversely affect the quality or extent of habitat for
 39 native species, including eelgrass, kelp, and other macroalgae;
 40 adversely impact other habitat conservation areas; or interfere
 41 with navigation or other water-dependent uses.

42 Policy 11CC-5: Aquaculture that involves significant risk of cumulative adverse
 43 effects on water quality, sediment quality, benthic and pelagic
 44 organisms, and/or wild fish populations through potential

- 1 contribution of antibiotic resistant bacteria, or escapement of
 2 nonnative species, or other adverse effects on ESA-listed species
 3 should not be permitted.
- 4 Policy 11CC-6: The County should actively seek substantive comment on any
 5 shoreline permit application for aquaculture from all appropriate
 6 federal, state, and local agencies; the Lummi Nation, Nooksack
 7 Tribe, and other affected tribes; and the general public regarding
 8 potential adverse impacts. Comments of nearby residents or
 9 property owners directly affected by a proposal should be
 10 considered and evaluated, especially in regard to use
 11 compatibility and aesthetics.
- 12 Policy 11CC-7: The rights of treaty tribes to aquatic resources within their usual
 13 and accustomed areas should be addressed through the permit
 14 review process. Direct coordination between the
 15 applicant/proponent and the tribe should be encouraged.
- 16 Policy 11CC-8: Consideration should be given to both the potential beneficial
 17 impacts and potential adverse impacts that aquaculture
 18 development might have on the physical environment; on other
 19 existing and approved land and water uses, including navigation;
 20 and on the aesthetic qualities of a project area.
- 21 Policy 11CC-9: Legally established aquaculture enterprises, including authorized
 22 experimental projects, should be protected from incompatible
 23 uses that may seek to locate nearby. Use or developments that
 24 have a high probability of damaging or destroying an existing
 25 aquaculture operation may be denied.
- 26 Policy 11CC-10: Experimental aquaculture projects in waterbodies should be
 27 limited in scale and should be approved for a limited period of
 28 time. Experimental aquaculture means an aquaculture activity
 29 that uses methods or technologies that are unprecedented or
 30 unproven in the state of Washington.

31 **Marinas and Launch Ramps**

32 Marina and launch ramp development are subject to the following policies. Moorage
 33 structures serving four or fewer users are only subject to the policies in Moorage
 34 Structures.

- 35 Policy 11DD-1: Boating facilities, including marinas and launch ramps, are water-
 36 dependent uses and should be given priority for shoreline
 37 location. Boating facilities should also contribute to public access
 38 and enjoyment of waters of the state. Shorelines particularly
 39 suitable for marinas and launch ramps are limited, and should be
 40 identified and reserved to prevent irreversible commitment for
 41 other uses having less stringent site requirements.
- 42 Policy 11DD-2: Regional needs for marina and boat launch facilities should be
 43 carefully considered in reviewing new proposals as well as in

- 1 allocating shorelines for such development. Such facilities should
 2 be coordinated with park and recreation plans and, where
 3 feasible, collocated with port or other compatible water-
 4 dependent uses. Review of such facilities should be coordinated
 5 with recreation providers, including cities, adjacent counties, port
 6 districts, the Whatcom County Parks and Recreation department,
 7 the Washington State Parks and Recreation Commission, and the
 8 Washington State Department of Natural Resources to avoid
 9 unnecessary duplication and to efficiently provide recreational
 10 resources while minimizing adverse impacts to shoreline
 11 ecological functions and processes.
- 12 Policy 11DD-3: Upland boat storage is preferred over new in-water moorage.
 13 Mooring buoys are preferred over docks and piers. Boating
 14 facilities that minimize the amount of shoreline modification are
 15 preferred.
- 16 Policy 11DD-4: Boating facilities should provide physical and visual public
 17 shoreline access and provide for multiple uses, including water-
 18 related use, to the extent compatible with shoreline ecological
 19 functions and processes and adjacent shoreline use.
- 20 Policy 11DD-5: Accessory uses at marinas or launch ramps should be limited to
 21 water-oriented uses, or uses that provide physical or visual
 22 shoreline access for substantial numbers of the general public.
- 23 Policy 11DD-6: New or expanding boating facilities including marinas, launch
 24 ramps, and accessory uses should only be sited where suitable
 25 environmental conditions are present and should avoid critical
 26 saltwater habitat including kelp and eelgrass beds, and spawning
 27 and holding areas for forage fish (such as herring, surf smelt and
 28 sandlance); subsistence, commercial, and recreational shellfish
 29 beds; mudflats, intertidal habitats with vascular plants; and areas
 30 with which priority species have a primary association.
- 31 Policy 11DD-7: Boating facilities should be located and designed to avoid adverse
 32 effects upon coastal, riverine, and nearshore processes such as
 33 erosion, littoral or riparian transport, and accretion, and should,
 34 where feasible, enhance degraded, scarce, and/or valuable shore
 35 features including accretion shoreforms.
- 36 Policy 11DD-8: Launch ramps are preferred over marinas on accretion shores
 37 because associated impacts are often reversible and such
 38 structures will not normally interfere with littoral drift and
 39 accretion unless offshore defense structures or dredging are also
 40 required.
- 41 Policy 11DD-9: Nonregulatory methods to protect, enhance, and restore
 42 shoreline ecological functions and processes and other shoreline
 43 resources should be encouraged during the design, development,
 44 and operation of boating facilities. Nonregulatory methods may

- 1 include public facility and resource planning, education, voluntary
 2 protection and enhancement projects, or incentive programs.
- 3 Policy 11DD-10: Boating facilities should be located, designed, and operated so
 4 that other appropriate water-dependent uses are not adversely
 5 affected.
- 6 Policy 11DD-11: Location and design of boating facilities should not unduly
 7 obstruct navigable waters and should avoid adverse effects to
 8 recreational opportunities such as fishing, shellfish gathering,
 9 pleasure boating, commercial aquaculture, swimming, beach
 10 walking, picnicking, and shoreline viewing.
- 11 Policy 11DD-12: Boating facilities should be located, designed, constructed,
 12 maintained, and operated to avoid adverse proximity impacts
 13 such as noise, light and glare; aesthetic impacts to adjacent land
 14 uses; and impacts to public visual access to the shoreline.
- 15 Policy 11DD-13: Live-aboards should be regulated so as to prevent adverse
 16 impacts to public health and safety.

17 **Commercial Use**

- 18 Policy 11EE-1: In securing shoreline locations for commercial uses, preference
 19 should be given first to water-dependent commercial uses, then
 20 to water-related and water-enjoyment commercial uses.
- 21 Policy 11EE-2: Restoration of impaired shoreline ecological functions and
 22 processes should be encouraged as part of commercial
 23 development.
- 24 Policy 11EE-3: Commercial development should ensure visual compatibility with
 25 adjacent noncommercial properties.
- 26 Policy 11EE-4: Commercial uses located in the shoreline should provide public
 27 access in accordance with constitutional or other legal limitations
 28 unless such improvements are demonstrated to be infeasible or
 29 present hazards to life and property.

30 **Dredging**

- 31 Policy 11FF-1: Dredging should be permitted for water-dependent uses of
 32 economic importance to the region and/or essential public
 33 facilities only when necessary and when alternatives are
 34 infeasible or less consistent with the SMP.
- 35 Policy 11FF-2: Dredging to provide water-oriented recreation should not be
 36 permitted.
- 37 Policy 11FF-3: Minor dredging as part of ecological restoration or enhancement,
 38 beach enhancement, public access, or public recreation should be
 39 permitted if consistent with the SMP.

- 1 Policy 11FF-4: New development should be sited and designed to avoid or,
2 where avoidance is not possible, to minimize the need for new
3 maintenance dredging.
- 4 Policy 11FF-5: Dredging of bottom materials for the primary purpose of
5 obtaining material for landfill, construction, or beach
6 enhancement should not be permitted.
- 7 Policy 11FF-6: Spoil disposal on land away from the shoreline is generally
8 preferred over open water disposal.
- 9 Policy 11FF-7: Long-term cooperative management programs that rely primarily
10 on natural processes and involve landowners and applicable local,
11 state, and federal agencies and tribes should be pursued to
12 prevent or minimize conditions which make dredging necessary.

13 **Flood Hazard Reduction and Instream Structures**

- 14 Policy 11GG-1: New or expanding development or uses in the shoreline, including
15 subdivision of land, that would likely require structural flood
16 hazard reduction works within a stream, channel migration zone,
17 or floodway should not be allowed.
- 18 Policy 11GG-2 Flood hazard reduction works and instream structures should be
19 planned and designed to be compatible with appropriate multiple
20 uses of stream resources over the long term, especially in
21 shorelines of statewide significance.
- 22 Policy 11GG-3 Flood hazard reduction works should only be allowed in the
23 shoreline if they are necessary to protect existing development
24 and where nonstructural flood hazard reduction measures are
25 infeasible.
- 26 Policy 11GG-4 Flood hazard reduction works to protect existing development
27 should be permitted only when the primary use being protected
28 is consistent with the SMP, and the works can be developed in a
29 manner that is compatible with multiple use of streams and
30 associated resources for the long term, including shoreline
31 ecological functions, fish and wildlife management, and
32 recreation.

33 **Forest Practices**

- 34 Policy 11HH-1: Forest lands should be reserved for long-term forest management
35 and such other uses as are compatible with the primary use.
36 Other more intensive and incompatible uses tending to impair the
37 primary use should be discouraged from locating on forest lands.
- 38 Policy 11HH-2: Forest practices should maintain high levels of water quality, as
39 well as surface and groundwater movement patterns.
- 40 Policy 11HH-3: Forest practices should minimize damage to wetlands, fish and
41 wildlife species, and habitats, especially aquatic habitats.

- 1 Policy 11HH-4: Forest practices should maintain or improve the quality of soils
2 and minimize erosion.
- 3 Policy 11HH-5: Where slopes are extremely steep or soils are subject to sliding,
4 rapid erosion, or high-water table, special practices should be
5 employed to minimize damage to shoreland and water features
6 and adjacent properties.

7 **Industrial and Port Development**

8 The following policies apply to industrial and port development in shoreline areas.

9 Policy 11II-1: Shoreline sites particularly suitable for development such as
10 deepwater harbors with access to adequate rail, highway, and
11 utility systems should be reserved for water-dependent or water-
12 related industrial and port development.

13 Policy 11II-2: In order to provide adequate shoreline for future water-
14 dependent and water-related uses, industrial or port development
15 at deepwater sites should be limited to those uses that produce
16 the greatest long-term economic base. Industrial and port
17 development that is consistent with the SMP should be protected
18 from encroachment or interference by incompatible uses with less
19 stringent siting requirements, such as residential or commercial
20 uses. Mixed use development, including non-water-dependent
21 uses, should only be allowed when they include and support
22 water-dependent uses.

23 Policy 11II-3: Regional needs for port facilities should be carefully considered in
24 reviewing new port proposals and in allocating shorelines for such
25 development. Such reviews or allocations should be coordinated
26 with port districts, adjacent counties and cities, and the state.
27 Existing, officially designated State Harbor Areas should be used
28 for new port development to the maximum extent whenever
29 possible.

30 Policy 11II-4: Multiple use of industrial and port facilities is encouraged to limit
31 duplicative facilities and reduce adverse impacts. Multiple use
32 should be implemented in the following manner:

33 a. Cooperative use of piers, cargo handling, storage, parking and
34 other accessory facilities among private or public entities
35 should be required in industrial or port facilities whenever
36 feasible. New facilities for water-dependent uses should be
37 allowed only after assessment of the potential for shared use
38 of existing facilities.

39 b. Industrial and port developments should provide opportunities
40 for physical and/or visual public shoreline access in
41 accordance with the public access policies, including
42 recreational use of undeveloped shorelines not needed for port

1 or industry operations; provided, that such uses are safely
2 compatible with facility operations.

3 Policy 11II-5: Industrial and port development in the shoreline should be
4 located and designed to avoid significant adverse impacts to other
5 shoreline uses, resources, and values, including shoreline
6 geomorphic processes, water quality, fish and wildlife habitat,
7 commercial aquaculture, and the aquatic food chain.

8 Policy 11II-6: Restoration of impaired shoreline ecological functions and
9 processes should be encouraged as part of industrial and port
10 development.

11 **Cherry Point Management Area**

12 Policy 11JJ-1: Development of the Cherry Point major port/industrial urban
13 growth area will accommodate uses that require marine access
14 for marine cargo transfer.

15 a. Water-dependent terminal facilities are encouraged as the
16 preferred use in the Cherry Point management area.

17 b. Existing legal fossil fuel refineries should be allowed to
18 continue and maintain their operations with limited
19 expansions subject to environmental review, greenhouse gas
20 emission mitigation, and conformance with the Shoreline
21 Master Program and other applicable land use designation.

22 c. It is the policy of Whatcom County to limit the number of
23 industrial piers at Cherry Point to the existing three piers in
24 operation or approved as of January 1, 1998, taking into
25 account the need to:

- 26 • Act conservatively in land use matters at Cherry Point
27 to prevent further harm to habitat important to the
28 Cherry Point herring stock and Southern Resident
29 Orcas;
- 30 • Optimally implement the Shoreline Master Program
31 policy regarding shorelines of statewide significance
32 per WCC 23.40;
- 33 • Encourage the continued County use of best available
34 science;
- 35 • Support and remain consistent with the state
36 Department of Natural Resources' withdrawal of
37 Cherry Point tidelands and bedlands from the general
38 leasing program and the species recovery goals of the
39 Cherry Point Aquatic Reserve designation and
40 Management Plan;
- 41 • Recognize federal actions upholding treaty rights;
- 42 • Protect traditional commercial and tribal fishing; and

1 area and to ensure visual compatibility with adjacent
2 nonindustrial zoned properties.

3 Policy 11JJ-7: Site Development. All development should be constructed and
4 operated in a manner that, while permitting water-dependent
5 uses, also protects shoreline resources, their ecological functions
6 and processes, and that incorporates the following:

7 a. Low impact development approaches to avoid or minimize
8 adverse impact to topography, vegetation, water quality, fish
9 and wildlife habitat, and other natural site conditions;

10 b. Adequate temporary and permanent management measures
11 to control erosion and sediment impacts during construction
12 and operation; and

13 c. Adequate stormwater management facilities.

14 **Fill and Excavation**

15 Policy 11KK-1: Landfill and excavation should only be permitted to the minimum
16 extent necessary to accommodate an approved shoreline use or
17 development and with assurance of no net loss of shoreline
18 ecological functions and processes. Enhancement and voluntary
19 restoration of landforms and habitat are encouraged.

20 Policy 11KK-2: Landfill in waterbodies, floodways, and/or wetlands should not be
21 permitted for creation of new uplands, unless it is part of an
22 approved ecological restoration activity. Landfill should be
23 permitted in limited instances to restore uplands where recent
24 erosion has rapidly reduced upland area, to build beaches and
25 protective berms for shore stabilization or recreation, to restore
26 or enhance degraded shoreline ecological functions and
27 processes, or to moderately elevate low uplands to make such
28 uplands more suitable for purposes consistent with the SMP.

29 Policy 11KK-3: Fill should not be allowed where shore stabilization works would
30 be required to maintain the materials placed.

31 Policy 11KK-4: Landfills and excavation should be located and developed so that
32 water quality, hydrology, and runoff patterns are not altered.

33 Policy 11KK-5: The predicted economic benefits of landfills and excavation should
34 be weighed against long-term cumulative impacts on ecological
35 processes and functions.

36 **Mining**

37 Policy 11LL-1: Mining should not be located on shorelines where unavoidable
38 adverse impacts on other users or resources together equal or
39 outweigh the benefits from mining.

40 Policy 11LL-2: Mining should not interfere with public recreation on the
41 shoreline.

- 1 Policy 11LL-3: Mining should be located and operated so as to provide long-term
2 protection of water quality, fish and wildlife, and fish and wildlife
3 habitat.
- 4 Policy 11LL-4: Mining, particularly surface or strip mining, should provide for
5 timely restoration of disturbed areas to a biologically productive,
6 semi-natural, or other useful condition through a reclamation
7 process consistent with regulations administered by the
8 Department of Natural Resources and other applicable county
9 standards.
- 10 Policy 11LL-5: Mining of marine and lake shores or accretional shoreforms, such
11 as point bars, that have a high value for recreation or as fish or
12 wildlife habitat should generally not be permitted.
- 13 Policy 11LL-6: Mining should only be permitted on accretion point and channel
14 bars where appropriate studies and detailed operation plans
15 demonstrate that:
 - 16 a. Fish habitat, upland habitat and water quality will not be
17 significantly impacted; and
 - 18 b. The operation will not adversely affect geohydraulic processes,
19 channel alignment, nor increase bank erosion or flood
20 damages.
- 21 Policy 11LL-7: Mining operations should be located, designed, and managed so
22 that other appropriate uses are not subjected to substantial or
23 unnecessary adverse impacts from noise, dust, or other effects of
24 the operation. The operator may be required to implement
25 measures such as buffers, limited hours, or other mitigating
26 measures for the purpose of minimizing adverse proximity
27 impacts.

28 **Moorage Structures**

29 Moorage in shoreline areas are subject to the following policies. Moorage structures
30 serving more than four users and boat launching facilities are also subject to the
31 policies in Marinas and Launch Ramps.

- 32 Policy 11MM-1: Moorage associated with a single-family residence is considered
33 a water-dependent use; provided, that it is designed and used as
34 a facility to access watercraft, and other moorage facilities are
35 not available or feasible. Moorage for water-related and water-
36 enjoyment uses or shared moorage for multifamily use should be
37 allowed as part of a mixed-use development or where it provides
38 public access.
- 39 Policy 11MM-2: New moorage, excluding docks accessory to single-family
40 residences, should be permitted only when the applicant/
41 proponent has demonstrated that a specific need exists to
42 support the intended water-dependent or public access use.

- 1 Policy 11MM-3: As an alternative to continued proliferation of individual private
 2 moorage, mooring buoys are preferred over docks or floats.
 3 Shared moorage facilities are preferred over single-user moorage
 4 where feasible, especially where water use conflicts exist or are
 5 predictable. New subdivisions of more than two lots and new
 6 multifamily development of more than two dwelling units should
 7 provide shared moorage.
- 8 Policy 11MM-4: Docks, piers and mooring buoys, including those accessory to
 9 single-family residences, should avoid locations where they will
 10 adversely impact shoreline ecological functions or processes,
 11 including currents and littoral drift, and critical saltwater habitat
 12 including kelp beds, eelgrass beds, spawning and holding areas
 13 for forage fish (such as herring, surf smelt and sandlance);
 14 subsistence, commercial and recreational shellfish beds;
 15 mudflats, intertidal habitats with vascular plants; and areas with
 16 which priority species have a primary association.
- 17 Policy 11MM-5: Moorage should be spaced and oriented in a manner that
 18 minimizes hazards and obstructions to public navigation rights
 19 and corollary rights thereto such as, but not limited to, fishing,
 20 swimming, and pleasure boating, as well as private riparian rights
 21 of adjacent landowners.
- 22 Policy 11MM-6: Moorage should be restricted to the minimum size necessary to
 23 meet the needs of the proposed use. The size of piers and docks
 24 should be no greater than that required for safety and practicality
 25 for the primary use.
- 26 Policy 11MM-7: Pile supports are preferred over fills because piles do not displace
 27 water surface and intertidal or aquatic habitat and are removable
 28 and thus more flexible in terms of long-term use patterns. Floats
 29 may be less desirable than pile structures where aquatic habitat
 30 or littoral drift are significant.
- 31 Policy 11MM-8: The use of buoys for small craft moorage is preferred over pile or
 32 float structures because of lesser long-term impact on shore
 33 features and users; moorage buoys should be placed as close to
 34 shore as possible to minimize obstruction to navigation.
- 35 Policy 11MM-9: Shoreline resources and water quality should be protected from
 36 overuse by boaters living on vessels (live boards). Boaters living
 37 on vessels are restricted to established marinas with facilities to
 38 address waste handling and other sanitary services.
- 39 Policy 11MM-10: Vessels should be restricted from extended mooring on waters of
 40 the state unless authorization is obtained from the DNR and
 41 impacts to navigation and public access are mitigated.
- 42 Policy 11MM-11: Piers and docks should be constructed of materials that will not
 43 adversely affect water quality or aquatic plants and animals in the
 44 long term.

1 Policy 11MM-12: New pier and dock development should be designed so as not to
 2 interfere with lawful public access to or use of shorelines.
 3 Developers of new piers and shared moorage should be
 4 encouraged to provide physical or visual public access to
 5 shorelines whenever safe and compatible with the primary use
 6 and shore features.

7 **Recreation**

8 Policy 11NN-1: Shoreline recreational development should be given priority for
 9 shoreline location to the extent that the use facilitates the public's
 10 ability to reach, touch, and enjoy the water's edge, to travel on
 11 the waters of the state, and to view the water and the shoreline.
 12 Where appropriate, such facilities should be dispersed along the
 13 shoreline in a manner that supports more frequent recreational
 14 access and aesthetic enjoyment of the shoreline for a substantial
 15 number of people.

16 Policy 11NN-2: Recreational developments should facilitate appropriate use of
 17 shoreline resources while conserving them. These resources
 18 include, but are not limited to: accretion shoreforms, wetlands,
 19 soils, groundwater, surface water, native plant and animal life,
 20 and shore processes.

21 Policy 11NN-3: Recreational developments and plans should provide the regional
 22 population a varied and balanced choice of recreation experiences
 23 in appropriate locations. Public agencies and private developers
 24 should coordinate their plans and activities to provide a wide
 25 variety of recreational opportunities without needlessly
 26 duplicating facilities.

27 Policy 11NN-4: Trail links between shoreline parks and public access points
 28 should be encouraged for walking, horseback or bicycle riding,
 29 and other non-motorized vehicle access where appropriate. The
 30 Whatcom County Comprehensive Park and Recreation Open
 31 Space Plan should be considered in design and approval of public
 32 trail systems.

33 Policy 11NN-5: Access to natural character recreational areas, including but not
 34 limited to beaches and fishing streams, should be a combination
 35 of linear shoreline trails or easements and small parking or access
 36 tracts to minimize user concentration on small portions of the
 37 shoreline.

38 Policy 11NN-6: Recreation facilities should incorporate public education regarding
 39 shoreline ecological functions and processes, the role of human
 40 actions on the environment, and the importance of public
 41 involvement in shorelines management. Opportunities
 42 incorporating educational and interpretive information should be
 43 pursued in design and operation of recreation facilities and nature
 44 trails.

- 1 Policy 11NN-7: Reasonable physical or visual public access to shorelines should
 2 be provided and integrated with recreational developments in
 3 accordance with WCC 23.30.070 (Public Access).
- 4 Policy 11NN-8: Recreation development should be located only where utility and
 5 road capability are adequate, or may be provided without
 6 significant damage to shore features commensurate with the
 7 number and concentration of anticipated users.
- 8 Policy 11NN-9: Cooperative efforts among public and private persons toward the
 9 acquisition and/or development of suitable recreation sites or
 10 facilities should be explored to assure long-term availability of
 11 sufficient public sites to meet local recreation needs.
- 12 **Residential**
- 13 Policy 1100-1: Single-family residences are designated in Chapter [90.58](#) RCW as
 14 a priority use in those limited instances when authorization is
 15 given for alterations of the natural condition of shorelines of the
 16 state.
- 17 Policy 1100-2: New residential development is encouraged to cluster dwelling
 18 units together to reduce physical and visual impacts on shorelines
 19 and to reduce utility and road costs. Planned unit developments
 20 that include common open space and recreation facilities, or a
 21 variety of dwelling sizes and types, are encouraged at suitable
 22 locations as a preferable alternative to extensive single-lot
 23 subdivisions on shorelines. Planned unit developments
 24 (Chapter [20.85](#) WCC) may also include a limited number of
 25 neighborhood commercial business uses where consistent with
 26 the applicable zoning regulations.
- 27 Policy 1100-3: Allowable density of new residential development should comply
 28 with applicable Comprehensive Plan goals and policies, zoning
 29 restrictions, and shoreline area designation standards. The
 30 density of development should be appropriate to local natural and
 31 cultural features.
- 32 Policy 1100-4: Structures or development for uses accessory to residential use
 33 should preserve shoreline open space, be visually and physically
 34 compatible with adjacent cultural and shoreline features, be
 35 reasonable in size and purpose, and result in no net loss of
 36 shoreline ecological functions and processes.
- 37 Policy 1100-5: Buildings greater than 35 feet above average grade level that will
 38 obstruct the views of a substantial number of residences on areas
 39 adjoining such shorelines are limited by the SMA
 40 (RCW [90.58.320](#)) to those cases where the SMP does not prohibit
 41 such development and then only when overriding considerations
 42 of the public interest will be served. The SMP provides
 43 opportunities for buildings greater than 35 feet in height in limited

- 1 areas where consistent with development objectives and the
 2 goals and polices of this chapter.
- 3 Policy 1100-6: New residential development should be planned and built to
 4 minimize the need for shoreline stabilization and flood hazard
 5 reduction measures.
- 6 Policy 1100-7: Measures to conserve native vegetation along shorelines should
 7 be required for all residential development. Vegetation
 8 conservation may include avoidance or minimization of clearing
 9 or grading, restoration of areas of native vegetation, and/or
 10 control of invasive or nonnative vegetation.
- 11 Policy 1100-8: Whenever possible, nonregulatory methods to protect, enhance,
 12 and restore shoreline ecological functions and other shoreline
 13 resources should be encouraged for residential development.
 14 Such methods may include resource management planning, low
 15 impact development techniques, voluntary protection and
 16 enhancement projects, education, or incentive programs.
- 17 Policy 1100-9: New multiunit residential development, including subdivision of
 18 land for more than four parcels, should provide substantial shore
 19 recreational opportunities for residents and the public, unless
 20 public access is infeasible due to incompatible uses, safety,
 21 impacts to shoreline ecology, or legal limitations. Developments
 22 of four or fewer units should provide private access to the shore
 23 for those living in the development (non-public).
- 24 Policy 1100-10: Development should provide open space corridors between
 25 structures, and along site boundaries, so as to provide space for
 26 outdoor recreation, preserve views, and minimize use conflicts.
- 27 Policy 1100-11: Recreation-oriented residential development in the shoreline
 28 should be located only where substantial recreation opportunities
 29 are provided on site, and where nearby property owners and
 30 other appropriate uses will not be adversely affected.

31 **Restoration and Enhancement**

- 32 Policy 11PP-1: The SMP recognizes the importance of restoration of shoreline
 33 ecological functions and processes and encourages cooperative
 34 restoration efforts and programs between local, state, and federal
 35 public agencies, tribes, nonprofit organizations, and landowners
 36 to address shorelines with impaired ecological functions and/or
 37 processes.
- 38 Policy 11PP-2: Restoration actions should restore shoreline ecological functions
 39 and processes as well as shoreline features and should be
 40 targeted towards meeting the needs of sensitive and/or locally
 41 important plant, fish and wildlife species, the biological recovery
 42 goals for early Chinook and bull trout populations, and other
 43 salmonid species and populations.

- 1 Policy 11PP-3: Restoration should be integrated with other parallel natural
 2 resource management efforts such as the WRIA 1 Salmonid
 3 Recovery Plan and the WRIA 1 Watershed Management Plan.
- 4 Policy 11PP-4: Priority should be given to restoration actions that:
- 5 a. Create dynamic and sustainable ecosystems.
- 6 b. Restore connectivity between stream/river channels,
 7 floodplains and hyporheic zones.
- 8 c. Restore natural channel-forming geomorphologic processes.
- 9 d. Mitigate peak flows and associated impacts caused by high
 10 stormwater runoff volume.
- 11 e. Reduce sediment input to streams and rivers and associated
 12 impacts.
- 13 f. Improve water quality.
- 14 g. Restore native vegetation and natural hydrologic functions of
 15 degraded and former wetlands.
- 16 h. Replant native vegetation in riparian areas to restore
 17 functions.
- 18 i. Restore nearshore ecosystem processes, such as sediment
 19 transport and delivery and tidal currents that create and
 20 sustain habitat.
- 21 j. Restore pocket estuaries that support salmon life histories,
 22 including feeding and growth, refuge, osmoregulation, and
 23 migration.
- 24 k. Address contamination along industrial shoreline regions.

25 **Shoreline Stabilization**

- 26 Policy 11QQ-1: Alternatives to structures for shore protection should be used
 27 whenever possible. Such alternatives may include no action
 28 (allow the shoreline to retreat naturally), increased building
 29 setbacks, building relocation, drainage controls, and
 30 bioengineering, including vegetative stabilization, and beach
 31 enhancement.
- 32 Policy 11QQ-2: Single-family residences occupied prior to January 1, 1992, and
 33 their appurtenant structures should be protected against damage
 34 or loss caused by shoreline erosion; provided, that measures to
 35 protect single-family residences should be designed to minimize
 36 harm to the shoreline environment. After that date, all new
 37 single-family residences and their appurtenant structures should
 38 be built in a manner so as to not need protective measures.
- 39 Policy 11QQ-3: New or expanded structural shore stabilization for new primary
 40 structures should be avoided. Instead, structures should be

- 1 located and designed to avoid the need for future shoreline
 2 stabilization where feasible. Land subdivisions should be designed
 3 to assure that future development of the created lots will not
 4 require structural shore stabilization for reasonable development
 5 to occur.
- 6 Policy 11QQ-3: New or expanded structural shore stabilization should only be
 7 permitted where demonstrated to be necessary to protect an
 8 existing primary structure that is in danger of loss or substantial
 9 damage, and where mitigation of impacts would not cause a net
 10 loss of shoreline ecological functions and processes.
- 11 Policy 11QQ-4: New or expanded structural shore stabilization for enhancement,
 12 restoration, or hazardous substance remediation projects should
 13 only be allowed when nonstructural measures, vegetation
 14 planting, or on-site drainage improvements would be insufficient
 15 to achieve enhancement, restoration, or remediation objectives.
- 16 Policy 11QQ-5: Shore stabilization on streams should be located and designed to
 17 fit the physical character and hydraulic energy potential of a
 18 specific shoreline reach, which may differ substantially from
 19 adjacent reaches.
- 20 Policy 11QQ-6: Shore stabilization should not be permitted to unnecessarily
 21 interfere with public access to public shorelines, nor with other
 22 appropriate shoreline uses including, but not limited to,
 23 navigation, seafood harvest, or recreation.
- 24 Policy 11QQ-7: Provisions for multiple use, restoration, and/or public shore
 25 access should be incorporated into the location, design, and
 26 maintenance of shore stabilization for public or quasi-public
 27 developments whenever safely compatible with the primary
 28 purpose. Shore stabilization on publicly owned shorelines should
 29 not be allowed to decrease long-term public use of the shoreline.
- 30 Policy 11QQ-8: Shore stabilization should be developed in a coordinated manner
 31 among affected property owners and public agencies for a whole
 32 drift sector (net shore-drift cell) or reach where feasible,
 33 particularly those that cross jurisdictional boundaries, to address
 34 ecological and geohydraulic processes, sediment conveyance and
 35 beach management issues. Where beach erosion threatens
 36 existing development, a comprehensive program for shoreline
 37 management should be established.
- 38 Policy 11QQ-9: In addition to conformance with the regulations in the SMP,
 39 nonregulatory methods to protect, enhance, and restore shoreline
 40 ecological functions and other shoreline resources should be
 41 encouraged for shore stabilization. Nonregulatory methods may
 42 include public facility and resource planning, technical assistance,
 43 education, voluntary enhancement and restoration projects, or
 44 other incentive programs.

1 Policy 11QQ-10: Shore stabilization should be located, designed, and maintained
 2 to protect and maintain shoreline ecological functions, ongoing
 3 shore processes, and the integrity of shore features. Ongoing
 4 stream, lake, or marine processes and the probable effects of
 5 proposed shore stabilization on other properties and shore
 6 features should be considered. Shore stabilization should not be
 7 developed for the purpose of filling shorelines.

8 Policy 11QQ-11: Failing, harmful, unnecessary, or ineffective structures should be
 9 removed, and shoreline ecological functions and processes should
 10 be restored using nonstructural methods or less harmful long-
 11 term stabilization measures.

12 Policy 11QQ-12: Structural shoreline stabilization measures should only be used
 13 when more natural, flexible, sustainable, nonstructural methods
 14 such as vegetative stabilization, beach enhancement, and
 15 bioengineering have been determined infeasible. Alternatives for
 16 shoreline stabilization should be based on the following hierarchy
 17 of preference:

- 18 a. No action (allow the shoreline to retreat naturally), increase
 19 building setbacks, and relocate structures.
- 20 b. Flexible defense works constructed of natural materials
 21 including soft shore protection, bioengineering, including
 22 beach enhancement, protective berms, or vegetative
 23 stabilization.
- 24 c. Rigid works constructed of artificial materials such as riprap or
 25 concrete.

26 Materials used for construction of shoreline stabilization should be
 27 selected for long-term durability, ease of maintenance,
 28 compatibility with local shore features, including aesthetic values,
 29 and flexibility for future uses.

30 Policy 11QQ-13: Larger works such as jetties, breakwaters, weirs, or groin
 31 systems should be permitted only for water-dependent uses when
 32 the benefits to the region outweigh resource losses from such
 33 works, and only where mitigated to provide no net loss of
 34 shoreline ecological functions and processes.

35 Policy 11QQ-14: Alternative structures, including floating, portable or submerged
 36 breakwater structures, or several smaller discontinuous
 37 structures, should be considered where physical conditions make
 38 such alternatives with less impact feasible.

39 **Signs**

40 Policy 11RR-1: Whatcom County recognizes the constitutional right for property
 41 owners to communicate using signs on their property. These
 42 policies are intended to ensure that signage within shoreline areas
 43 is consistent with the purpose and intent of the SMA and the SMP

- 1 by addressing impacts to ecological functions, public safety, and
2 visual aesthetics.
- 3 Policy 11RR-2: Signs should be located, designed, and maintained to be visually
4 compatible with local shoreline scenery as seen from both land
5 and water, especially on shorelines of statewide significance.
- 6 Policy 11 RR-3: Sign location and design should not significantly impair shoreline
7 views.
- 8 Policy 11 RR-4: As a preferable alternative to continued proliferation of single-
9 purpose signs, communities, districts, and/or multiuse or
10 multitenant commercial developments are encouraged to erect
11 single, common use gateway signs to identify and give directions
12 to local premises and public facilities.
- 13 Policy 11 RR-5: Signs of a commercial or industrial nature should be limited to
14 those areas or premises to which the sign messages refer.
- 15 Policy 11 RR-6: Billboards and other off-premises signs are not water-dependent,
16 they reduce public enjoyment of or access to shorelines, and they
17 often lower values of nearby properties. Except for approved
18 community gateway or directional signs, such signs should not be
19 located on shorelines.
- 20 Policy 11 RR-7: Signs near scenic vistas and viewpoints should be restricted in
21 number, location, and height so that enjoyment of these limited
22 and scarce areas is not impaired.
- 23 Policy 11 RR-8: Freestanding signs should be located to avoid blocking scenic
24 views and be located on the landward side of public transportation
25 routes, which generally parallel the shoreline.
- 26 Policy 11 RR-9: To minimize negative visual impacts and obstructions to shoreline
27 access and use, low profile, on-premises wall signs are strongly
28 preferred over freestanding signs or off-premises wall signs.
- 29 Policy 11 RR-10: Signs should be designed mainly to identify the premises and
30 nature of enterprise without unduly distracting uninterested
31 passersby. Moving or flashing signs should be prohibited on
32 shorelines.

33 **Transportation**

- 34 Policy 11SS-1: New public or private transportation facilities should be located
35 inland from the land/water interface, preferably out of the
36 shoreline, unless:
- 37 a. Perpendicular water crossings are required for access to
38 authorized uses consistent with the SMP; or
 - 39 b. Facilities are primarily oriented to pedestrian and non-
40 motorized use and provide an opportunity for a substantial
41 number of people to enjoy shoreline areas, and are consistent
42 with the policies and regulations for ecological protection in

- 1 the General Policies section of this chapter and in WCC
 2 23.30.010 (Ecological Protection), respectively.
- 3 Policy 11SS-2: Transportation facilities should be located and designed to avoid
 4 public recreation and public access areas and significant natural,
 5 historic, archaeological, or cultural sites.
- 6 Policy 11SS-3: Parking is not a preferred use in shorelines and should only be
 7 allowed to support authorized uses where no feasible alternatives
 8 exist.
- 9 Policy 11SS-4: New or expanded public transportation facility route selection and
 10 development should be coordinated with related local and state
 11 government land use and circulation planning.
- 12 Policy 11SS-5: Transportation system route planning, acquisition, and design in
 13 the shoreline should provide space wherever possible for
 14 compatible multiple uses such as utility lines, pedestrian shore
 15 access or viewpoints, or recreational trails.
- 16 Policy 11SS-6: Transportation system plans and transportation projects within
 17 shorelines should provide safe trail space for non-motorized
 18 traffic such as pedestrians, bicyclists, or equestrians. Space for
 19 such uses should be required along roads on shorelines, where
 20 appropriate, and should be considered when rights-of-way are
 21 being vacated or abandoned.
- 22 Policy 11SS-7: Public access should be provided to shorelines where safe and
 23 compatible with the primary and adjacent use, or should be
 24 replaced where transportation development substantially impairs
 25 lawful public access. Viewpoints, parking, trails, and similar
 26 improvements should be considered for transportation system
 27 projects in shoreline areas, especially where a need has been
 28 identified.
- 29 Policy 11SS-8: Public transportation routes, particularly arterial highways and
 30 railways, should be located, designed, and maintained to permit
 31 safe enjoyment of adjacent shore areas and properties by other
 32 appropriate uses such as recreation or residences. Vegetative
 33 screening or other buffering should be considered.
- 34 **Utilities**
- 35 Policy 11TT-1: New public or private utilities should be located inland from the
 36 land/water interface, preferably out of the shoreline jurisdiction,
 37 unless:
- 38 a. Perpendicular water crossings are unavoidable; or
- 39 b. Utilities are required for authorized shoreline uses consistent
 40 with the SMP.

- 1 Policy 11TT-2: Utilities should be located and designed to avoid public recreation
2 and public access areas and significant natural, historic,
3 archaeological, or cultural resources.
- 4 Policy 11TT-3: Utilities should be located, designed, constructed, and operated
5 to result in no net loss of shoreline ecological functions and
6 processes with appropriate mitigation as provided in
7 23.30.010 (Ecological Protection).
- 8 Policy 11TT-4: All utility development should be consistent and coordinated with
9 all local government and state planning, including comprehensive
10 plans and single purpose plans to meet the needs of future
11 populations in areas planned to accommodate growth. Site
12 planning and rights-of-way for utility development should provide
13 for compatible multiple uses such as shore access, trails, and
14 recreation or other appropriate use whenever possible; utility
15 right-of-way acquisition should also be coordinated with
16 transportation and recreation planning.
- 17 Policy 11TT-5: Utilities should be located in existing rights-of-way and corridors
18 whenever possible.
- 19 Policy 11TT-6: Utilities serving new development should be located
20 underground, wherever possible.
- 21 Policy 11TT-7: Development of pipelines and cables on aquatic lands and
22 tidelands, particularly those running roughly parallel to the
23 shoreline, and development of facilities that may require periodic
24 maintenance that would disrupt shoreline ecological functions
25 should be discouraged except where no other feasible alternative
26 exists. When permitted, provisions shall assure that the facilities
27 do not result in a net loss of shoreline ecological functions or
28 significant impacts to other shoreline resources and values.
- 29 Policy 11TT-8: Given the different scales of regional, local, and accessory utilities
30 and their potential impacts, the County may establish different
31 regulations regarding each.