

ALTERNATIVE STAFF RECOMMENDATION : Development Regulations for the New Whatcom Shoreline Designation
22.110.30 F.

New Whatcom Water Oriented Uses - black dotted shoreline

Use	Permitted	Setback (from OHWM)	Buffer (from OHWM)	Height	Pub Acc Required	Hab Rest Required **
Water-Dependent						
on land	Y	0'	none	N/A	subj to 22.08.70	N
in a structure	Y	0'	none	< or = to 35' outright >35'< or =50';view anlys >50' = variance	subj to 22.08.70	N
Water-Related						
on land	Y	0'	none	N/A	subj to 22.08.70	N
in a structure	Y	50'	none	< or = to 35' outright >35'< or =50';view anlys >50' = variance	subj to 22.08.70	N
Water-enjoyment						
on land	Y	0'	none	N/A	Y	N
in a structure	Y	50'	none	< or = to 35' outright >35'< or =50';view anlys >50' = variance	Y	N
Non-Water-Oriented	Only if is accessory to a W-O use	N/A	N/A	N/A	N/A	N/A

**** Habitat restoration is outright required for developments where a non-water-oriented use is proposed within a shoreline mixed use structure. Any project is req'd to mitigate it's anticipated impacts per 22.08.100. A subsequent analysis can result in required additional restoration.**
22.110.30 F.

New Whatcom Shoreline Mixed Use - solid black shoreline

Use	Permitted	Setback (from OHWM)	Buffer * (from OHWM)	Height	Pub Acc Required	Hab Rest Required **
Water-Dependent						
on land	Y	0'	25' but only that portion necessary for the WD use may encroach the 25' buffer	N/A	Subject to NWDP or public access plan or subject to 22.08.70	N
in a structure	Y	0'	25' but only that portion necessary for the WD use may encroach the 25' buffer	< or = to 35' outright >35'< or =50';view analysis >50' = variance	Subject to NWDP or public access plan or subject to 22.08.70	N
Water-Related						
on land	Y	25'	25'	N/A	Subject to NWDP or public access plan or subject to 22.08.70	N
in a structure	Y	50'	25', but only that portion necessary for the use may encroach the 25' buffer	< or = to 35' outright >35'< or =50';view analysis >50' = variance	Subject to NWDP or public access plan or subject to 22.08.70	N
Water-Enjoyment						
on land (park, plaza)	Y	25'	25'	N/A	Subject to NWDP or public access plan or subject to 22.08.70	N
in a structure (aquarium, museum)	Y	50'	25'	< or = to 35' outright >35'< or =50';view analysis >50' = variance	Subject to NWDP or public access plan or subject to 22.08.70	N
Non-Water-Oriented						
shoreline mixed use structure	Y - if develop'd concurrently with a water-oriented use	50'	25'	if <25'	Subject to NWDP or public access plan or subject to 22.08.70	Yes per an approved plan or min of 3 objectives from REST PLAN and consistent with 22.09.140
shoreline mixed use structure	Y - if develop'd concurrently with a water-oriented use	50' + 2' for each 1' in height >25'	25'	up to 35'. 35' to 50' = view analysis. >50' requires variance	Subject to NWDP or public access plan or subject to 22.08.70	Yes per an approved plan or min of 3 objectives from REST PLAN and consistent with 22.09.140
shoreline mixed use structure	Y - if develop'd concurrently with a water-oriented use			total height not to exceed 3 stories except, one bonus story granted IF all parking for N-W-O uses are w/in bldg footprint or w/in shared structure AND still subject to same 35' : 50' : 50+ height requirements, above.	Subject to NWDP or public access plan or subject to 22.08.70	Yes per an approved plan or min of 3 objectives from REST PLAN and consistent with 22.09.140

* Except where there is an existing pier, wharf, sheet pile of other vertical in-water structure - the 25' buffer does not apply. (Replacement of said structures for a permitted use would not trigger the 25-foot buffer requirement.)

** Habitat restoration is outright required for developments where a non-water-oriented use is proposed within a shoreline mixed use structure. Every project is required to mitigate it's anticipated impacts per 22.08.100. A subsequent analysis can result in required additional restoration.

IN ADDITION: SECTION 22.30.30 F 6. d. would be removed from the text within the 6-04-07 Draft SMP. That section applies to the New Whatcom Development Regulations that are currently within the bound document. (Section 22.11.30 F.) This is the section that provides the criteria to reduce the maximums down to the minimums that were recommended by the Planning Commission.