

EXHIBIT B
Whatcom County Code Title 23
Shoreline Management Program
AMENDMENTS

(Note: Changes recommended by the Department of Ecology are highlighted in yellow.)

CHAPTER 23.30 SHORELINE JURISDICTION AND AREA DESIGNATIONS

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23.30.055 Urban conservancy shoreline area – Conditional uses.

The following may be permitted as conditional uses subject to the applicable policies and regulations of this program:

- A. All other residential development.
- B. Low intensity water-oriented commercial limited to resort, ~~bed and breakfast~~, campgrounds and similar facilities subject to the criteria in WCC 23.100.050. Low intensity non-water-oriented commercial limited to resort, ~~bed and breakfast~~, campgrounds and similar facilities, subject to the criteria in WCC 23.100.050(B)(1)(d).

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23.30.095 Conservancy shoreline area – Conditional uses.

The following uses may be permitted as conditional uses subject to the applicable policies and regulations of this program:

- A. All other residential development.
- B. Low intensity water-oriented commercial limited to resort, ~~bed and breakfast~~, campgrounds and similar facilities. Low intensity non-water-oriented commercial uses limited to resort, ~~bed and breakfast~~, campgrounds and similar facilities may be permitted as a conditional use, subject to the criteria in WCC 23.100.050(B)(1)(d).

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CHAPTER 23.60 SHORELINE PERMITS AND EXEMPTIONS

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23.60.070 Fees.

- A. Required fees for all shoreline substantial development permits, shoreline conditional use permits, shoreline variances, statements of exemption, appeals, preapplication conferences and other required reviews and/or approvals shall be paid to the county at the time of application in accordance with the Whatcom County unified fee schedule in effect at that time.
- B. When any given project requires more than one of the following permits or applications, the total amount of shoreline fees shall be reduced by 25 percent:
 - 1. Preliminary plat application.
 - 2. Rezone application.

- 3. Major development permit.
- 4. Planned unit development.
- 5. Binding site plan.
- C. When any project requires a shoreline conditional use permit or shoreline variance in addition to a shoreline substantial development permit, the fees for the conditional use or variance shall be reduced by half.
- D. In the event that actions of an applicant result in the repetition of the review, inspections and other steps in the approval process, those items or steps repeated shall be charged to and paid by the applicant prior to any further processing of the application by the county. The cost shall be in accordance with the adopted fee schedule.
- E. If an application is withdrawn within 30 days of submittal, and no work has commenced at the site of the proposal for which the application was made, a refund of not more than 50 percent of the shoreline fees paid may be granted by the administrator. This amount may be reduced where staff time, public notice and other costs exceed 50 percent of the fees paid.
- ~~F. No fees shall be collected from an agency of Whatcom County government.~~

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CHAPTER 23.100 SHORELINE USE POLICIES AND REGULATIONS

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23.100.050 Commercial use.

Commercial development in shoreline areas shall be subject to the policies and regulations of this section and Chapter 23.90 WCC.

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C. Shoreline Area Regulations.

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- 3. Urban Conservancy. Low intensity water-oriented commercial use and development limited to resort, ~~bed and breakfast~~, campgrounds and similar facilities may be permitted as a conditional use. Low intensity non-water-oriented commercial limited to resort, ~~bed and breakfast~~, campgrounds and similar facilities may be permitted as a conditional use subject to the criteria for such uses in subsection (B)(1)(d) of this section.

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- 7. Conservancy. Low intensity water-oriented commercial use and development limited to resort, ~~bed and breakfast~~, campgrounds and similar facilities may be permitted as a conditional use. Low intensity non-water-oriented commercial limited to resort, ~~bed and breakfast~~, campgrounds and similar facilities may be permitted as a conditional use subject to the criteria for such uses in subsection (B)(1)(d) of this section.

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CHAPTER 23.110 DEFINITIONS

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23.110.020 B definitions

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- 4. "Bed and Breakfast" means a privately owned dwelling that is the primary residence(s) of the owner in which, for compensation, one to five rooms are used as sleeping units to house

or lodge individuals or families for periods of less than 30 days as transient visitors with or without limited food service. The use of the dwelling unit for the bed and breakfast shall be clearly incidental and subordinate to its use for residential purposes and the purpose of the applicable zoning district. At least one owner shall be present overnight when a guest room is rented.

(Scrivener’s note: Subsequent numbers shall be renumbered)

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23.110.030 C definitions

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- 6. “Commercial development” means those developments whose primary use is for retail, service, or other commercial ~~business~~ activities. Included in this definition are developments such as hotels, motels, ~~bed and breakfast establishments,~~ shops, restaurants, banks, professional offices, grocery stores, laundromats, recreational vehicle parks, commercial rental campgrounds and cabins, whether public or private, and indoor or intensive outdoor commercial recreation facilities. Not included are private camping clubs, marinas, signs, utilities, ~~bed and breakfasts, vacation rental units,~~ and other development.

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23.110.180 R definitions

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- 7. “Residential development” means buildings, earth modifications, subdivision, and use of land primarily for human residence, including, but not limited to: single-family and multifamily dwellings, condominiums, mobile homes and mobile home parks, boarding homes, family daycare homes, adult family homes, retirement and convalescent homes, ~~bed and breakfasts, and vacation rental units,~~ together with accessory uses common to normal residential use. Camping sites or clubs, recreational vehicle parks, motels, ~~and hotels and other transient housing~~ are not included in this definition.

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23.110.220 V definitions.

- 1. “Vacation Rental Unit” means a single-family dwelling unit, detached accessory dwelling unit, or accessory apartment that, for compensation, is rented as a single unit used to lodge individuals or families for a period of less than 30 days and where the owner is not present in the rented unit during the rental period. Individual sleeping rooms shall not be rented individually.

(Scrivener’s note: Subsequent numbers shall be renumbered)