

**Development Regulations for the New Whatcom Shoreline Designation**

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 in a structure	Y	0'	none	N/A	subj to 22.08.70	N
	Y	0'	none	<35' outright >35'<50' = view analysis >50' = variance	subj to 22.08.70	N
Water-Related on land in a structure	Y	0'	none	N/A	subj to 22.08.70	N
	Y	50'	none	<35' outright >35'<50' = view analysis >50' = variance	subj to 22.08.70	N
Water-enjoyment on land in a structure	Y	0'	none	N/A	Y	N
	Y	50'	none	<35' outright >35'<50' = view analysis >50' = variance	Y	N
N-W-O	Only if is accessory to a WO use	N/A	N/A	N/A	N/A	N/A

On 01/18/07 the Planning Commission voted 5 - 0 to keep staff's recommended Setbacks and Buffers as proposed.

\*\* Habitat restoration is outright required for developments where a non-water-oriented use is proposed within a shoreline mixed use structure. Any project is meant to mitigate it's anticipated impacts per 22.08.100 and a subsequent analysis which can include or result in required restoration.

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 in a structure	Y	0'	25' (50') but only that portion necessary for the WD use may encroach the 25' (50') buffer	N/A	Subject to NWDP or public access plan or subject to 22.08.70	N
	Y	0'	25' (50') but only that portion necessary for the WD use may encroach the 25' (50') buffer	<35' outright <50' = view analysis >50' = variance	Subject to NWDP or public access plan or subject to 22.08.70	N
Water-Related on land in a structure	Y	25' (100')	25' (50')	N/A	Subject to NWDP or public access plan or subject to 22.08.70	N
	Y	50' (100')	25' (50') but only that portion necessary for the use may encroach the 25' (50') buffer	<35' outright <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) in a structure (aquarium, museum)	Y	25'	25'	N/A	Subject to NWDP or public access plan or subject to 22.08.70	N
	Y	50' (200')	25' (50')	<35' outright <50' = view analysis >50' = variance	Subject to NWDP or public access plan or subject to 22.08.70	N
N-W-O shoreline mixed use structure	Y - if develop'd concurrently with a water-oriented use	50' (150')	25' (50')	<35' outright <50' = view analysis >50' = 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
	Y - if develop'd concurrently with a water-oriented use	50' + 2' for each 1' in height >25' (150')	25' (50')	<35' outright <50' = view analysis >50' = 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
	Y - if develop'd concurrently with a water-oriented use	(150')	(50')	NOTE: 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

Setbacks, Buffers and Height noted in red are the Planning Commission recommendations from the 01/18/07 and 01/23/07 worksessions.

\* 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.

Any project is meant to mitigate it's anticipated impacts per 22.08.100 and a subsequent analysis which can include or result in required restoration.