



City of Blaine Shoreline Management Master Program



CITY OF BLAINE
SHORELINE MANAGEMENT
MASTER PROGRAM
1996

The preparation of this Master Program was financially aided through a grant from the Washington State Department of Ecology with funds obtained from the National Oceanic and Atmospheric Administration, and appropriated for Section 306 of the Coastal Zone Management Act of 1972.

TABLE OF CONTENTS

Chapter 1 – Introduction	4
Chapter 2 – Goals.....	5
Chapter 2.1 – Preamble and Overall Goal	5
Chapter 2.2 – General Elements	5
Chapter 3 – Use Regulations by Environment.....	8
Chapter 3.1 – Urban Environment	8
Chapter 3.2 – Rural Environment	8
Chapter 3.3 – Conservancy Environment	8
Chapter 3.4 – Natural Environment	8
Chapter 3.5 – Aquatic Environment	8
Chapter 4 – General Regulations	10
Chapter 4.1 – Landscaping	10
Chapter 4.2 – Landfill	10
Chapter 4.3 – Over-Water Structures.....	10
Chapter 4.4 – Setbacks.....	10
Chapter 5 – Use Activities: Policies and Regulations	11
Chapter 5.1 – Agricultural Practices.....	11
Chapter 5.2 – Aquaculture	12
Chapter 5.3 – Archeological Areas and Historic Sites	12
Chapter 5.4 – Boat Ramps and Marine Railways	13
Chapter 5.5 – Breakwaters.....	13
Chapter 5.6 – Bulkheads	14
Chapter 5.7 – Commercial Developments	15
Chapter 5.8 – Dredging.....	17
Chapter 5.9 – Forestry.....	18
Chapter 5.10 – Jetties and Groins	18
Chapter 5.11 – Landfill	19
Chapter 5.12 – Landscape Modification	19
Chapter 5.13 – Marinas.....	20
Chapter 5.14 – Mining	21
Chapter 5.15 – Outdoor Advertising, Signs, Billboards	21
Chapter 5.16 – Piers and Docks.....	22
Chapter 5.17 – Port and Water-Related Industry	22
Chapter 5.18 – Recreation.....	23
Chapter 5.19 – Residential Development	24
Chapter 5.20 – Road and Railroad Design and Construction	25
Chapter 5.21 – Shoreline Protection	26
Chapter 5.22 – Solid Waste Disposal	27
Chapter 5.23 – Utilities	27

Chapter 6 – Natural Systems Regulations	29
Chapter 6.1 – Marshes, Bogs, and Swamps.....	29
Chapter 6.2 – Bars and Spits.....	29
Diagram 1 – Commercial Development, Urban Shoreline – Public Access	32
Diagram 2 – Residential Development, Urban Shoreline.....	33
Diagram 3 – Commercial Development, Urban/Rural Shoreline.....	33
Diagram 4 – Residential Development, Urban/Rural Shoreline.....	34
Chapter 6.3 – Feeder Banks	34
Chapter 6.4 – Shoreline Bluffs and Steep Slopes	34
Chapter 6.5 – Tidelands	35
 Chapter 7 – Administration and Enforcement	 36
Chapter 7.1 – Record of Exemption	36
Chapter 7.2 – Application of the Permit System	36
Chapter 7.3 – Applicability of Permit System to Federal Agencies	36
Chapter 7.4 – Compliance with the State Environmental Policy Act (SEPA)	37
Chapter 7.5 – Letter of Exemption	37
Chapter 7.6 – Permit Procedures	37
Chapter 7.7 – Judgment Criteria for Substantial Development Permits.....	39
Chapter 7.8 – Burden of Proof.....	40
Chapter 7.9 – Shoreline Conditional Uses.....	40
Chapter 7.10 – Shoreline Variances.....	41
Chapter 7.11 – Minimum Standards for Conditional Use and Variance Permits.....	42
Chapter 7.12 – Department Review of Conditional Use and Variance Permits.....	42
Chapter 7.13 – Revisions to Substantial Development Permits	43
Chapter 7.14 – Time Requirements	44
Chapter 7.15 – Rescission.....	45
Chapter 7.16 – Appeals from Granting or Denying a Permit	45
Chapter 7.17 – Violation and Penalty	46
Chapter 7.18 – Nonconforming Developments	46
Chapter 7.19 – Amendments and Changes of Environment Designations.....	48
 Appendix A – Definitions.....	 49
 Appendix B – Citizen Involvement	 57
 Appendix C – Environments, including Environments Boundaries and Map.....	 59
 Appendix D – Aquatic Environments Map	 62
 Appendix E – Erosional Bluff Map	 63
 Appendix F – Water Navigable at Low Tide (Shorelines)	 64

1.0 INTRODUCTION

- 1.1 TITLE: City of Blaine Shoreline Management Program
- 1.2 AUTHORITY: This program is adopted pursuant to The Shoreline Management Act of 1971, RCW 90.58.
- 1.3 SCOPE: The regulations of this Master Program shall apply to all shorelines within the corporate limits of the City of Blaine.
- 1.4 PURPOSE: It is the policy of the State of Washington as expressed in the Shoreline Management Act of 1971 and the City of Blaine as expressed in this Master Program to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses, particularly uses directly dependent upon the water; to preserve to the greatest extent feasible consistent with the overall interest of the State, the City, and the people generally, the public's opportunity to enjoy the physical and aesthetic qualities of the shorelines of the City by preserving views and increasing public access to the shorelines; and, to manage the shorelines of the City to minimize, insofar as practical, damage to the shoreline area.
- 1.5 DEVELOPMENT WITHIN THE SHORELINE AREA: No development shall be undertaken on the shorelines of the City except those that are consistent with the policy of the Shoreline Management Act of 1971 and the goals, policies, and regulations of the City of Blaine.

No substantial development shall be undertaken in the Shoreline area without first obtaining a Substantial Development Permit from the City in accordance with the procedures in Part 7, page 25. No such permit shall be required where the Administrator determines that a development proposed in the shoreline area is not a "substantial development" as defined in *Appendix A*.

The City of Blaine Planning Commission is the final authority for the City of Blaine for granting Shoreline Substantial Development Permits.

- 1.6 DEFINITIONS: All terms used herein are as defined in *Appendix A*.

2.0 GOALS

The citizens of the City of Blaine, realizing that their shorelines are a unique and finite resource, set forth the following goals as a general guide for the orderly use of their shoreline areas.

2.1 PREAMBLE AND OVERALL GOAL

While the Blaine and Whatcom County Shoreline Master Programs regulate uses on tidelands and uplands within 200 feet of the ordinary high water mark, other actions outside shoreline jurisdiction could adversely affect the natural quality of Drayton Harbor. Inadequate sewage disposal, introduction of animal wastes, and improper application of pesticides can pollute both ground and surface water which, in turn, can impair the water quality of wildlife habitats in Drayton Harbor. Urban development within the surrounding area can increase runoff entering Drayton Harbor and add sediments and pollutants to the estuary.

Accordingly, the Advisory Committee has drafted the following overall goal:

Recognizing that the natural resources and amenities of Drayton Harbor make the Blaine area a desirable place to live, the City of Blaine should regulate activities within its jurisdiction to maintain the natural quality of Drayton Harbor, and encourage other agencies with jurisdiction over activities which could adversely affect Drayton Harbor to do the same.

2.2 GENERAL ELEMENTS

The following eight general elements are types of activities related to the shoreline. All subsequent policies and regulations in this Master Program are derived from the goals accompanying these eight general elements.

The plan elements and goals are:

1. ECONOMIC DEVELOPMENT ELEMENT

An element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments particularly dependent on their location on or use of the shorelines.

Goal: Assure that the economic resources within the City of Blaine are used to the fullest extent without damage to the natural shoreline environment.

2. PUBLIC ACCESS ELEMENT

An element making provision for public access to publicly-owned areas.

Goal: Acquire and maintain adequate visual and physical access to shorelines of the City of Blaine. Assure that public access meets the demand of the residents of Blaine and a reasonable number of visitors to Blaine.

3. RECREATION ELEMENT

An element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and other recreational areas.

Goal: Provide ample recreational opportunities that are compatible with the shoreline environment for the residents of the City of Blaine and its visitors.

4. CIRCULATION ELEMENT

An element consisting of existing and proposed major thoroughfares, transportation routes, terminals, and other public and private utilities and facilities.

Goal: Develop a convenient and diversified circulation system to move people and products efficiently. Assure that the circulation system does not disrupt the natural shoreline environment.

5. SHORELINE USE ELEMENT

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

Goal: Assure that shoreline development is limited to those activities having a minimal adverse effect on the shoreline development.

6. CONSERVATION ELEMENT

An element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife.

Goal: Assure protection of those non-renewable resources within the confines of the City of Blaine and make provisions for the use of the renewable resources.

7. HISTORICAL/CULTURAL ELEMENT

An element for the protection and restoration of building sites, and areas having historic, cultural, scientific, or educational values within the shorelines of the City of Blaine.

Goal: Preserve, protect and restore shoreline areas having historical or cultural significance.

8. RESTORATION ELEMENT

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

Goal: Restoration of severely blighted shorelines should be encouraged.

3.0 USE REGULATIONS BY ENVIRONMENT

The following section specifically outlines which use activities may take place in which environment. For detailed information on the exact boundaries on the below-mentioned environments see *Appendix C*.

3.1 URBAN ENVIRONMENT

The Urban Environment is an area of high-intensity land use including residential, commercial and industrial development. This environment does not necessarily include all shorelines within an incorporated city. It is limited to areas presently subjected to intensive use and to areas which will be necessary for future urban uses which would require a marine location, (marine dependent or marine related) or other commercial development which provides public access.

3.2 RURAL ENVIRONMENT

The Rural Environment is intended to protect agricultural and open space land from urban expansion and to restrict intensive development along undeveloped shorelines while allowing some development for the public's benefit.

The Rural Environment includes those areas characterized by open space and recreational use and areas having high potential for those uses.

3.3 CONSERVANCY ENVIRONMENT

The Conservancy Environment is intended to maintain the existing character, provide open space, and encourage pastoral and recreational uses which do not consume the area's resources.

The Conservancy Environment includes those areas that cannot tolerate intensive use and still provide high open-space, yet recreational, values.

3.4 NATURAL ENVIRONMENT

The Natural Environment is intended to preserve and restore those natural resource systems existing relatively free of human influence.

3.5 AQUATIC ENVIRONMENT

The Aquatic Environment is intended to regulate use of those water areas of Blaine, together with lands underlying them, which extend seaward of the ordinary high water mark to the city limits. All tidelands are included in the Aquatic Environment.

Aquatic Environments are designated according to adjacent upland environments and use regulations are consistent with uses allowed in the

upland shoreline area. The Aquatic Environment is subdivided into Urban, Rural, Conservancy, and natural Aquatic areas in accordance with the adjacent upland designation. (See *Appendix D* for Aquatic Environments Map.)

4.0 GENERAL REGULATIONS

4.1 LANDSCAPING

New developments in the shoreline area shall be required to provide landscaping where such landscaping would enhance scenic qualities of the site or mitigate the adverse visual impacts caused by the development.

4.2 LANDFILL

Landfill is allowed only in the Urban and Urban Aquatic Environments; provided that such development enhances or increases general public access to the shoreline. Within Drayton Harbor, landfill is to be allowed only in conformance with the Tri-Agency Park Plan agreement of January 11, 1978.

Proposed projects which could alter wetlands or intertidal areas as a result of landfill or other shoreline activity shall be assessed relative to impacts upon the area's physical and biological characteristics. Impacts identified with a proposed action shall be avoided or mitigated according to pertinent local, state, and federal agency recommendations.

4.3 OVER-WATER STRUCTURES

Over-water industrial and commercial development is allowed only in the Urban Aquatic Environment; provided that such uses enhance or increase general public access to the shoreline, and uses such as parking or storage shall not be located over-water.

4.4 SETBACKS

Setbacks from the shoreline may be extended beyond the minimum distances defined herein upon determination by the Administrator that conditions at the development site warrant additional setback. Conditions which could warrant additional setback requirement are: eroding shoreline, steep slope, unstable soils. If the Administrator is uncertain of the stability of the soils or the erosion potential, a soils study shall be required. All building and substantial development permits for development on shorelines having erosion bluffs, as indicated in the Drift Sectors of Whatcom County Marine Shores, by Wolf Bauer, 1974, shall be reviewed to determine if setback is beyond the minimum distance should be required. (See Erosional Bluff Map, *Appendix E.*)

5.0 USE ACTIVITIES: POLICIES AND REGULATIONS

The following activities can occur on shorelines of the state. Policy statements have been developed for these various activities in order to insure the proper use of the shoreline. The following policy statements apply to the shorelines within the City of Blaine.

5.1 AGRICULTURAL PRACTICES

In those areas within the City of Blaine where tilling of the soil, use of herbicides, pesticides, and fertilizers and the rearing of livestock occur in significant quantity, the following policy statements apply.

Policies:

1. Maintain a buffer zone of natural-occurring vegetation between all tilled areas and their associated bodies of water to retard surface runoff and siltation.
2. On agricultural lands adjoining the shoreline area use only those herbicides, pesticides, and fertilizers which, when properly applied, have no effect on marine life.
3. Locate livestock feeding operations at such a distance from associated water bodies as to eliminate water pollution from runoff of animal feeds, manure, and miscellaneous wastes.
4. Prevent livestock from using the shoreline and its associated bodies of water for watering purposes.
5. On any tilled agricultural land, follow Soil Conservation Service Guidelines which are consistent with this Master Program.

Use Regulations:

1. A buffer zone of natural-occurring vegetation shall be maintained between all cultivated and pasture areas and adjacent water bodies. This buffer zone shall be 150 feet in width.
2. The use of pesticides, herbicides, and fertilizers which may contaminate tidelands or adjacent water bodies is prohibited.
3. Livestock feeding operations must use retention tanks, holding ponds, or other acceptable methods to prevent runoff containing manure, feed, wastes, or other possible water pollutants from entering the adjacent water body.
4. Public access to the shorelines shall be encouraged and existing public

access shall not be impaired.

5.2 AQUACULTURE

Aquaculture is the culture of food fish, shell fish, or aquatic plants and animals.

The Master Program differentiates between types of structures associated with Aquaculture - (1) shore-based structures and parking; (2) structures located on or over tidelands, including buildings and such installations as dikes and weirs; and (3) watercraft such as barges and harvesting equipment.

Policies:

1. Aquacultural activities should be compatible with the surrounding shoreline environment.
2. Consideration should be given to visual and physical access to the shoreline when locating aquacultural activities.

Use Regulations:

1. Public access to the shorelines should be encouraged and existing public access shall not be impaired.
2. Shore-based structures and parking associated with aquaculture shall be located in the Urban Environment and shall be regulated in the same manner as water-related industry. (Chapter 5.17)
3. Structures located on or over tidelands shall be temporary, prohibited from fish or shellfish habitats, and restricted to one story (a maximum of 20 feet).
4. Permanent installations such as concrete dikes are prohibited.
5. Harvesting of food products shall be a Conditional Use and must ensure minimum damage to the natural environment.

5.3 ARCHEOLOGICAL AREAS AND HISTORIC SITES

Indian and pioneer villages, military forts, old settler homes, and trails were often located on shorelines because of the proximity of food resources and because water provided a practical means of transportation. These sites are nonrenewable resources and many are in danger of being lost through changes in land use and urbanization. Because of their rarity and the education link they provide to our past, these locations should be preserved whenever possible.

Policies:

1. Sites should be permanently preserved for scientific study and public observations.
2. Individuals should be required to notify city officials if such sites are uncovered during excavation.

Use Regulations:

1. All shoreline permits shall contain provisions which require developers to notify local governments if any archeological artifacts or data are uncovered during excavations.
2. Permits issued in areas known to contain archeological artifacts and data shall require a site inspection and evaluation by an archaeologist.
3. The National Historic Preservation Act of 1966 and Chapter 43.51 RCW provide for the protection, rehabilitation, restoration and reconstruction of areas and structures in American and Washington State History. The regulations in these acts shall be followed.

5.4 BOAT RAMPS AND MARINE RAILWAYS

Boat ramps and marine railways are permanent structures for launching water craft. Canoe launch sites and similar uses involving only minimal impact on the shoreline area are not considered boat ramps and are included in Use Activity 5.18, Recreation.

Policy:

Boat ramps, marine railways and other launching facilities requiring permanent structures should be sited, designed and constructed to minimize adverse effects on the shoreline.

Use Regulation:

Marine Railways and boat ramps shall be permitted only in the Urban and Urban Aquatic Environments.

5.5 BREAKWATERS

Breakwaters are structures built offshore to protect harbor areas from wave action. They are costly to build and can be either rigid or floating. Rigid breakwaters, usually constructed of riprap or rock and landfill, have both beneficial and detrimental effects on the shore. While they reduce wave action and thus protect the back shore, they can also disrupt fish migration and block movement of beach material along the shore. Floating breakwaters overcome

these problems, but are practical only at sites which do not experience extreme wave action.

Policies:

1. Floating breakwaters should be encouraged.
2. When locating breakwaters, the possible effect on public use of the water surface should be considered.
3. Solid breakwaters should be constructed only where design modifications can eliminate potentially detrimental effects on the movement of beach material, fish migration, and circulation of water.

Use Regulations:

1. Breakwaters outside Urban and Urban Aquatic Environments are prohibited.
2. Prior to granting a permit for a breakwater, the effect on adjacent properties, on water circulation, and on public use of the water surface shall be determined and shall be considered in the permit process.

5.6 BULKHEADS

Bulkheads are wall-like structures erected at bank edge or at the "toe" of a cliff. Their purpose is to protect uplands or fills from erosion by moving water. Bulkheads have been constructed of timber and piles, reinforced concrete, rock and steel beams. The type of construction materials and the location of the bulkheads are important considerations to the protection of the natural shoreline. Open piling construction helps to dissipate wave action by allowing some water to pass through.

Policies:

1. Bulkheads should be constructed in a manner that will minimize alterations of the surrounding natural shoreline.
2. Where possible, open type construction of bulkheads should be used.
3. Bulkheads should be used only for the purpose of protecting upland areas.
4. The use of natural materials should be encouraged in construction of bulkheads.
5. Public access to publicly-owned shorelines should be considered when locating bulkheads.

Use Regulations:

1. The construction of bulkheads shall be permitted only where they provide protection to upland facilities, not for the indirect purpose of creating land by filling behind the bulkhead.
2. Bulkheads shall be constructed no higher than necessary to protect adjoining property.
3. Prior to granting a permit for a bulkhead, the effect on adjacent properties and on public access to publicly-owned shorelines shall be determined and shall be considered in the permit process.
4. Bulkheads shall not be located seaward of the ordinary high water mark unless in conjunction with landfill which is consistent with this Master Program.

5.7 COMMERCIAL DEVELOPMENTS

Commercial development includes wholesale and retail trade or other business activities but does not include industrial or light manufacturing uses or marinas. Because most commercial development leads to concentrations of people and traffic, it can affect the shoreline environment.

The Master Program distinguishes between marine-dependent commercial development, marine-related commercial development, and commercial development such as restaurants, conference centers, and related hotels, specialty retail shops, and recreation facilities which, while not necessarily related to the water, enable more people to enjoy the shorelines and can benefit from such a location. Marine-dependent commercial developments are those which require frontage on and access to water which is navigable at low tide. "Marine-oriented" includes both "marine-dependent" and "marine-related."

Policies:

1. Commercial developments should be restricted to the Urban Environments.
2. Shoreline locations on water navigable at low tide should be set aside for only those commercial activities which, because of the nature of their business, could not locate elsewhere (marine-dependent), or marine-related or other commercial development which provides public access or is approved as part of a planned zone.
3. Any expansion by filling of tidelands for marine-oriented commercial development should occur north of the existing U.S. Army Corps breakwater.
4. Commercial development for a shoreline location not on water navigable at low tide should be preferred in the following order:

- a. Marine-related and providing public access to the shoreline.
 - b. Not marine-related but enabling substantial numbers of people to enjoy the shoreline. Such uses should be designed to capitalize on the marine view.
5. Consideration should be given to the protection or enhancement of views and scenic vistas before new commercial structures and parking areas are constructed.
 6. Parking areas should be located as much as possible on upland areas so as not to interfere with shoreline activities.
 7. In areas of primarily retail activity, pedestrian traffic should be given priority over other forms of traffic.
 8. Commercial developments should be encouraged to allow public access to the shoreline or to views and vistas of the shoreline or harbor. Public access should be required for projects on publicly-owned land, except when public safety is involved.

Use Regulations:

1. Commercial developments are restricted to the Urban and Urban Aquatic Environments.
2. Commercial developments which require direct contiguous access to the water and including restaurants, specialty retail shops, recreation facilities, conference centers, and hotels shall, except where safety and security is involved, make provision for public access along the shoreline and to the use. Wherever possible, those commercial developments shall be set back from the ordinary high water mark to provide public access. Any setback for public access shall not be required to exceed 50 feet.
3. Commercial developments which do not require direct contiguous access to the water shall be set back from the ordinary high water mark by a distance of 50 feet, except if in an existing structure.
4. Commercial developments shall not block scenic views and shall be limited to 30 feet in height within 100 feet from ordinary high water, and 45 feet in height between 100 feet and 200 feet from the ordinary high water mark. For the construction of new buildings or the renovation of existing ones to achieve compliance with the Turn-of-the Century Theme in the Central Business Zone or the Semiahmoo development design in the Marine Commercial Zone, as prescribed in the Blaine Urban Waterfront Development Plan, and where improved public pedestrian access to the shoreline is being

provided, the Planning Commission may approve building heights up to 45 feet within 100 feet of the ordinary high water. Unique structures other than buildings such as clock towers, flag poles, or other tall, linear design features which are accessory to or part of substantial development following the above-named design standards may be approved by the Planning Commission for heights up to 65 feet, provided the unique structure does not block scenic views, and the project includes improved public access.

5. Associated parking shall be set back from the ordinary high water mark at least 50 feet.

6. Commercial developments which have the potential of providing views and scenic vistas to the shoreline and harbor will have priority and shall allow public access within the development and/or to public or private boardwalks or walkways.

5.8 DREDGING

Dredging is the removal of earth from the bottom of any water body for navigational purposes, underwater crossings, obtaining fill material, or construction projects.

Policies:

1. All proposals for dredging operations should be coordinated and consistent with plans, policies, guidelines, and regulations of federal, state, and/or local agencies.
2. All dredging and spoil disposal operations should avoid:
 - a. Adverse alteration of natural drainage patterns, currents, river, and tidal flows.
 - b. Conditions that would endanger public health and safety.
3. Dredging for the single purpose of obtaining landfill or construction materials shall be prohibited, except for emergency shoreline stabilization and flood protection measures.

Use Regulations:

1. Review of dredging and spoil disposal proposals shall assess:
 - a. The value of the dredge and disposal sites in their existing condition versus the proposed shoreline use to be created, relative to improved public access, economic, and environmental factors.
 - b. The potential for the proposal to locate at a site where dredging and

disposal are not required.

2. Spoil deposit sites in water areas shall be identified with the cooperation of the State Department of Natural Resources, State Department of Fish and Wildlife, and U.S. Fish and Wildlife Service.
3. The following information shall be required for dredging proposals:
 - a. An analysis and physical description of the material to be dredged.
 - b. Time schedule for dredging.
 - c. Methods of dredging and disposal of spoils.
 - d. Location, size, stability, and biological characteristics of the bedlands at and adjacent to the site.
 - e. Chemical analysis of the spoil material if it is deemed necessary because of suspected pollution.
4. Deposition of dredge material in water areas shall be allowed only at approved disposal sites.
5. Maintenance dredging shall be allowed only within the boundaries of the originally approved dredge area, except for those cases where it can be proven that enlargement would improve water circulation or water quality and reduce the need for maintenance dredging.

5.9 FORESTRY

Areas suitable for commercial forestry do not exist within this jurisdiction.

5.10 JETTIES AND GROINS

Jetties and groins are offshore structures intended to control or block movement of beach material. Jetties are built at river mouths or other embayments to keep ship channels clear.

Groins are wall-like structures extending from the bank or backshore seaward across the intertidal foreshore. Their purpose is to divert the natural longshore movement of beach materials and cause a beach to build on the drift side of the groin.

Policy:

Before locating jetties and groins, the effect of these structures on the movement of sand and water, wildlife propagation, and the aesthetic quality of the shoreline must be considered.

Use regulation:

Jetties and groins are shoreline conditional uses.

5.11 LANDFILL

Landfill is the creation of additional dry land area by depositing sand, soil, or gravel into a tideland, shoreland, marsh, or swamp. Landfill can destroy the natural character of the shoreline and may create unnatural erosion and silting problems while reducing the water surface. As defined in this Master Program, landfill does not include backfilling associated with bulkheading to protect upland facilities, nor does it include deposition of dredging spoils or shoreline protection and restoration.

Policies:

1. Factors such as total water surface reduction, impediment to water flow and circulation, reduction of water quality, and destruction of habitat should be considered before granting a landfill permit.
2. Landfills should be designed so as to minimize damage to the shoreline environment.
3. Proposed projects which could alter wetlands or intertidal areas as a result of landfill or other shoreline activity shall be assessed relative to impacts upon the area's physical and biological characteristics. Impacts identified with a proposed action shall be avoided or mitigated according to pertinent local, state, and federal agency recommendations.

5.12 LANDSCAPE MODIFICATION

Landscape modification includes land clearing, landscaping, cuts and fills, and other earth moving projects. As defined, it does not include installation of utilities, landfill, or deposition of dredging spoils.

Policies:

1. Erosion should be minimized during construction. After construction is completed, erosion should not exceed pre-construction conditions.
2. After construction is completed, the shoreline should be restored to its previous condition unless bulkheads or other protective structures are necessary.

Use Regulations:

1. When no bulkheads or other protective structures are necessary or intended, the shoreline shall be kept or restored to its natural contours, slopes, and appearance.
2. No landscape changes that would interfere with the passage of stream waters or flood waters shall be permitted.
3. Land clearing shall be done in conformance with an approved erosion control and restoration plan. All material shall be burned or removed except that earth, rocks, and the like shall be graded to the planned contour. A performance bond in the amount required for restoration shall be posted with the City.

5.13 MARINAS

Marinas are facilities which provide storage, shelter, launching, supplies, and services for pleasure craft or small commercial boats. There are two basic types of marinas: open-type construction (floating breakwater and/or open-pile work) and solid-type construction (bulkhead and/or landfill.) Depending upon the type of construction, marinas can severely affect fish and shellfish habitats and water quality. Marinas can all have positive or negative effects on local aesthetic values, depending upon overall design and extent of covered moorage.

Policies:

1. Marinas should be restricted to the Urban and Urban Aquatic Environments.
2. Construction of new marinas should take into account the possible impact on fish and shellfish resources.
3. To minimize accidental spillage and for the proper handling of those spills that do occur, procedures for fuel handling and storage should be developed and monitored.
4. Marina design should take into account guidelines set forth by the State Department of Fish and Wildlife and guidelines set forth by state and local health departments.

Use Regulations:

1. Marinas are restricted to the Urban and Urban Aquatic Environments,
2. Operators of proposed marinas must be able to show a county or region-wide demand for such facilities.

3. Covered moorage shall be restricted to 15 percent of the total number of slips.
4. Marina applicants shall follow the State Department of Fish and Wildlife criteria governing the design of marinas in formulating plans for construction.

5.14 MINING

Mining is the removal of naturally occurring metallic or non-metallic minerals from the earth for economic use. Removal of non-metallic aggregate (sand and gravel) from shoreline areas can lead to many adverse effects.

Policy:

Mining of sand and gravel and other minerals from the shoreline area is prohibited.

Use Regulation:

Mining of sand and gravel and other minerals from the shoreline area is prohibited.

5.15 OUTDOOR ADVERTISING, SIGNS, BILLBOARDS

Signs are publicly displayed boards whose purpose is to provide information, direction, or advertising. Signs and billboards, because they are intended to be very visible, can have a great effect on the aesthetics of an area. The following policy statements apply to all outdoor advertising, signs, and billboards.

Policies:

1. Prohibit off-premises advertising signs and billboards within the shoreline area.
2. Signs should be constructed against existing buildings to minimize visual obstructions of the shoreline and water bodies.
3. Neon lighting for signs within the shoreline area should be prohibited.
4. Building material, design, and size of signs should be compatible with the shoreline area and the Turn-of-the-Century waterfront theme in the Central Business district.
5. Activities within commercial areas should be encouraged to use themes in the construction of their signs in the Harbor and Downtown, the theme shall be consistent with the Turn-of-the-Century waterfront theme.

Use regulations:

1. Off-premises signs and billboards are prohibited.

2. A port directory sign is permitted near the harbor, and downtown directories are allowed in the street end parks along Peace Portal Drive.
3. Wall murals consistent with the Turn-of-the-Century theme are not considered to be advertising signs.
4. All other signs must conform to the City Sign Ordinance.

5.16 PIERS AND DOCKS

A pier or dock is a structure built over or floating upon the water, used as a landing place for marine transport or for recreational purposes. While floating docks generally create less visual impact than those on pilings, they impede boat traffic and can alter movement of beach material along the shore. A concentration of piers along the shore can substantially reduce the usable water surface and interfere with or prevent public use of the water surface.

Policies:

1. Open-pile piers should be restricted to those areas where they do not interfere with shoreline access and do not have an adverse effect on the area's appearance.
2. Whenever possible, priority should be given to community or cooperative use piers.

Use Regulations:

1. Docks and piers are prohibited except in Urban and Urban Aquatic Environments.
2. Piers and docks shall not project beyond the harbor line or significantly reduce use of the water surface.

5.17 PORT AND WATER-RELATED INDUSTRY

Ports are centers for waterborne traffic and, as such, have become gravitational points for industrial/manufacturing firms. The Master Program differentiates between those industrial activities which actually need a shoreline location and those industrial activities which do not. Ports and water-related industries have a great impact on shoreline areas and their locations and size should be carefully regulated.

Policies:

1. Give shoreline priority to those industries that require frontage on water which is navigable at low tide.

2. Encourage cooperative use of parking and storage facilities by water-related industry.
3. Any expansion for water-related industry should occur north of the U.S. Army Corps breakwater and outside of Drayton Harbor.
4. When possible, water-related industries should not interfere with public visual and physical access to the shoreline.
5. Encourage the Port of Bellingham and the City of Blaine to extend leases only to those commercial and industrial uses which are marine-oriented, with the exception of restaurants.
6. Height of buildings and structures shall be limited to that height necessary to perform the primary function.

Use Regulations:

1. Water-related industry is restricted to areas where water-related industries already exist.
2. Associated parking on the shoreline is a conditional use and shall include provisions for pedestrian and non-motorized vehicular circulation along the shoreline.
3. At the port area, shoreline location along water navigable at low tide shall be limited to those industries or commercial uses requiring such frontage.
4. Other shoreline locations in the port shall be limited to industries and commercial developments which are marine-related but not necessarily water-dependent. Such uses shall be required to allow public access to the shoreline, unless public safety would be endangered.

5.18 RECREATION

Recreation is the refreshment of body and mind outdoors or indoors through forms of play, sports, amusement, or relaxation. Water-related recreation accounts for a very high proportion of all recreational activity in the Pacific Northwest. Recreation may be either active such as boating, swimming, fishing, or hunting, or passive such as enjoying the natural beauty of a shoreline, nature study, or picnicking.

Policies:

1. Whatcom County Park and tidelands are recognized as a major public resource to be maintained in their natural state for purposes of public use and enjoyment.
2. Insure adequate publicly-owned space for shoreline walking, viewing, and general shoreline enjoyment.
3. Encourage property owners to allow public use of their shoreline land.
4. In shoreline areas, encourage only those recreational activities which are compatible with the shoreline environment.
5. Encourage private investment in recreation facilities.
6. Canoe launch sites and other minor recreation launching facilities should be sited, designed, and constructed with minimal adverse effect on the shoreline.

Use Regulations:

1. The Whatcom County Park and tidelands shall be maintained in their natural state for purposes of public use and enjoyment.
2. Priority shall be given to recreational activities which receive the most benefit from a shoreline location. These activities would include walking, viewing, and picnicking.
3. Associated parking is prohibited in the shoreline area, with the exception of scenic pull-outs and view points.
4. Overnight camping facilities shall be prohibited in the shoreline area.
5. Recreation facilities shall not unduly burden or create conflict with adjacent shoreline uses.
6. Public access shall be provided to publicly-owned tidelands.

5.19 RESIDENTIAL DEVELOPMENT

Residential development refers to townhouses, apartment houses, condominiums, mobile home parks, or residential subdivisions and includes residences exempt from the permit system. "Developer" below refers to proponents for residential developments which require a substantial development permit.

Policies:

1. Developers will be encouraged to use shoreline areas as open space.
2. Developers should submit plans for the control of soil erosion during construction.
3. Developers will be encouraged to provide public access to the shoreline within the subdivision.
4. Before subdivision plans will be approved, utilities should be available to the proposed construction site.
5. Mobile home parks are not permitted within the shoreline area.
6. Residential developments proposed for the shoreline area should be developed as planned unit developments.

Use Regulations:

1. Setbacks from ordinary high water mark shall be 45 feet for single-family dwellings and 90 feet for multi-family dwellings.
2. Wherever possible, the area within 200 feet of the ordinary high water mark should be used as open space to meet the subdivision regulation requirements.
3. Provisions for public access along the shoreline should be made by the developer; it shall be provided for all multiple-family dwellings.
4. Height limits shall be 25 feet within 90 feet from the ordinary high water and 40 feet from 90 to 200 feet from ordinary high water, except where additional height up to 45 feet is approved as part of a planned zone master plan.

5.20 ROAD AND RAILROAD DESIGN AND CONSTRUCTION

A road is a linear passageway for motor vehicles, and a railroad is a linear passageway with tracks for train traffic. Their construction can both provide and limit access to shorelines, impair the visual qualities of water-oriented vistas, expose soils to erosion and retard the runoff of flood waters, and accelerate or retard development.

Policies:

1. Whenever feasible, major highways and railroads should be located away from shoreline areas.

2. The impact on the natural shoreline environment should be the main consideration when designing, locating, and constructing highways and railroads in the shoreline area.
3. Highway and road designs should make provisions in their rights-of-way for pedestrian traffic access to the shorelines.
4. Provisions should be made in highway and road design for scenic pull outs and view points.
5. Railroad construction should be limited to maintenance of existing facilities.

Use Regulations:

1. There shall be no side-casting of excess road building material within the shoreline area, either during construction or maintenance.
2. Major arterials shall be prohibited in shoreline areas except where necessary to cross a body of water.
3. Permitted roadways shall be low speed and designed to conform to existing topography, thus minimizing cut and fill.
4. New railroad construction is permitted only as a shoreline conditional use.

5.21 SHORELINE PROTECTION

Shoreline Protection refers to flood protection and stabilization of erosion along streamways and marine shorelines and includes rip-rapping, beach feeding, and dikes but excludes other shore defense work such as bulkheads, jetties and groins.

Policies:

1. Shoreline protection measures should be designed to minimize alteration of the natural shoreline and streamway.
2. Shoreline protection should minimize any intrusion on tidelands.

Use Regulations:

1. Rip-rapping and other bank or shore stabilization measures shall be located, designed, and constructed so as to protect the natural character of the shoreline or streamway and to minimize the need for channelization.
2. Where flood protection measures such as dikes are planned, they shall be placed landward of the shoreline, including associated swamps and marshes

and other wetlands directly interrelated and interdependent with the water body.

3. Flood protection measures which result in extensive modification or channelization of the streamway or shoreline are prohibited.
4. Restoration of the shorelines shall be planned to restore as nearly as possible the natural condition of the shoreline.
5. Proposed projects which could alter wetlands or intertidal areas as a result of landfill or other shoreline activity shall be assessed relative to impacts upon the area's physical and biological characteristics. Impacts identified with a proposed action shall be avoided or mitigated according to pertinent local, state, and federal agency recommendations.

5.22 SOLID WASTE DISPOSAL

Solid waste disposal means all discarded or spent materials other than liquids such as sewage or waste water.

Policies:

1. Solid waste disposal is to be prohibited within the shoreline area.
2. Receptacles for litter control should be encouraged.

Use Regulations:

1. Solid waste disposal sites are forbidden in the shoreline area except for litter control receptacles.
2. All commercial uses shall provide litter receptacles and a litter control program for developments in the shoreline area.

5.23 UTILITIES

Utilities are electrical or communications systems or systems which distribute or transport items such as oil, gas, sewage, or water. The installation of these systems necessarily disturbs the landscape but can be planned to have minimal visual and physical effect on the environment.

Policies:

1. Multiple use corridors should be used as much as possible when locating utilities.
2. After installation or maintenance of utilities on shorelines, the affected area should be replanted in natural vegetation.

3. The location or replacement of utilities should be planned so as not to obstruct scenic views.
4. Where possible, utilities should be placed underground so as to not destroy the aesthetic qualities of the area.
5. The use of rights-of-way for public access to and along the shoreline should be encouraged.

Use Regulations:

1. All utilities, including pumping stations, but excluding sewage treatment plants, must be located underground.
2. Overhead utilities shall be permitted only when and where necessary to cross a body of water.
3. Upon completion of installation/maintenance projects on the shoreline, the affected area shall be restored to pre-project configuration, replanted with native or pre-existing species, and provided with maintenance care until the newly planted vegetation is established.
4. Water reclamation, desalinization, or power plants shall not be located in the shorelines of the city. Their needs for access may be met by an underground easement to the water.
5. Sewage treatment plants shall be located where they do not interfere with and are compatible with recreational, residential, or other public uses of the water and shorelines.

6.0 NATURAL SYSTEMS REGULATIONS

This section contains brief and general descriptions of the natural physical systems within this jurisdiction. The intent of this section is to define these systems and to outline special regulations which apply to their management.

The following regulations shall supersede the Use Regulations and shall apply to all Environments.

6.1 MARSHES, BOGS, AND SWAMPS

Marshes, bogs, and swamps are areas which have a water table very close to the surface of the ground. Formerly shallow water areas, they gradually filled through natural sedimentation. Although considered abysmal wastelands by many, these wet areas are extremely important. Many species of animal and plant life depend on this environment for existence. Wet areas are also important as ground water recharge areas and have flood control value. They should be protected from overdevelopment. The following Use Regulations apply to marshes, bogs, and swamps over a half acre in size.

Use Regulations:

1. Bogs, marshes and swamps shall not be drained, filled, dredged, or cleared.
2. There shall be a minimum distance of 100 feet from the edge of upland vegetation adjacent to a bog, marsh, or swamp where no development shall occur.
3. Septic tanks or drainfields should not be located within 200 feet from the edge of a bog, marsh, or swamp.

6.2 BARS AND SPITS

Bars and spits are natural formations composed of sand and gravel and shaped by wind and water currents and littoral drifting. Generally, a spit is formed from a headland beach (tall cliff with a curved beach at the foot) and extends out into the water (hooks are simply hook-shaped spits.) While spits usually have one end free in open water, bars generally are attached to land at both ends. These natural forms enclose an area which is protected from wave action, allowing life forms such as shellfish to reproduce and live protected from the violence of the open coast.

Use Regulations:

1. The removal of gravel, minerals, sand, or drift material from a bar or spit is prohibited except for navigational purposes or to prevent additional accumulation of materials due to excavation for development or to restore a previously filled shoreline area to a more natural state.

2. Disposal of excavated materials is allowed to prevent additional accumulation or to restore a previously filled shoreline area to a non-natural state.
3. No development or use which will interrupt the free movement of the littoral drift or alter in any way the deposition of sand, gravel, and related shoreline material shall occur on a bar or spit, except at the end of drift sectors.
4. Dredging for navigational purposes shall not occur in the offshore area of a bar or spit nor within the littoral drift zone which feeds the bar or spit, except at the end of drift sectors. All other dredging is prohibited.
5. Multi-family dwellings shall be allowed only if public access is provided to the shoreline. Detached single-family dwelling units shall be prohibited on a spit.
6. Wherever possible, the vegetation in the approved setbacks of the shorelines of bars and spits shall be left in as near a natural state as can be attained. Where shorelines designated as rural or natural have been altered, efforts should be made to restore natural vegetation.
7. Except for limited private parking, parking facilities shall be placed on upland areas away from bars, dunes and spits.
8. No shoreline protection structures of any kind will be allowed in Natural and Conservancy Environments except protective berms, beach feeding, or vegetative bank stabilization when necessary to restore an eroding accretion beach or to retard erosion elsewhere.
9. The following general criteria for public access on bars and spits are applicable:
 - a. No new development shall block or interfere with the normal public use of, or public access to, publicly-owned shorelines and water bodies. New uses requiring modification of existing buildings shall provide public access to the extent possible.
 - b. All developments shall be designed to protect and enhance views and visual access and public access to the water and shorelines.
 - c. There must be a physical definition of the public and private space. This definition can be achieved through space and/or by screening such as by landforms, landscape plantings, covered walkways or fences. See following diagrams (Figures 1, 2, 3, and 4) illustrating this proposed

definition.

d. Any required public access easement shall be of a size and design appropriate to the site, size, and general nature of the development. Such easements shall be recorded on a property deed or face of a plat as a condition running in perpetuity with the land.

e. Signs which indicate public parking area and the public's right of access shall be installed and maintained in conspicuous locations at required public access points. Public use may be limited to daylight hours and by other restrictions reasonably related to public safety.

f. Required public access sites shall be fully developed and available for public use at the time of occupancy of the development, or as required by an approved project phasing plan with acceptable security devices to assure timely construction.

g. Public access, where required, should be adequate to maintain an inviting, open, public feeling. Where improved paths are provided, they should be of a large enough scale to encourage use. Points of access to the path system and shoreline should be integrated with and an extension of public-oriented uses. Access points shall be marked and of a scale and character to be clearly public.

h. Facilities for public amenity such as covered walkways, decks, pergolas, viewing areas, benches, trash containers, picnic tables, restrooms, etc. may be approved to be placed in the required set-back/public access easement.

10. Commercial Development in Urban Aquatic Environments shall be restricted to existing buildings and structures.

The following diagrams illustrate the general intent of the requirements for public access. The relationship of proposed uses to existing natural features or manmade structures (new and existing) may require the modification of specific dimensions or relationships between public and private spaces.

DIAGRAM 1.
 COMMERCIAL DEVELOPMENT
 URBAN SHORELINE – PUBLIC ACCESS
 Developed Path with Lighting, Landscaping and Signs

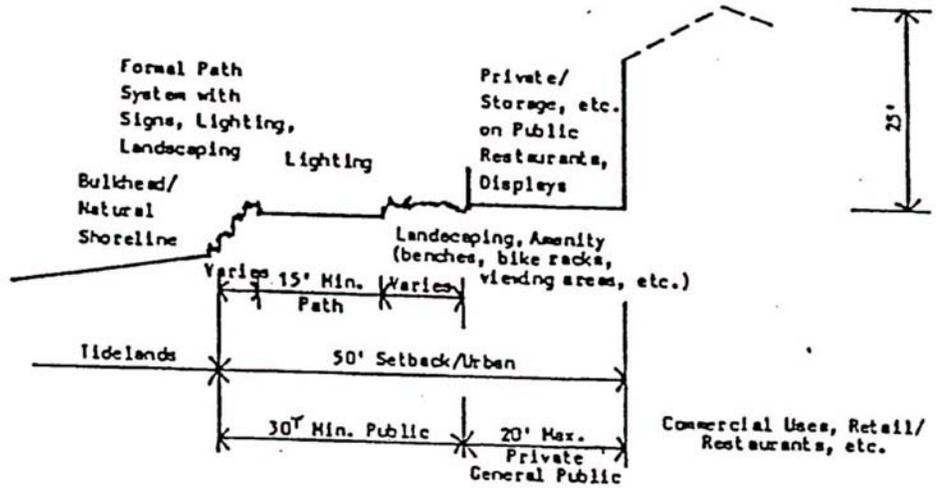
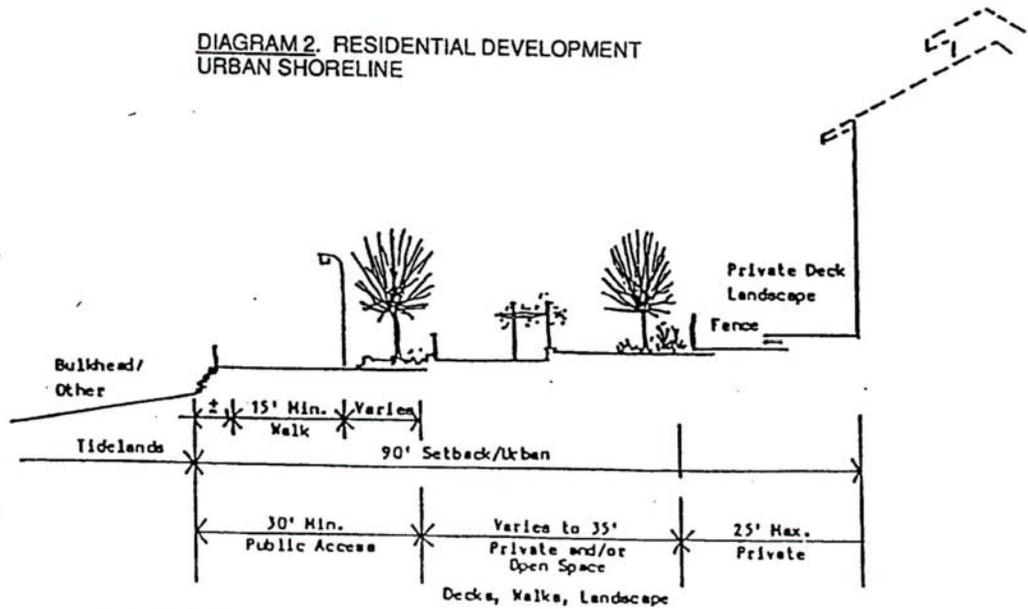


DIAGRAM 2.
 RESIDENTIAL DEVELOPMENT
 URBAN SHORELINE



Revised 1/4/96

DIAGRAM 3.
COMMERCIAL DEVELOPMENT
URBAN/RURAL SHORELINE

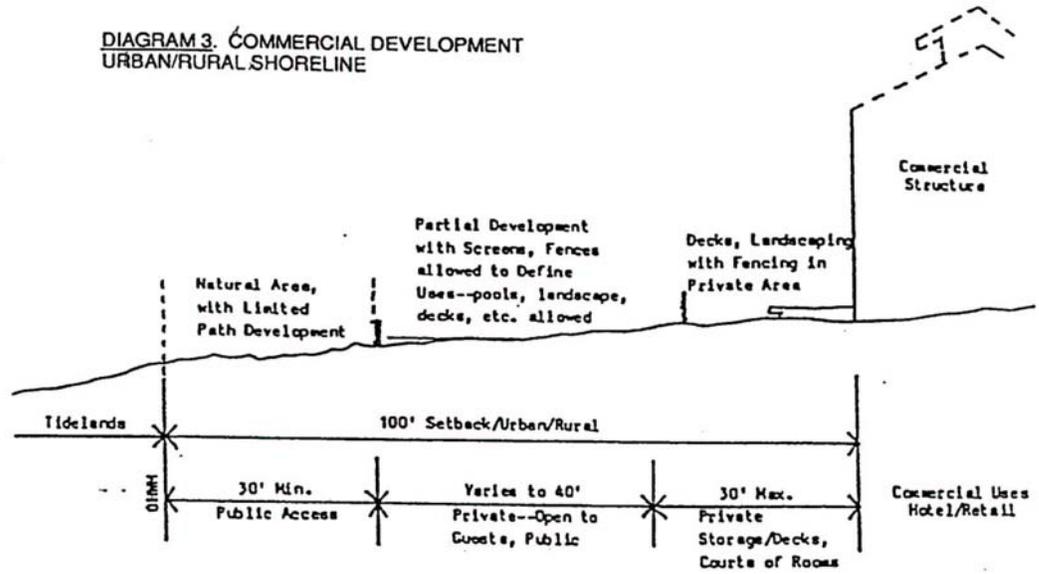
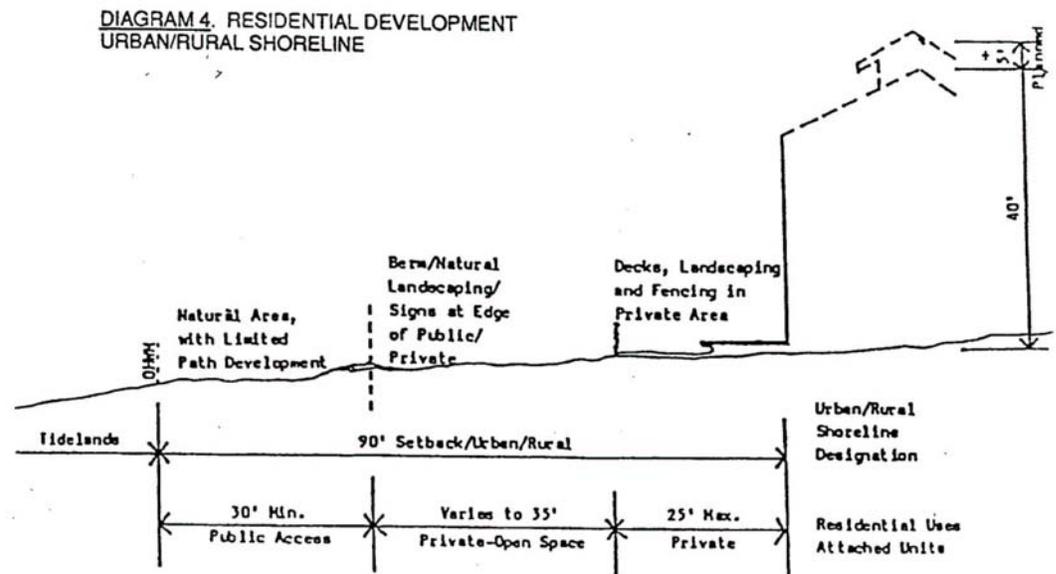


DIAGRAM 4.
RESIDENTIAL DEVELOPMENT
URBAN/RURAL SHORELINE



Revised 1/4/96

6.3 FEEDER BANKS

A feeder bank is a natural formation occurring along the shoreline which is subject to erosion by natural forces and which supplies sand, gravel, and other materials to the beach system and supports important spits, bars, and beaches. As an important part of the natural shoreline system, feeder banks must be allowed to continue their natural erosion.

Use Regulations:

1. Bulkheads, landfills, groins, jetties, and other developments which prevent or restrict the natural erosion of a feeder bank shall be prohibited.
2. Developments of all types shall be prohibited from the shoreline area above and below feeder banks except where an adequate soils study indicates no adverse effect. Then they shall be processed as shoreline conditional uses.

6.4 SHORELINE BLUFFS AND STEEP SLOPES

A bluff is a shoreline bank or cliff with an almost perpendicular front. Bluffs can be, but need not be, feeder banks. Bluffs are almost always made up of unconsolidated material which is a very susceptible to slides and erosion. A steep slope can be defined as a slope exceeding 50 percent and 20 feet in height.

Use Regulations:

1. Shoreline bluffs and steep slopes shall be left in their natural state.
2. Development within the shoreline area below or above a bluff or steep slope shall be prohibited except where an adequate soils study indicates no adverse effect. Such development shall be a shoreline conditional use.

6.5 TIDELANDS

Tideland is that area that exists between mean high water and mean low water.

Use Regulation:

Tidelands shall not be filled, diked, dredged or otherwise disturbed except within the area of the Urban and Urban Aquatic Environments. For regulations covering that portion of Semiahmoo Spit within the Urban and Urban Aquatic Environments, see Natural Systems and Regulations, "Bars and Spits."

7.0 ADMINISTRATION AND ENFORCEMENT

7.1 RECORD OF EXEMPTION

The administrator shall determine whether or not a Substantial Development Permit is required. Whenever a proposed development is within the shorelines area but is exempt from the permit system, the Administrator shall record the exemption in the project's file. (See *Appendix A* for a list of developments exempt from the shorelines permit system.)

7.2 APPLICATION OF THE PERMIT SYSTEM TO SUBSTANTIAL DEVELOPMENT UNDERTAKEN PRIOR TO THE ACT

Substantial development undertaken on the shorelines of the State prior to the effective date of the act shall not require a permit except under the following circumstances:

1. Where the activity was unlawful prior to the effective date of the act.
2. Where there has been an unreasonable period of dormancy in the project between its inception and the effective date of the act.
3. Where the development is not completed within two years after the effective date of the act. In determining the running of the two-year period hereof, those periods of time after June 1, 1971 shall not be included during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonably not to so pursue.
4. Where substantial development occurred prior to the effective date of the act on a shoreline and continued on to a different lake, river, or tributary after the effective date, a permit shall be required for the development undertaken after the effective date.

Substantial development undertaken prior to the effective date of the act shall not continue without a permit into other phases that were not part of the plan being followed at the time construction commenced.

7.3 APPLICABILITY OF PERMIT SYSTEM TO FEDERAL AGENCIES

The permit system shall be applied in the following manner to federal agencies on lands meeting the criteria of the Shoreline Management Act and the Department for Shorelines of the state.

1. Federal agencies shall not be required to obtain permits for developments

undertaken by the federal government on lands owned in fee by the federal government, unless the federal government grants or reserves to the state or local government substantial jurisdiction over activities on those lands.

2. The permit system shall apply to nonfederal activities constituting developments undertaken on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.

3. The permit system shall apply to developments undertaken on lands not federally owned but under lease, license, or other similar federal property rights short of fee ownership to the federal government.

4. Federal agency actions shall be consistent with the approved Washington State coastal zone management program subject to certain limitations set forth in the Federal Coastal Zone Management Act 16 U.S. 1451 et seq. and regulations adopted pursuant thereto.

7.4 COMPLIANCE WITH THE STATE ENVIRONMENTAL POLICY ACT (SEPA)

Many projects which are within the shoreline area will also be subject to the State Environmental Policy Act as set forth in the City of Blaine SEPA Ordinance. The Administrator will advise the applicant of procedures for compliance with SEPA.

7.5 LETTER OF EXEMPTION

Whenever a project falls within the exemptions stated in WAC 173-14-040 and the development is subject to a U.S. Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899, or a Section 404 permit under the Federal Water Pollution Control Act of 1972, the Administrator shall prepare a letter addressed to the applicant and the Department of Ecology exempting the project from the substantial development permit requirements of Chapter 90.58, RCW. This exemption shall be substantially in the form provided at WAC 173-14-115.

7.6 PERMIT PROCEDURES

1. Upon determination that a substantial development permit is required, the applicant shall obtain a Shoreline Management Substantial Development Application Form from the Administrator. Applications for a substantial development, conditional use, or variance permit shall contain, as a minimum the information called for in WAC 173-14.110 and WAC 173-14-120.

NOTE: If a project is not categorically exempt from SEPA, the Administrator

shall give an Environmental Checklist to the applicant. After the checklist has been filled out, the SEPA Responsible Official shall determine whether an environmental impact statement (EIS) is necessary, in accordance with the City of Blaine's SEPA ordinance.

2. Upon receipt of a proper application for a shoreline management substantial development, conditional use, or variance permit, the City shall insure that notice of such application is given by at least one of the following methods:

- a. Mailing of the notice to the latest recorded real property owners as shown by the records of the County Assessor within at least 300 feet of the boundary of the property upon which the substantial development is proposed; or
- b. Posting of the notice in a conspicuous manner upon the property upon which the project is to be constructed; or
- c. Any other manner deemed appropriate by the City to accomplish the objectives of reasonable notice to adjacent landowners and the public.

The notices shall include a statement that, within 30 days of the final notice, any interested person may submit his/her written views on the application to the City or notify the City of his/her desire to receive a copy of the action taken. All persons who notify the City of their desire to receive a copy of the final order shall be notified in a timely manner of the action taken.

NOTE: For substantial developments not categorically exempt from SEPA, an application is not properly prepared until SEPA has been complied with as follows:

After the publication of the Notice as required under this Chapter, the City may issue a threshold determination in accordance with the City's State Environmental Policy Act Ordinance. If an EIS is required, the Draft EIS may be published and circulated during the review period provided in subsection (c).

3. A period of 30 days must pass from the date of last public notification before the Planning Commission can act on the application. A public hearing on the application may be held during this period. If a draft EIS has been prepared, the public hearing shall be held at least 35 but no later than 51 days after listing of the draft EIS in the City's EIS available Register.

4. Within 60 days after this 30 day waiting period, the Planning Commission must initiate its consideration of the application. The Planning Commission is the final authority for the City of Blaine concerning granting of Substantial Developments Permits.

5. Within eight working days from the date the Planning Commission grants or denies a permit, copies of the original application, site plan, vicinity map, permit, and final decision shall be filed with the Department of Ecology and the State Attorney General's Office. Where applicable, the City shall also file the applicable documents required by Chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under Chapter 43.21 C RCW. Filing is not complete until the required documents have been received by the Department and the Attorney General. This same rule shall apply to conditional uses, variances, rescissions, and revisions of permits. If the filing is determined by the Department to be incomplete, the Department will identify the deficiencies and so notify the City and the applicant in writing. If the requested materials are not received by the Department within 30 days of notification, the permit will be returned to the City for completion and resubmittal.

6. "Date of filing" of a City action involving approval or denial of a substantial development permit or involving a denial of a variance or conditional use permit is the date of actual receipt of a completed filing by the Department. With regard to a permit for a conditional use or variance approved by the City and such permits which also involve concurrent filing by the City of a substantial development permit, the "date of filing" means the date the Department's final order on the variance or conditional use permit is transmitted to local government and the applicant. The Department shall in all circumstances notify in writing the local government and the applicant of the "date of filing."

7. No construction shall begin pursuant to the granting of a permit for 21 days after the state receives notice of Planning Commission action. At the termination of the State's 21-day review period, unless an appeal has been filed, the Administrator shall notify the applicant that construction pursuant to the permit may commence.

7.7 JUDGMENT CRITERIA FOR SUBSTANTIAL DEVELOPMENT PERMITS

A Substantial Development Permit shall be granted only when the development proposed is consistent with the policies and procedures of the Shoreline Management Act and the City of Blaine Master Program.

7.8 BURDEN OF PROOF

Applicants for substantial development permits shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a permit is granted. In any review of the granting or denial of an application for a permit, the person requesting the review shall have the burden of proof.

7.9 SHORELINE CONDITIONAL USES

The objective of a conditional use provision is to allow more flexibility in varying the application of the use regulations of the Master Program consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the City or the Department to prevent undesirable effects of the proposed use. Shoreline conditional uses are specifically described in the Master Program.

Shoreline Conditional uses will be granted only after the applicant can demonstrate all of the following.

1. That the use will cause no unreasonably adverse effects on the shoreline environment in which it is to be located or on other uses;
2. That the use will not interfere with the normal public use of public shorelines;
3. That the proposed use of the site and design of the project is compatible with other permitted uses within the area;
4. The proposed use is consistent with the policies of RCW 90.58.020 and the policies of the Master Program; and
5. That the public interest suffers no substantial detrimental effect.

Other uses which are not classified or set forth in the City's Master Program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in WAC 173-14-140(1), that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the Master Program. Uses which are specifically prohibited by the Master Program may not be authorized.

In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in

the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

The Planning Commission Shoreline Subcommittee shall review conditional uses and make recommendations to the Planning Commission. Whenever an EIS has been prepared for a substantial development application, the conditions shall attempt to incorporate measures for mitigating adverse impacts identified in the EIS.

7.10 SHORELINE VARIANCES

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in this program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

1. Variance permits for development that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b) except within those areas designated by the Department of Ecology as marshes, bogs or swamps pursuant to Chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:
 - a. That the strict application of the bulk, dimensional or performance standards set forth in the Master Program precludes or significantly interferes with a reasonable permitted use of the property.
 - b. That the hardship described in (1)(a) above is specifically related to the property and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program, and not, for example, from the deed restrictions or the applicant's own actions.
 - c. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.
 - d. That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.
 - e. That the public interest will suffer no substantial detrimental effect.
2. Variance permits for development that will be located either waterward of

the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2), or within marshes, bogs, or swamps as designated by the Department of Ecology pursuant to Chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

- a. That the strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes a reasonable permitted use of the property.
- b. That the proposal is consistent with the criteria established under (1)(b) and (c) of this chapter; and
- c. That the public rights of navigation and use of the shorelines will not be adversely affected by granting of the variance.

In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment.

The Planning Commission Shoreline Subcommittee shall review variances and make recommendations to the Planning Commission.

7.11 MINIMUM STANDARDS FOR CONDITIONAL USE AND VARIANCE PERMITS

Pursuant to RCW 90.58.100(5) and 90.58.140(3), the criteria contained in WAC 173-14-140 and 173-14-150 for shoreline conditional use and variance permits shall constitute the minimum criteria for review of these permits by the City and the Department. Where more restrictive provisions exist within this program, these shall apply.

7.12 DEPARTMENT REVIEW OF CONDITIONAL USE AND VARIANCE PERMITS

After approval of a conditional use or variance permit, the City shall submit the permit to the Department for the Department's approval, approval with conditions, or denial. When the Department intends to conditionally approve a conditional use or a variance permit, the Department shall notify the City of its intention and the nature of the conditions prior to rendering its final decision. The Department shall render and transmit to the City and the applicant its final decision approving, approving with conditions, or disapproving the permit within 30 days of the date of submittal by the City pursuant to WAC 173-14-090. Local government shall notify those interested

persons having requested notification from local government pursuant to WAC 173-14-070 of the Department's final decision.

7.13 REVISIONS TO SUBSTANTIAL DEVELOPMENT PERMITS

When an applicant seeks to revise a substantial development permit, the applicant shall submit detailed plans and text describing the proposed changes in the permit.

1. If the Administrator determines that the proposed changes are within the scope and intent of the original permit, he/she may approve a revision.

"Within the scope and intent of the original permit" means all of the following:

- a. No additional over-water construction is involved except that pier, dock, or float construction may be increased by 500 square feet or 10 percent from the provisions of the original permit;
- b. Ground area coverage and height of each structure may be increased a maximum of 10 percent from the provisions of the original permit;
- c. Additional separate structures may not exceed a total of 250 square feet;
- d. The revised permit does not authorize development to exceed height, lot coverage, setback, or other requirements of the City's Master Program except as authorized under the original permit;
- e. Additional landscaping is consistent with conditions (if any) attached to the original permit and with the applicable Master Program;
- f. The use authorized pursuant to the original permit is not changed; and
- g. No substantial adverse environmental impact will be caused by the project revision.

2. If the sum of the revision and any previously approved revisions under WAC 173-14-064 violate the provisions in WAC 173-14-064(2) above, local government shall require that the applicant apply for a new permit in the manner provided for herein.

3. If the proposed changes are not within the scope and intent of the original permit, the applicant shall apply for a new substantial development permit in the manner provided for herein.

4. Within eight days of the date of final action by the Planning Commission,

the revision including the revised site plan, text, and the final ruling on consistency with this section shall be filed with the Department and the Attorney General. In addition, the City shall notify parties of record of the action taken.

5. If the revision to the original permit involves a conditional use or variance which was conditioned by the Department, the City shall submit the revision to the Department for the Department's approval, approval with conditions, or denial. The revision shall indicate that it is being submitted under the requirements of this subsection. The Department shall render and transmit to local government and the applicant its final decision within 15 days of the date of the Department's receipt of the submittal from the City. The City shall notify parties of record of the Department's final decision.

6. The revised permit is effective immediately upon final action by the City or, when appropriate, under WAC 173-14-064(5) by the Department.

7. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within 21 days from the date of receipt of the City's action by the Department, or when appropriate under WAC 173-14-064(5), the date the Department's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of WAC 173-14-064(2) above. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

7.14 TIME REQUIREMENTS

The following time requirements shall apply to all substantial development permits and conditional uses and variances:

1. Construction or substantial progress toward construction of a project for which a permit has been granted must be undertaken within two years after the approval of the substantial development permit. Substantial progress towards construction shall include, but not be limited to, the making of contracts, signing of notice to proceed, the letting of the bids, making of contracts, purchase of materials involved in development, completion of grading and excavation, and the laying of major utilities or, where no construction is involved, commencement of the activity, but shall not include development or actions which are not consistent with the permit. The City may authorize a single extension before the end of the time limit with prior notice to parties of record and the Department of Ecology for up to one year based on reasonable factors.

2. If a project for which a permit has been granted pursuant to the act has not been completed within five years after the approval of the permit by the Planning Commission, the Planning Commission shall, at the expiration of the five-year period, review the permit, and upon a showing of good cause, do either of the following:

- a. Extend the permit for one year; or
- b. Terminate the permit.

The running of a permit time period shall not include the time during which an activity was not actually pursued due to the pendency of reasonably related administrative appeals or litigation.

When permit approval is based on conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity, provided that an alternative compliance limit may be specified in the permit.

7.15 RESCISSION

Any substantial development permit may be rescinded by the Planning Commission upon finding that the permittee has not complied with conditions of the permit.

7.16 APPEALS FROM GRANTING OR DENYING A PERMIT

1. Any person aggrieved by the granting or denying of a permit on the shorelines of the City may seek review from the shorelines hearings board by filing a request for the same within 30 days of receipt of the final order. Concurrently with the filing of any request for review with the Hearings Board as provided in this section pertaining to a final order of the City of Blaine, the requestor shall file a copy of his request with the Department of Ecology and the Attorney General's Office. If it appears to said department or the Attorney General that the requestor has valid reasons to seek review, either the department or the Attorney General may certify the request within 30 days after its receipt to the shorelines hearings board following which said board shall then, but not otherwise, review the matter covered by the requestor, provided that the failure to obtain such certification shall not preclude the requestor from obtaining review otherwise available to the requestor. The Department of Ecology and the Attorney may intervene to protect the public interest and insure that the provisions of the Shoreline Management Act are complied with at a time within 30 days from the date of filing of said copies by the requestor.

2. The Department of Ecology or the Attorney General may obtain review of

any final order granting a permit, or granting or denying an application for a permit issued by the City of Blaine by filing a written request with the Shorelines Appeals Board and the City of Blaine within 30 days from the date the final order was filed as provided in subsection (5) of RCW 90.58.140.

3. The review proceedings authorized by subsection (a) and (b) of this section are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases.

7.17 VIOLATION AND PENALTY

1. Any permit may be rescinded by the City upon finding that a permittee has not complied with conditions of a permit.

2. The State Attorney General or the City Attorney for the City of Blaine shall bring such injunctive, declaratory, or other actions as are necessary to ensure that no uses are made of the shorelines in conflict with the provisions and programs of the Shoreline Management Act and Master Program, and to otherwise enforce the provisions of the Act and Master Program.

3. In addition to incurring civil liability under subchapter (b) of this section, any person found to have willfully engaged in activities on the shorelines in violation of the provisions of the Shoreline Management Act or Master Program shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than \$25 nor more than \$1,000 or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment, provided that the fine for the third and all subsequent violations in any five-year period shall not be less than \$500 nor more than \$10,000.

4. Any person subject to the regulatory program of the Shoreline Management Act or Master Program who violates any provision of the Act or Master Program or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to the violation. The State Attorney General or City Attorney shall bring suit for damages under this section on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

7.18 NONCONFORMING DEVELOPMENTS

"Nonconforming development" means a shoreline use or structure which was lawfully constructed or established prior to the effective date of the act or the

applicable Master Program or amendments thereto, but which does not conform to present regulations or standards of the program or policies of the act. All developments lawfully erected, installed and maintained in a lawful condition prior to the effective date of the Master Program and the developments in the process of being lawfully established prior to the effective date of the Master Program, and all developments which hold a valid Shoreline Management Substantial Development Permit approved prior to the effective date of the Master Program, but which do not conform to the regulations contained herein, shall be considered nonconforming developments.

Nonconforming developments may continue to exist or be completed according to the following provisions:

1. Nonconforming development may be continued provided that it is not enlarged, intensified, increased, or altered in any way which increases its nonconformity. A structure containing a nonconforming use may be enlarged if the additional space is for a use activity which conforms to the Master Program. Use of the enlarged area shall remain in conformance with the Master Program.
2. Nonconforming developments may be remodeled or renovated provided such alterations do not contribute to additional adverse effect on the shoreline area.
3. A nonconforming development which is moved any distance must be brought into conformance with the current City of Blaine Shoreline Management Master Program and the act.
4. A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed.
5. If a nonconforming use is discontinued for three consecutive months or for three months during any two-year period, any subsequent use shall be conforming. It shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire.
6. When a nonconforming development is remodeled or renovated, it shall meet all applicable regulations of the Master Program except that which makes it nonconforming.
7. An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the act or the City's Master Program but which does not conform to the present lot size or density standards may be

developed so long as such development conforms to other requirements of the City's Master Program and the act.

7.19 AMENDMENTS AND CHANGES OF ENVIRONMENT DESIGNATIONS

1. The City Council may, upon its own motion and after review and recommendation of the Planning Commission, amend, supplement, change, or repeal by ordinance any of the provisions, Shoreline Designation boundaries or Shoreline Area classifications herein established.
2. An amendment or change in Shoreline Area Designation may be initiated by the Planning Commission upon its own motion, or by any person upon proper petition, or by the motion of the City Council whose action shall be referred to the Planning Commission for recommendation.
3. The Planning Commission shall hold at least one public hearing on any proposed amendment or change in Shoreline Area Designation prior to taking action on the matter. The hearing shall be held not less than 10 days nor more than 30 days following the filing of the petition or the receipt of the City Council motion initiating the action.

The Administrator or authorized representative shall make an investigation and a written recommendation on each proposed amendment or change in Shoreline Area Designation to the Commission. Such recommendation shall become part of the official record.

The Planning Commission shall make its findings, decision and recommendation on each proposed amendment or change in Shoreline Area Designation within 30 days following the termination of the public hearing. In the event the Planning Commission does not reply within the specified time limit, it shall be deemed that the Planning Commission has approved the proposed amendment or change in Area Designation. The decision of the Planning Commission shall be transmitted to the City Council within 10 days following the date of such action.

4. After holding a public meeting to consider the findings and recommendations of the Planning Commission, the City Council shall have the authority to confirm, alter or modify any of the Planning Commission's recommendations or decisions.
5. All amendments or changes in Shoreline Area Designations must be submitted to the Department of Ecology for approval or disapproval.

APPENDIX A: DEFINITIONS

ADMINISTRATOR - The person who is responsible for issuing Shoreline Use Permit Applications, inspecting project sites, and making recommendations to the Planning Commission.

ACT means Chapter 286, Laws of 1971 ex. sess., Chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended.

APPLICABLE MASTER PROGRAM means the Master Program approved or adopted by the Department pursuant to RCW 90.58.090 or 90.58.'90 prior to issuance of the permit by local government.

AQUACULTURE means the culture or farming of food fish, shellfish, or other aquatic plants and animals for human consumption.

AVERAGE GRADE LEVEL means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure, provided that in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure.

"BLAINE CITY WATERFRONT STUDY" AS AMENDED BY "BLAINE PARK PLAN" refers to the revised City of Blaine policy regarding potential expansion of the Blaine Boat Harbor, adjoining marine commercial area and related waterfront park location. The purposes of the policy are to protect the natural quality of Drayton Harbor estuary, to improve public access to the shoreline, and to provide for future marine-oriented industrial and commercial expansion. The plan would create a waterfront park on the south side of the U.S. Army Corps breakwater and direct any marine industrial or commercial expansion to the north out of Drayton Harbor.

CONDITIONAL USE means a use, development, or substantial development which is classified as a conditional use or which is not classified within the applicable Master Program.

DEPARTMENT - The Department of Ecology.

DEVELOPMENT means a use consisting of the construction or exterior alteration of structures; dredging, drilling, dumping, filling; removal of any sand, gravel, or minerals; bulkheading; driving or piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the shoreline.

DIKE - An embankment usually placed within or near the edge of a flood plain to protect adjacent lowlands from flooding.

DIRECTOR - The Director of the Department of Ecology.

DREDGING FOR NAVIGATIONAL PURPOSES means dredging operations required for maintaining or improving public or commercial facilities requiring boat access; or dredging operations required for opening access to approved new public or commercial facilities.

DUNE means a hill or ridge of sand forming along the shoreline by wind.

ESTUARY means that area in the marine environment where freshwater and saltwater mix.

EXEMPT developments are those set forth in WAC 173-14-040 which do not meet the definition of substantial development under RCW 90.58.030 (3)(e).

EXTREMELY LOW TIDE means the lowest line on the land reached by a receding tide.

FAIR MARKET VALUE of a development is the expected price at which the development can be sold to a willing buyer. For developments which involve nonstructural operations such as dredging, drilling, dumping, or filling, the fair market value is the expected cost of hiring a contractor to perform the operation; or where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project.

FINAL DECISION includes the approval or disapproval of a permit, or a letter of exemption as set forth in WAC 173-14-115.

FLOOD PLAIN means a plain area bordering a river or shoreline which is subject to inundation by the rising river or sea.

HEARINGS BOARD means the Shoreline Hearings Board established by RCW 90.58.

HEIGHT is measured from average grade level to the highest point of a structure; provided that television antennas, chimneys, and similar appurtenances shall not be used in calculating height except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines, or the applicable Master Program provides otherwise; and provided further that temporary construction equipment is excluded from this calculation.

LITTORAL DRIFT means the movement of gravel and sand along a seashore due to the waves advancing obliquely up the beach.

LOCAL GOVERNMENT means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter.

MARSH means a tract of soft, wet land usually low-lying and partly or completely

underwater.

MASTER PROGRAM means the comprehensive shoreline use plan for the City of Blaine and the Use Regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020.

NATURAL EXISTING TOPOGRAPHY means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

NATURAL SYSTEMS means flora, fauna, physical forms, and natural forces of climate, wind, and water that affect and are affected by each other.

NONCONFORMING USE means those uses that do not conform to the given environmental designation.

ORDINARY ANNUAL HIGH WATER MARK means the mark on all streams and tidal waters will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on June 1 or as it may naturally occur change thereafter; provided that in any area where the ordinary high water mark cannot be found, the ordinary high-water adjoining saltwater shall be the line of mean higher high tide and the ordinary high water mark adjoining freshwater shall be the line of mean high water.

PARTY OF RECORD includes all persons who have submitted oral or written comments or notified local government of their desire to receive a copy of the final decision on a permit under WAC 173-14-070.

PERMIT means any substantial development, variance, conditional use permit, or revision authorized under Chapter 90.58 RCW.

PUBLIC INTEREST means the interest shared by the citizens of the state or community at large in the affairs of government or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development,

SHORELINES OR SHORELINE AREA means all of the water areas within the incorporated area of Blaine and their associated wetlands together with lands underlying them, except shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments.

SPIT means a natural formation composed of sand and gravel which is low lying and

attached to land at one end.

STREAMWAY - The channel or channels that contain the mean annual high water flow. The streamway is measured from outside edge to outside edge.

STRUCTURE means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner whether installed on, above, or below the surface of the ground or water except for vessels.

SUBSTANTIAL DEVELOPMENT means any development of which the total cost or fair market value, whichever is higher, does not exceeds \$2,500, if such development does not materially interfere with normal public use of the water or shorelines, except that the following shall not be considered substantial developments:

1. Normal maintenance or repair of existing structures or developments, including damage by fire, accident, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition within a reasonable period after decay, or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment.
2. Construction of the normal protective bulkhead, common to single-family residences. A "normal protective" bulkhead is constructed at or near the ordinary high water mark to protect a single-family residence and is for protecting land from erosion, not for the purpose of creating land. Where an existing bulkhead is being replaced, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings.
3. Improvements to dikes and levees if the improvement is determined by the city department with responsibility for shoreline management to be consistent with a comprehensive flood control management plan approved by the Department pursuant to RCW 88.26 and WAC 173-145 and with the City's Shoreline Management Master Program. Dikes and levees are mounds of earth or other suitable material constructed for the purpose of preventing the overflow of water. Improvements to dikes and levees include increasing the height or width of an existing structure. Improvement does not include extension of the system of dikes or levees into or across an area that is not now protected by the dike or levee system. Dikes or levees must have been legally constructed pursuant to all regulatory requirements in place at the time of construction in order for improvements thereto to be exempted from the permit requirement.
4. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter.

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

6. Construction or modification of navigational aids, such as channel markers and anchor buoys.

7. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for his own use or for the use of this family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the perimeter of a wetland. On a state-wide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, and grading which does not exceed 250 cubic yards (except to construct a conventional drainfield). Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated herein. Construction authorized under this exemption shall be located landward of the ordinary high water mark.

8. Construction of a dock, including a community dock designed for pleasure craft only, for the private noncommercial use of the owner(s), lessee, or contract purchaser of a single- and/or multi-family residence, for which the cost or fair market value, whichever is higher, of which does not exceed \$2,500.

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

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

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

12. Any project with a certification from the governor pursuant to chapter 80.50 RCW.

13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if

a. The activity does not interfere with the normal public use of the surface waters;

b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

c. The activity does not involve the installation of a structure and, upon completion of the activity, the vegetation and land configuration of the site are restored to conditions existing before the activity;

d. A private entity seeking development authorization under this section first posts a performance bond or provides either evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

e. The activity is not subject to the permit requirements of RCW 90.58.550.

14. The process of removing or controlling an aquatic or noxious weed as defined by the Department of Ecology through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department jointly with other state agencies under Chapter 43.21C RCW.

15. Watershed restoration projects as defined herein. The Planning Commission shall review the projects for consistency with the City's Shoreline Master Program in an expeditious manner and shall issue its decision along with any conditions within 45 days of receiving a complete, consolidated application form from the applicant. No fee may be charged for accepting and processing applications for watershed restoration projects as used in this section.

a. "Watershed restoration plan" means a plan developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized

Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, recreation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to Chapter 43.21 C RCW, the State Environmental Policy Act. If the implementation measures or actions would have a probable significant adverse environmental impact, a detailed statement under RCW 43.21 C.031 must be prepared on the plan.

b. "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

(1) A project that involves less than 10 miles of stream reach in which less than 25 cubic yards of sand, gravel, or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(2) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization at the toe of the bank and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(3) A project primarily designed to improve fish and wildlife habitat. remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure other than a bridge or culvert or instream habitat enhancement structure associated with the project is less than 250 square feet in floor area and is located above the ordinary high water mark of the streams

16. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage shall be exempt from the substantial development permit requirements when all of the following apply:

a. The project has been approved by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;

b. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to RCW 75.20; and

c. The Planning Commission has determined that the project is consistent with the City's Shoreline Management Master Program. The Planning Commission shall make such determination in a timely manner and provide it by letter to the project proponent.

Exemptions shall be construed narrowly. Exempted developments authorized by local government shall be consistent with the policies and provisions of the act and the City's Shoreline Management Master Program, as well as any other applicable regulations.

SWAMP - A tract of low-lying land saturated with moisture and usually overgrown with vegetation.

TRANSMIT means to send from one person to another by mail or hand delivery. The date of transmittal for mailed items is the date that the department's final order is verified for mailing or, for hand-delivered items, the date of receipt at the destination.

VARIANCE is a means to grant relief from the specific bulk, dimensional, or performance standards set forth in the City's Shoreline Management Master Program and not a means to vary a use of a shoreline.

VESSEL includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

VIEW - A confined view such as may occur by looking through a window, tunnel, or framed by vegetation and/or structures.

WETLANDS means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the river or stream.

The definitions and concepts set forth in RCW 90.58.030 also apply as used herein.

APPENDIX B: CITIZEN INVOLVEMENT

ORIGINAL COMMITTEE WORK:

The Blaine Shoreline Management Citizens Advisory Committee was formed in July, 1973. The following members were appointed by the Mayor.

Elsie Heinrick, Chairperson
Reg Campin
Bob Drake
Murray Goff
Alma Wagner
Don Walter
Eythor Westman

The Citizen's Advisory Committee has held 18 meetings in the course of developing the Master Program. The Committee held meetings on the below listed dates:

<u>DATE</u>	<u>TIME</u>	<u>PLACE</u>
August 22, 1973	7:30PM	Blaine, City Hall
August 29, 1973	7:30PM	Blaine, City Hall
September 6, 1973	7:30PM	Blaine, City Hall
September 26, 1973	7:30PM	Blaine, City Hall
October 10, 1973	7:30PM	Blaine, City Hall
October 24, 1973	7:30PM	Blaine, City Hall
November 15, 1973	7:30PM	Blaine, City Hall
November 29, 1973	7:30PM	Blaine, City Hall
January 10, 1974	7:30PM	Blaine, City Hall
June 6, 1974	7:30PM	Blaine, City Hall
November 4, 1974**	7:30PM	Blaine, City Hall
November 9, 1974	9:00AM	Blaine, City Hall
November 18, 1974	7:00PM	Blaine, United Church of Christ
November 25, 1974	7:00PM	Blaine, United Church of Christ
December 7, 1974	9:00AM	Blaine, City Hall
January 20, 1975**	7:00PM	Blaine, City Hall
February 6, 1975	7:00PM	Blaine, City Hall
March 17, 1975**	7:00PM	Blaine, City Hall

The majority of the meetings listed above were public meetings, meeting the requirements of the Act.

**Advertised Public Hearing

The Advisory Committee was activated to revise the Master Program under a 1976 contract with the Department of Ecology. The following members were appointed by the Mayor:

Alma Wagner, Chairperson
Reg Campin
Jim Eames
Roy Foster
Helen Heinrick
Gary Mann
Carl Reichhardt
Bev Kittel, Secretary

The committee held 10 meetings on the shoreline revisions, all at City Hall:

August 30, 1976
September 16 and 30, 1976
October 14 and 28, 1976
February 14, 1977
March 3, 17, 24, 31, 1977

Master Program Revisions were adopted by the Committee on March 31, 1977. The Planning Commission recommended approval of the Master Program on May 18, 1977 and the City Council approved the revised program on July 5, 1977, after an information meeting with the Planning Commission and discussion at a June Committee of the whole meeting.

Elsie Heinrick, Chairperson
Reg Campin
Bob Drake
Murray Goff
Alma Wagner
Don Walter
Eythor Westman

Amended 1984 by Ordinances 84-1713 and 84-1732

Amended 1994 by Ordinance 94-2161.

APPENDIX C: ENVIRONMENTS (DEFINITIONS AND MAP)

NATURAL –

- From where spit abuts upland to point where Semiahmoo Spit is 450 feet wide (ordinary high water mark) on both sides of Semiahmoo Spit. (section 2 to 3 and 6 to 7 on the map).
- Spit in mouth of Dakota Creek

CONSERVANCY–

- From Western City Limits on Birch Point to point where Semiahmoo Spit abuts uplands (section 1 to 2 on map).
- From point where Semiahmoo Spit abuts uplands inside Drayton Harbor to Eastern City Limits on Birch Point (section 7 to 8 on map).
- From West edge of Pike Street right-of-way to Intersection of Burlington Northern right-of-way (section 11 to 12 on map).

RURAL –

- From West edge of Pike Street right-of-way to East City Limits including both sides of Dakota Creek between Burlington Northern right-of-way and I-5 (section 12 to 13 on map).

RURAL/URBAN –

- From point where Semiahmoo Spit is 450 feet wide north to a line running North Westerly to South Easterly along part of which line runs a section of road to a bathhouse, picnic area on both sides of Semiahmoo Spit (section 3 to 4 and 5 to 6 on map). Rural is first 100 feet back from ordinary high water mark. Urban is from 100 feet to 200 feet back from ordinary high water mark.
- From intersection of Burlington Northern right-of-way to shore end of breakwater below Cedar Street right-of-way (section 10 to 11 on map). Dividing line between Rural and Urban is center of Burlington Northern mainline tracks. West of tracks is Rural; east of tracks is urban.

URBAN –

- Tip of Semiahmoo Spit from a line running North Westerly to South Easterly along part of which line runs a section of road to a bathhouse, picnic area, to the North end of the Spit, (section 4 to 5 on map).

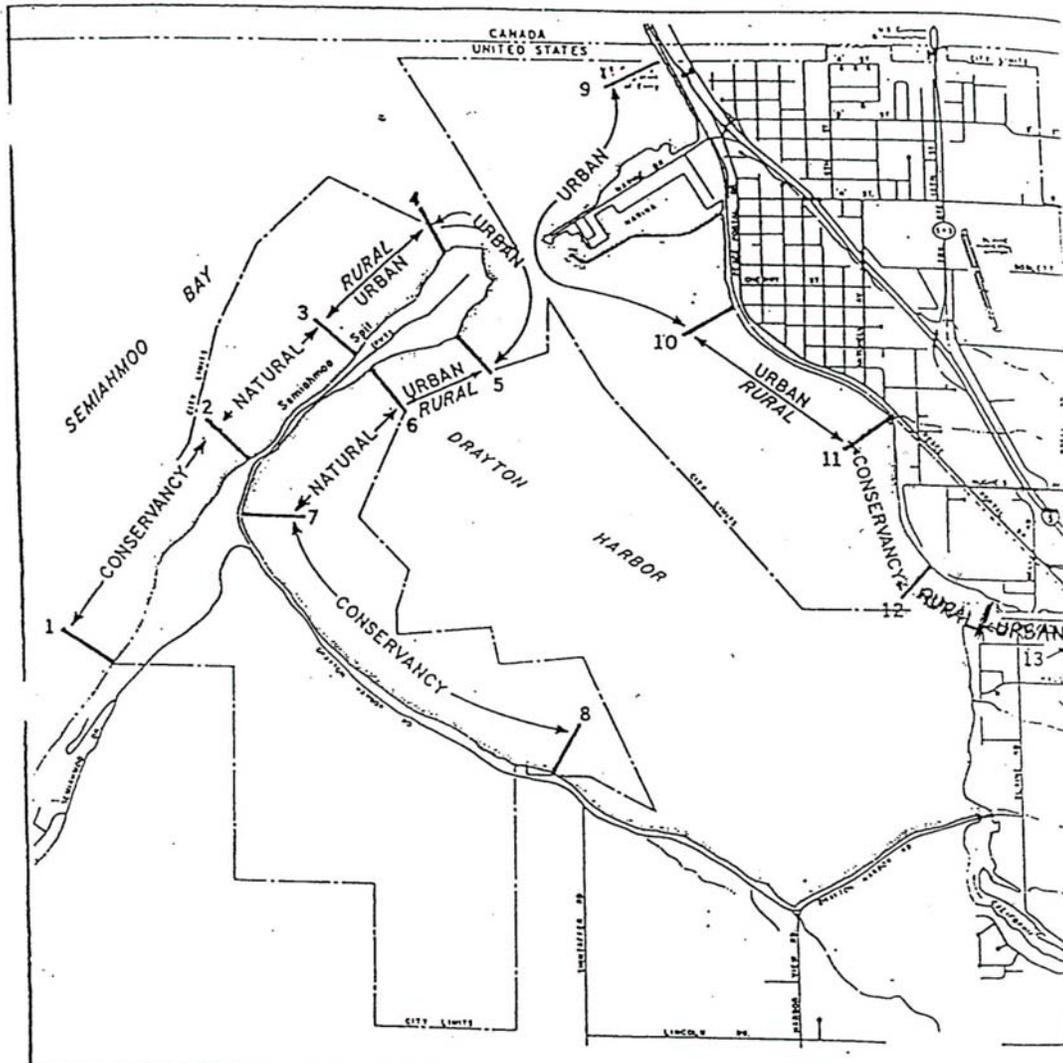
– From North City limits to shore end of breakwater below Cedar Street right-of-way (section 9 to 10 on map).

– The landward shoreline environmental designation in the Planned Commercial Zone lying north of Dakota Creek is hereby amended to "Urban". (*Appendix C, Environments - Boundaries & Map, Ord. 94-2161*)

AQUATIC –

– Those water areas of Blaine, together with lands underlying them, which extend seaward from the ordinary high water mark to the city limits. All tidelands are included in the Aquatic Environment.

ENVIRONMENTS – BOUNDARIES AND MAP

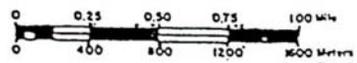


APPENDIX C ENVIRONMENTS – BOUNDARIES & MAP

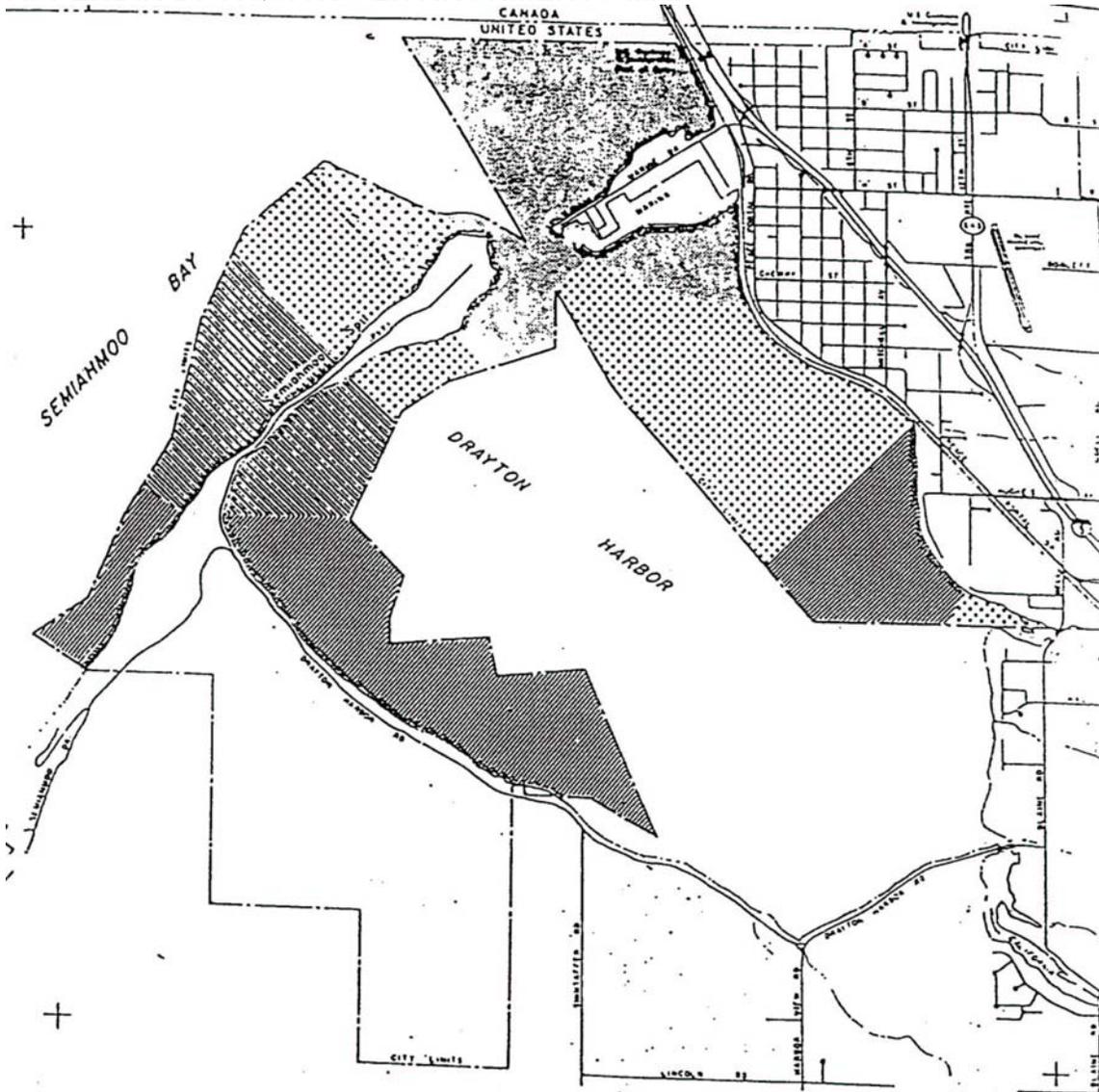
DUAL DESIGNATIONS

- XXXX – LANDWARD DESIGNATION
- XXX – SEAWARD DESIGNATION

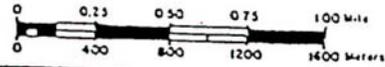
NOTE: ALL BLAINE TIDELANDS ARE AQUATIC ENVIRONMENTS.
SPIT IN THE MOUTH OF DAKOTA CREEK IS A NATURAL ENVIRONMENT.



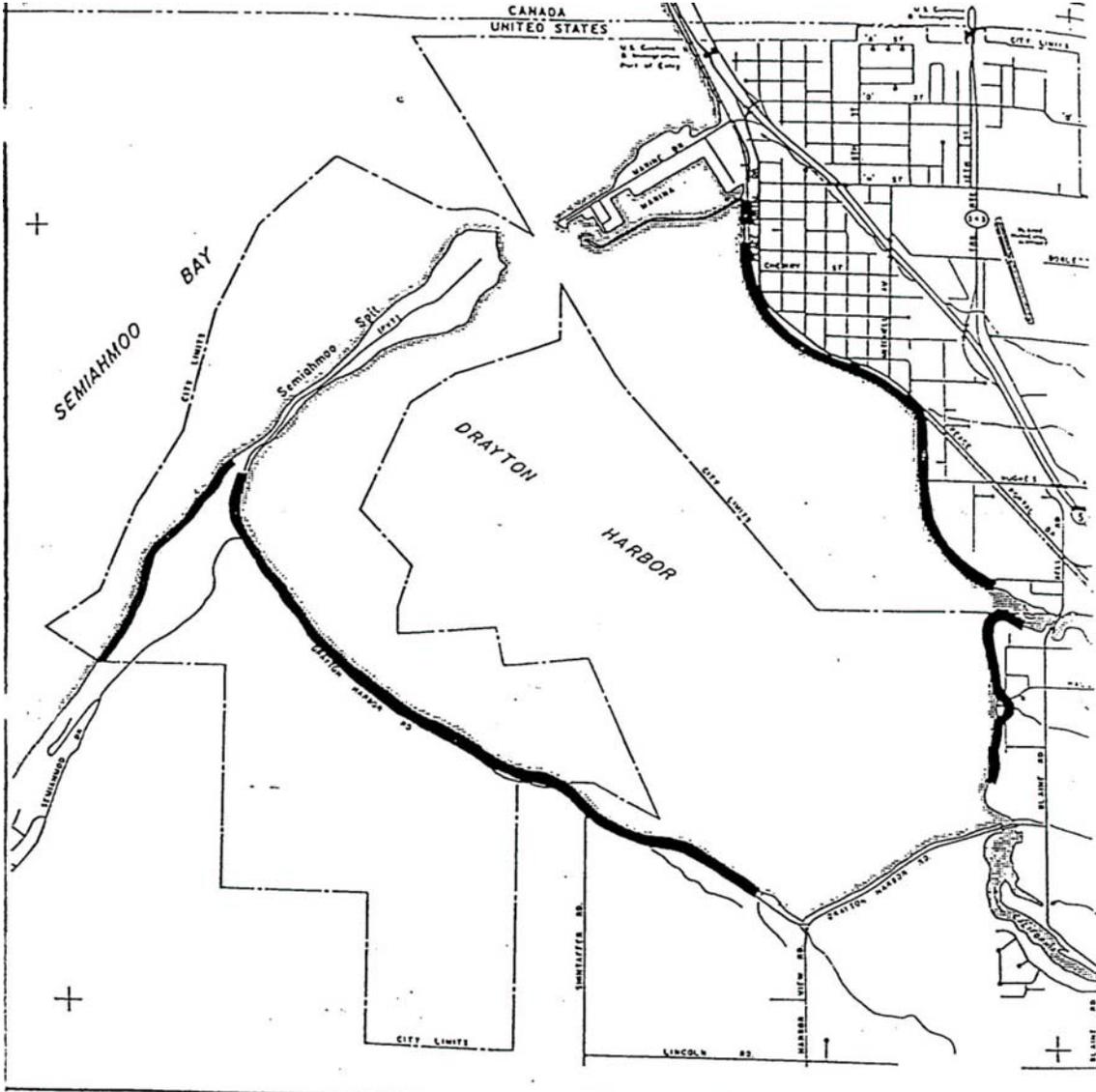
APPENDIX D: AQUATIC ENVIRONMENTS MAP



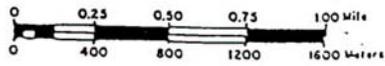
APPENDIX D AQUATIC ENVIRONMENTS MAP



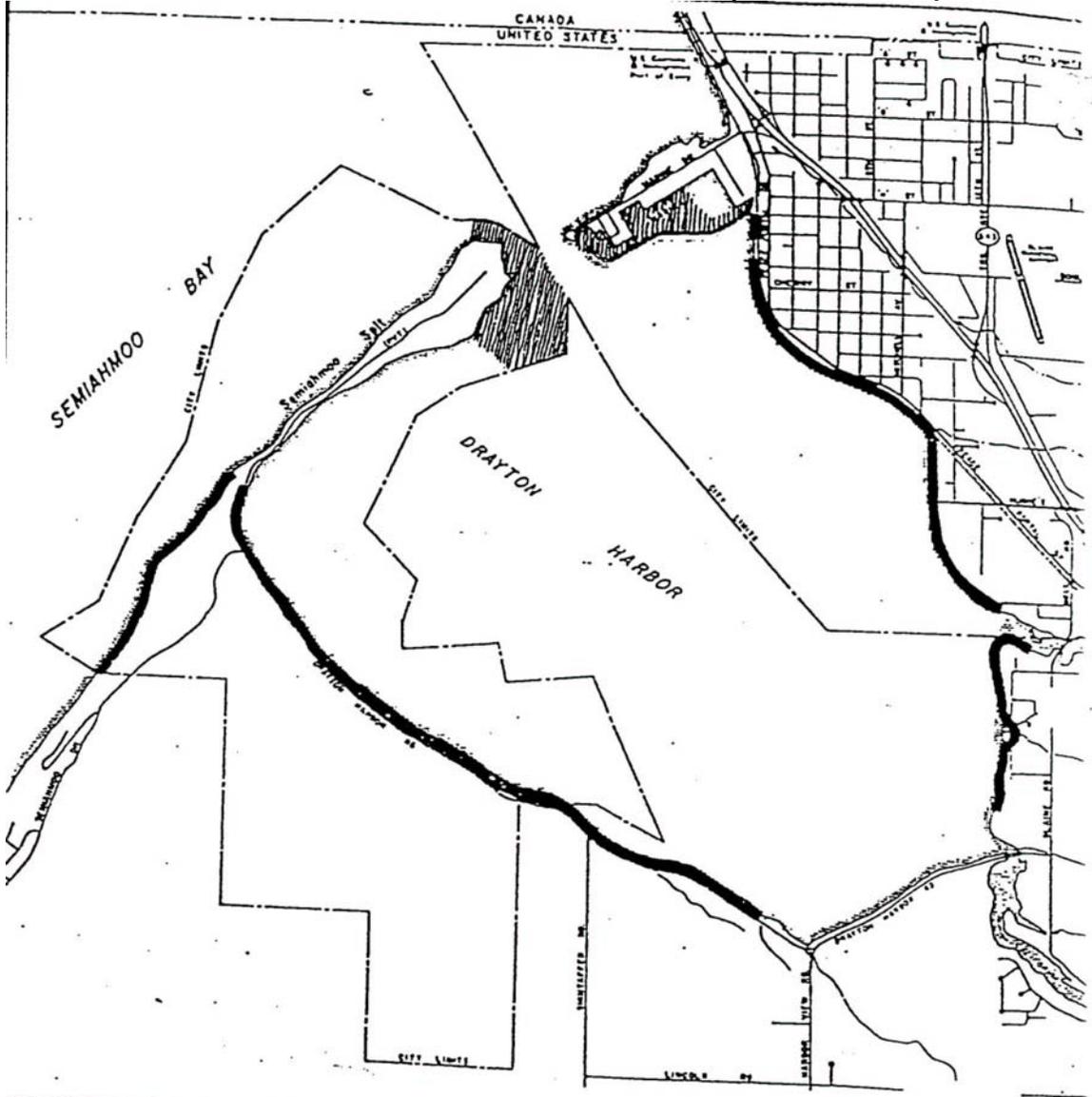
APPENDIX E: EROSIONAL BLUFF MAP



APPENDIX E
EROSIONAL BLUFF MAP



APPENDIX F: WATER NAVIGABLE AT LOW TIDE (SHORELINES)



**APPENDIX F
WATER NAVIGABLE AT LOW TIDE (SHORELINES)**

SOURCE - 1974 COMPREHENSIVE PLAN -

