

EXHIBIT A

Whatcom County Comprehensive Plan Amendments - Chapter 11: Shorelines

Chapter Eleven Shorelines

Introduction

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

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

The Whatcom County Shoreline Management Program jurisdiction includes:

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

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

Chapter Organization

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

Purpose

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

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

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

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

GMA Goals and Countywide Planning Policies

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

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

SMA Requirements

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

Governing Principles

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

- A. Any inconsistencies between the SMP and the Shoreline Management Act (SMA) must be resolved in accordance with the SMA.
- B. The policies of the SMP may be achieved by diverse means, one of which is regulation. Other means authorized by the SMA include, but are not limited to: acquisition of lands and/or easements by purchase or gift, incentive programs, and implementation of capital facility and/or nonstructural programs.
- C. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. Permitted and/or exempt development, actions taken prior to the SMA's adoption, and/or unregulated activities can impair shoreline ecological processes and functions. The SMP protects shoreline ecology from such impairments in the following ways:
 1. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines.
 2. By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in WCC 23 and the Whatcom County Critical Areas Ordinance (CAO, Chapter 16.16 WCC). The SMP and any future amendment thereto shall ensure no net loss of shoreline ecological functions and processes on a programmatic basis in accordance with the baseline functions present as of the date of adoption of the comprehensive SMP update, February 27, 2007.
 3. By including policies and regulations to address cumulative impacts, including ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions, and by fairly allocating the burden of addressing such impacts among development opportunities.
 4. By including regulations and regulatory incentives designed to protect shoreline ecological functions, and restore impaired ecological functions where such opportunities have been identified, consistent with the Shoreline Management Program Restoration Plan developed by Whatcom County.
- D. Regulation of private property to implement SMP goals such as public access and protection of ecological functions and processes must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to, civil rights guaranteed by the U.S. and state Constitutions, pertinent federal and state case law, and state statutes, such as RCW 34.05.328 and 43.21C.060 and Chapter 82.02 RCW.

E. Regulatory or administrative actions must be implemented consistent with the public trust doctrine and other applicable legal principles as appropriate and must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.

F. The regulatory provisions of the SMP are limited to jurisdictional shorelines, whereas the planning functions of the SMP may extend beyond the designated shoreline boundaries.

G. The policies and regulations established by the SMP must be integrated and coordinated with those policies and rules of the Comprehensive Plan and development regulations adopted under the GMA and RCW 34.05.328.

H. Consistent with the policy and use preferences of RCW 90.58.020, Whatcom County should balance the various policy goals of the SMP giving consideration to other relevant local, state, and federal regulatory and non-regulatory programs.

Overall Shoreline Management Program Goals and Objectives

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

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

Economic Development

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

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

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

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

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

11A-4: Encourage economic development that is consistent with the adopted Comprehensive Economic Development Strategy (CEDS) 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.

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

Objectives:

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

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

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

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

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

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

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

Transportation and Essential Public Facilities

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

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

Objectives:

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

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

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

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

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

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

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

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

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

Views and Aesthetics

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

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

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

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

Restoration and Enhancement

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

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

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

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

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

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

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

Shoreline Environment Designations

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

Shoreline area designations have been determined after consideration of:

1. The ecological functions and processes that characterize the shoreline, together with the degree of human alteration;
2. Existing development patterns together with WCC Title 20 Zoning designations, the Comprehensive Plan designations, and other officially adopted plans;
3. Federal and tribal ownership status;
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.

B. They have the potential for development at an intensity and character that is compatible with preserving and restoring ecological functions. They are generally not designated for high intensity residential use, commercial use, or industrial use.

C. They are characterized by critical areas or the presence of other valuable or sensitive ecological resources.

Policies

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

Policy 11L-1: Primary permitted uses should consist of low intensity residential uses or other low intensity uses that preserve the natural character of the area or promote preservation of open space and critical areas.

Policy 11L-2: Moderate to high intensity residential use may be permitted if the proposed uses and design result in substantial open space, public access and/or restoration of shoreline ecological functions and/or processes, and if compatible with surrounding uses.

Policy 11L-3: Public access and public recreation facilities are a preferred use if they will not cause substantial ecological impacts and when restoration of ecological functions is incorporated.

Policy 11L-4: Low intensity commercial uses may be permitted if the specific uses and design result in substantial open space, public access, and/or restoration of ecological functions, and if compatible with surrounding uses.

Shoreline Residential Area

Purpose

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

Designation Criteria

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

Policies

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

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

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

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

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

Rural Shoreline Area

Purpose

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

Designation Criteria

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

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

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

Policies

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

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

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

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

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

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

Resource Shoreline Area

Purpose

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

Designation Criteria

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

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

Policies

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

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

Policy 11O-2: Public or private outdoor recreation facilities should be permitted if they do not displace designated resource lands and if they are developed in a manner that maintains shoreline ecological functions. Preferred uses include water-dependent and water-enjoyment recreation facilities.

Policy 11O-3: Industrial or commercial use and development should be limited to uses that serve resource uses. Such uses may be located within the shoreline only if they are water-dependent, water-related, or if no other feasible location exists within the contiguous property.

Conservancy Shoreline Area

Purpose

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

Designation Criteria

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

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

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

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

Policies

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

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

Natural Shoreline Area

Purpose

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

Designation Criteria

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

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

Policies

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

- Policy 11Q-1: Preservation of the area's ecological functions, natural features and overall character must receive priority over any other potential use. Uses should not degrade shoreline ecological functions or processes or the natural character of the shoreline area. New development or significant vegetation removal that would reduce the capability of the shoreline to perform a full range of ecological functions or processes should not be permitted.
- Policy 11Q-2: Private and/or public enjoyment of natural shoreline areas should be encouraged and facilitated through low intensity recreational, scientific, historical, cultural, and educational research uses; provided, that no significant ecological impact on the area will result.
- Policy 11Q-3: Agricultural and forestry uses of a very low intensity nature may be consistent with the natural shoreline area when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.
- Policy 11Q-4: The following uses should not be permitted in the natural shoreline area:
 - 1. Commercial uses.
 - 2. Industrial uses.

3. Non-water-oriented recreation.

4. Roads, utility corridors, and parking areas that can be located outside of natural shoreline areas.

Aquatic Shoreline Area

Purpose

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

Designation Criteria

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

Policies

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

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

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

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

Policy 11R-4: Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration 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

over local interests, the County shall review all development proposals within shorelines of statewide significance for consistency with RCW 90.58.030 and the following policies:

Policy 11-1: A. Redevelopment of shorelines should be encouraged where it restores or enhances shoreline ecological functions and processes impaired by prior development activities.

Policy 11S-2: The Washington Departments of Fish and Wildlife and Ecology, the Lummi Nation, the Nooksack Tribe, and other resources agencies should be consulted for development proposals that could affect anadromous fisheries.

Policy 11S-3: Where commercial timber cutting takes place pursuant to WCC 23.40.110 and RCW 90.58.150, reforestation should take place as soon as possible.

Policy 11S-4: Activities that use shoreline resources on a sustained yield or non-consuming basis and that are compatible with other appropriate uses should be given priority over uses not meeting these criteria.

Policy 11S-5: The range of options for shoreline use should be preserved to the maximum possible extent for succeeding generations. Development that consumes valuable, scarce, sensitive, or irreplaceable natural resources should be protected to the maximum extent feasible and should not be permitted if alternative sites are available.

Policy 11S-6: Potential short-term economic gains or convenience should be measured against potential long-term and/or costly impairment of natural features.

Policy 11S-7: Protection or enhancement of aesthetic values should be actively promoted in design review of new or expanding development.

Policy 11S-8: Resources and ecological systems of shorelines of statewide significance should be protected. Shorelands and submerged lands should be protected to accommodate current and projected demand for economic resources of statewide importance, such as commercial shellfish beds.

Policy 11S-9: Erosion and sedimentation from development sites should be controlled to minimize adverse impacts on ecosystem processes. If site conditions preclude effective erosion and sediment control, excavations, land clearing, or other activities likely to result in significant erosion should be severely limited.

Policy 11S-10: Public access development in extremely sensitive areas should be restricted or prohibited. All forms of recreation or access development should be designed to protect the resource base upon which such uses in general depend.

Policy 11S-11: Public and private developments should be encouraged to provide trails, viewpoints, water access points, and shoreline-related

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

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

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

General Policies

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

Land Use

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

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

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

Ecological Protection and Critical Areas

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

woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.

Policy 11U-2: In assessing the potential for net loss of ecological functions or processes, project-specific and cumulative impacts should be considered.

Policy 11U-3: Development standards for density, frontage, setbacks, impervious surface, shoreline stabilization, vegetation conservation, buffers, critical areas, and water quality should protect existing shoreline ecological functions and processes. During permit review, the administrator should consider the expected impacts associated with proposed shoreline development when assessing compliance with this policy.

Water Quality and Quantity

Policy 11V-1: The location, construction, operation, and maintenance of all shoreline uses and developments should maintain the quantity and maintain or enhance the quality of surface and groundwater over the long term.

Policy 11V-2: Shoreline use and development should minimize the need for chemical fertilizers, pesticides, or other similar chemical treatments to prevent contamination of surface and ground water and/or soils, and adverse effects on shoreline ecological functions and values.

Policy 11V-3: Appropriate buffers along all wetlands, streams, lakes, and marine water bodies should be provided and maintained in a manner that avoids the need for chemical treatment.

Views and Aesthetics

Policy 11W-1: Shoreline use and development activities should be designed and operated to minimize obstructions of the public's visual access to the water and shoreline.

Policy 11W-2: Shoreline use and development should not significantly detract from shoreline scenic and aesthetic qualities that are derived from natural or cultural features, such as shoreforms, vegetative cover and historic sites/structures.

Policy 11W-3: Aesthetic objectives should be implemented through regulations and criteria for site planning, maximum height, setbacks, siting of buildings and accessories, screening, vegetation conservation, architectural standards, sign control regulations, appropriate development siting, designation of view corridors, and maintenance of natural vegetative buffers.

Policy 11W-4: To protect shoreline ecological functions and aesthetics, vegetation conservation should be preferred over the creation or maintenance of views from shoreline properties. Clearing,

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

Vegetation Conservation

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

Cultural Resources

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

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

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

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

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

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

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

Policy 11X-5: Development on sites containing cultural resources should be planned and carried out so as to prevent impacts to the resource. Impacts to neighboring properties and other shore uses should be limited to temporary or reasonable levels.

Policy 11X-6: If development is proposed adjacent to an identified cultural resource, then the proposed development should be designed and operated so as to be compatible with continued protection of that resource.

Policy 11X-7: The cultural resource provisions of this program are consistent with Chapters 27.44 and 27.53 RCW and WAC 25-48-060. In accordance with state law, all applicants are subject to these requirements.

Policy 11X-8: The County shall consult with DAHP and affected Native American tribes as appropriate in implementing the cultural resource goals, objectives, policies, and regulations of this program.

Policy 11X-9: In reviewing development proposals, the County shall take, or cause project applicants to take, all required actions to:

1. Minimize the risk of disturbing cultural resources within Whatcom County shorelines.
2. Due to the limited and irreplaceable nature of the resource(s), prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Tribes and the DAHP.
3. Consult with professional archaeologists, DAHP, and affected Tribes before permitting or otherwise approving the use or development of shoreline areas containing cultural resources. This consultation shall be accomplished through the regulations and procedures provided in WCC Title 23.
4. Consult with DAHP and affected Tribes and coordinate with project archaeologists to establish site- and project-specific procedures for protection and management of cultural resources.
5. Make informed specific land use decisions based upon information provided by DAHP and Tribes.
6. Ensure the use of the best available information, technology, and techniques in identifying, protecting, preserving, and restoring cultural resources.

Public Access

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

engineering geologist should be consulted prior to using infiltration practices on shore bluffs.

Policy 11Z-3: Accessory development or use that does not require a shoreline location should be located outside of shoreline jurisdiction unless such development is required to serve approved water-oriented uses and/or developments. When sited within shoreline jurisdiction, uses and/or developments such as parking, service buildings or areas, access roads, utilities, signs, and storage of materials should be located inland away from the land/water interface and landward of water-oriented developments and/or other approved uses.

Policy 11Z-4: Development should be located, designed, and managed so that impacts on shoreline or upland uses are minimized through bulk and scale restrictions, setbacks, buffers, and control of proximity impacts such as noise or light and glare.

Policy 11Z-5: Shoreline uses should not deprive other uses of reasonable access to navigable waters. Public recreation activities such as fishing, clam digging, swimming, boating, wading, and other water-related recreation should be preserved and enhanced. The rights of treaty tribes to resources within their usual and accustomed areas should be accommodated.

Climate Change / Sea Level Rise

Policy 11AA-1: Coordinate with Tribal, Federal, State, and local agencies to address issues related to climate change and sea level rise as related to shoreline management.

Policy 11AA-2: Whatcom County should plan and prepare for the likely impacts of climate change on County-owned facilities, infrastructure, and natural resources and ensure that projects for major maintenance or replacement of utilities, roads, and other public infrastructure consider the impacts of sea-level rise in the location, design, and operation of the projects.

Policy 11AA-3: Whatcom County should strive to increase resident and business resiliency to the anticipated impacts of climate change by implementing land use regulations based on best available science, such as sea level rise, changes in rainfall patterns, changes in flood volumes and frequencies, and changes in average and extreme temperatures.

Policy 11AA-4: Habitat protection and restoration projects in shoreline jurisdiction should consider implications of sea-level rise and other climate change impacts to promote resiliency of habitats and species. Those that promote climate change and sea-level rise resiliency should be considered priority actions.

Policy 11AA-5: Whatcom County should monitor the impacts of climate change on Whatcom County's shorelands, the shoreline master program's ability to adapt to sea level rise and other aspects of climate change at least every periodic update, and revise the shoreline master program as needed. Whatcom County should periodically assess the best available sea level rise projections and other science related to climate change within shoreline jurisdiction and incorporate them into future program updates, as relevant.

Policy 11AA-6: Public infrastructure—such as transportation systems, utilities, flood hazard control, and instream structures—and essential public facilities in shoreline areas should be built in a manner that accounts for increased sea level rise and storm surge, and the flooding that may accompany it.

Policy 11AA-7: Whatcom County should evaluate opportunities to protect shoreline investments and infrastructure from the impacts of climate change, as necessary and feasible. Specifically, the County should maintain shoreline protection and erosion control by:

- Facilitating the installation and maintenance of native vegetation along appropriate areas of shoreline;
- Revisiting development policies with the objective of providing additional shoreline buffer area between developed areas and the shoreline; and
- Only consider structural shoreline stabilization structures when alternative options are unavailable.

Shoreline Use and Modification Policies

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

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

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

Agriculture

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

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

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

Aquaculture

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

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

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

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

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

contribution of antibiotic resistant bacteria, or escapement of nonnative species, or other adverse effects on ESA-listed species should not be permitted.

Policy 11CC-6: The County should actively seek substantive comment on any shoreline permit application for aquaculture from all appropriate federal, state, and local agencies; the Lummi Nation, Nooksack Tribe, and other affected tribes; and the general public regarding potential adverse impacts. Comments of nearby residents or property owners directly affected by a proposal should be considered and evaluated, especially in regard to use compatibility and aesthetics.

Policy 11CC-7: The rights of treaty tribes to aquatic resources within their usual and accustomed areas should be addressed through the permit review process. Direct coordination between the applicant/proponent and the tribe should be encouraged.

Policy 11CC-8: Consideration should be given to both the potential beneficial impacts and potential adverse impacts that aquaculture development might have on the physical environment; on other existing and approved land and water uses, including navigation; and on the aesthetic qualities of a project area.

Policy 11CC-9: Legally established aquaculture enterprises, including authorized experimental projects, should be protected from incompatible uses that may seek to locate nearby. Use or developments that have a high probability of damaging or destroying an existing aquaculture operation may be denied.

Policy 11CC-10: Experimental aquaculture projects in waterbodies should be limited in scale and should be approved for a limited period of time. Experimental aquaculture means an aquaculture activity that uses methods or technologies that are unprecedented or unproven in the state of Washington.

Marinas and Launch Ramps

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

Policy 11DD-1: Boating facilities, including marinas and launch ramps, are water-dependent uses and should be given priority for shoreline location. Boating facilities should also contribute to public access and enjoyment of waters of the state. Shorelines particularly suitable for marinas and launch ramps are limited, and should be identified and reserved to prevent irreversible commitment for other uses having less stringent site requirements.

Policy 11DD-2: Regional needs for marina and boat launch facilities should be 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

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

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

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

Cherry Point Management Area

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

- a. Water-dependent terminal facilities are encouraged as the preferred use in the Cherry Point management area.
- b. Existing legal fossil fuel refineries should be allowed to continue and maintain their operations with limited expansions subject to environmental review, greenhouse gas emission mitigation, and conformance with the Shoreline Master Program and other applicable land use designation.
- c. It is the policy of Whatcom County to limit the number of industrial piers at Cherry Point to the existing three piers in operation or approved as of January 1, 1998, taking into account the need to:
 - Act conservatively in land use matters at Cherry Point to prevent further harm to habitat important to the Cherry Point herring stock and Southern Resident Orcas;
 - Optimally implement the Shoreline Master Program policy regarding shorelines of statewide significance per WCC 23.40;
 - Encourage the continued County use of best available science;
 - Support and remain consistent with the state Department of Natural Resources' withdrawal of Cherry Point tidelands and bedlands from the general leasing program and the species recovery goals of the Cherry Point Aquatic Reserve designation and Management Plan;
 - Recognize federal actions upholding treaty rights;
 - Protect traditional commercial and tribal fishing; and

- Prevent conflicts with vessel shipment operations of existing refineries that could lead to catastrophic oil or fuel spills.

Policy 11JJ-2: Whatcom County should ensure that shoreline development applicants demonstrate consistency with the State of Washington Department of Natural Resources' Cherry Point Aquatic Reserve Management Plan.

Policy 11JJ-2: Water-Dependent Industrial Development. Only water-dependent facilities that serve industrial facilities should be allowed in the Cherry Point management area. Industry within the major port/industrial urban growth area, as designated in the Comprehensive Plan, which is not water-dependent should locate away from shoreline jurisdiction.

Policy 11JJ-3: Multiple Use Facilities. Facilities that allow for multiple use of piers, cargo handling, storage, parking and other accessory facilities are encouraged.

Policy 11JJ-4: Public Access.

 - a. Where appropriate, industrial and port development within the Cherry Point management area should provide public beach and shoreline access in a manner that does not cause interference with facility operations or present hazards to life and property. This may be accomplished through individual action or by joint, coordinated action with other developers and landowners, for example, by setting aside a common public access area.
 - b. Special emphasis should be given to providing public beach and shoreline access for recreational opportunities including but not limited to crabbing, small craft launching, surf fishing, picnicking, clamming, and beach walking.
 - c. Public access within the Cherry Point management area should be consistent with the Whatcom County Parks and Recreation Open Space Plan.

Policy 11JJ-5: Shoreline Ecological Functions and Processes. In recognition of the diverse and vital ecological resources in the Cherry Point management area, consideration of probable effects of all development proposals on shoreline ecological functions and processes should be assessed with the other long-term statewide interests. New port development that requires dredge and fill should not be permitted in the Cherry Point management area due to potential adverse effects on ecological functions, including fish and shellfish habitat and geohydraulic processes.

Policy 11JJ-6: Aesthetics. All development should be designed to avoid or minimize negative visual impacts on the scenic character of the

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

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

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

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

c. Adequate stormwater management facilities.

Fill and Excavation

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

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

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

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

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

Mining

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

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

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

Moorage Structures

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

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

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

Recreation

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

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

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

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

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

Policy 11NN-6: Recreation facilities should incorporate public education regarding shoreline ecological functions and processes, the role of human actions on the environment, and the importance of public involvement in shorelines management. Opportunities incorporating educational and interpretive information should be pursued in design and operation of recreation facilities and nature 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 11OO-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 11OO-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 11OO-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 11OO-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 11OO-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 policies of this chapter.
- 3 Policy 11OO-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 11OO-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 11OO-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 11OO-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 11OO-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 11OO-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.

Policy 11PP-3: Restoration should be integrated with other parallel natural resource management efforts such as the WRIA 1 Salmonid Recovery Plan and the WRIA 1 Watershed Management Plan.

Policy 11PP-4: Priority should be given to restoration actions that:

- a. Create dynamic and sustainable ecosystems.
- b. Restore connectivity between stream/river channels, floodplains and hyporheic zones.
- c. Restore natural channel-forming geomorphologic processes.
- d. Mitigate peak flows and associated impacts caused by high stormwater runoff volume.
- e. Reduce sediment input to streams and rivers and associated impacts.
- f. Improve water quality.
- g. Restore native vegetation and natural hydrologic functions of degraded and former wetlands.
- h. Replant native vegetation in riparian areas to restore functions.
- i. Restore nearshore ecosystem processes, such as sediment transport and delivery and tidal currents that create and sustain habitat.
- j. Restore pocket estuaries that support salmon life histories, including feeding and growth, refuge, osmoregulation, and migration.
- k. Address contamination along industrial shoreline regions.

Shoreline Stabilization

Policy 11QQ-1: Alternatives to structures for shore protection should be used whenever possible. Such alternatives may include no action (allow the shoreline to retreat naturally), increased building setbacks, building relocation, drainage controls, and bioengineering, including vegetative stabilization, and beach enhancement.

Policy 11QQ-2: Single-family residences occupied prior to January 1, 1992, and their appurtenant structures should be protected against damage or loss caused by shoreline erosion; provided, that measures to protect single-family residences should be designed to minimize harm to the shoreline environment. After that date, all new single-family residences and their appurtenant structures should be built in a manner so as to not need protective measures.

Policy 11QQ-3: New or expanded structural shore stabilization for new primary 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.

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

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

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

a. No action (allow the shoreline to retreat naturally), increase building setbacks, and relocate structures.

b. Flexible defense works constructed of natural materials including soft shore protection, bioengineering, including beach enhancement, protective berms, or vegetative stabilization.

c. Rigid works constructed of artificial materials such as riprap or concrete.

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

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

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

Signs

Policy 11RR-1: Whatcom County recognizes the constitutional right for property owners to communicate using signs on their property. These policies are intended to ensure that signage within shoreline areas 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.