CITY OF LYNDEN
SHORELINE MANAGEMENT
MASTER PROGRAM

"The preparation of this program was aided by the Washington State Office of Community Development through a Federal grant from the United States Department of Housing and Urban Development under the provision of Section 701 of the Housing Act of 1954, as amended, and a state grant from the Washington State Department of Ecology under Section 25 of the Shoreline Management Act of 1971."

This program was prepared June 10, 1974 for the City of Lynden, Whatcom County, Washington.

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CITIZEN INVOLVEMENT

The Lynden Shoreline Management Citizen’s Advisory Committee was formed in July, 1973. The following members were appointed by the Mayor and each has served the full term.

Everett Zuidmeer, Chairman
Jim Young
Claude VanderStoep
Ralph Koster
Paul Breen
Art Henken
Howard Hersman
Jim Van Andel

The Citizen's Advisory Committee has held eleven (11) meetings in the course of developing the Master Program. The Committee held meetings on the below listed dates.

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<td>September 12, 1973</td>
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The citizens of the town of Lynden, realizing that their shorelines are a unique and finite resource, set forth the following goals and policy statements as a general guide for the later development of use regulations. These goal and policy statements will also serve as valuable guideposts to the proper and orderly use of these shorelines.

**GENERAL ELEMENTS**

Seven general categories (elements) have been developed into which the various use activities, at a later point in this phase, can be applied. By presenting general goal statements for these seven categories (elements) it very much facilitates the consistent development and application of policy statements for the various use activities.

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 that are particularly dependent on their location on or use of the shorelines of the state.

   **GOAL:** Economic Development within the shorelines of the City of Lynden is to be prohibited.

2) **PUBLIC ACCESS ELEMENT**

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

   **GOAL:** Acquire and maintain an adequate supply of visual and physical access to the shorelines of the City of
Lynden. Assure that this supply of public access meets the demand of the residents of Lynden and a reasonable number of transient users.

3) **RECREATION ELEMENT**

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

**GOAL:** Provide ample recreational opportunities of all types for the residents of the City of Lynden and its visitors.

4) **CIRCULATION ELEMENT**

An element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities.

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

5) **SHORELINE USE ELEMENT**

An element which considers the proposed general distribution and general 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 that have minimal effect on the shoreline environment.

6) **CONSERVATION ELEMENT**

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

**GOAL:** All shorelines within the confines of the City of Lynden will be left in as natural a condition as possible.

7) **HISTORICAL/CULTURAL ELEMENT**

An element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values.

**GOAL:** Protect and restore those areas having historic, cultural, educational or scientific values.

**SHORELINE USE ACTIVITIES**

The following activities have been identified as those types of uses which 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 town of Everson.

**AGRICULTURAL PRACTICES**

Agricultural practices are those methods used in vegetation and soil management. The methods used in the agricultural processes have a very great effect on the conditions of our shoreline and water quality.

**POLICIES:**

1) A buffer zone of natural occurring vegetation shall be maintained between all tilled areas and their associated bodies of water.
2) Livestock shelters and animal feeding facilities located within the shoreline area shall make provisions to control run-off from feeds, manure, and associated animal wastes.

3) Pesticides, herbicides, and other chemical products which can potentially harm aquatic life will not be allowed in use within the shoreline area.

4) Livestock will not be allowed to use the associated bodies of water for watering purposes.

5) Tilled areas must meet erosion control guidelines as outlined by the Soil Conservation Service, U.S. Dept. of Agriculture.

COMMERCIAL DEVELOPMENT

Commercial developments are those uses which are involved in wholesale and retail trade or business activities. Because most commercial developments depend on people to support their certain activities these developments lead to concentrations of people and traffic, which in turn has a great effect on the condition of the shoreline. Also, as some commercial developments require a shoreline location they can, if unregulated, lead to some undesirable results.

POLICIES:

1) Shoreline space will be reserved for those activities that are dependent on shoreline location for their day to day operation.

2) Although some activities, such as restaurants, do not require shoreline location, they do increase public enjoyment of the shoreline and should be given consideration for location there.

3) Commercial developments locating on shorelines will be encouraged to locate in areas where commercial developments already exist.

4) Commercial developments requiring parking should locate these areas away from the immediate
5) Consideration should be given to the effect on physical and visual access by new commercial developments.

6) Commercial development through fill or other means must be built above the floodplain to protect life and property.

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.

POLICIES:

1) No off premise advertising signs or billboards will be allowed within the shoreline area.

2) Signs will be constructed against buildings to minimize visual obstruction of the shoreline.

3) Size, height, density and lighting of signs will be compatible with shorelines.

RESIDENTIAL DEVELOPMENT

Residential development refers to housing subdivisions or tract housing built by a single owner for resale, townhouses, apartment houses, condominiums, camping clubs, or mobile home parks. To the extent possible, planned unit developments should be encouraged within the shoreline area.

POLICIES:

1) Subdividers will be encouraged to erect no structures within 200' of the immediate water's edge, and to use this area as open space.

2) Through the use of fill or other means, subdivisions will be built up above the level of the floodplain.
3) Subdividers will be encouraged to submit plans for the control of soil erosion during construction.

4) Subdividers will be encouraged to provide public access to the shoreline within the subdivision.

5) Before subdivision plans will be approved, utilities should be available at the proposed construction site.

PORT AND WATER RELATED INDUSTRY

Ports are centers for water-borne traffic and as such have become gravitational points for industrial/manufacturing firms. Consideration should be given to differentiation between those activities that actually need a shoreline location and those activities that do not. Ports and water-related industries do have a very great impact on shoreline areas and their locations and size should be closely regulated.

POLICIES:

1) Shoreline priority will be given to those industries that require water front location for their day to day operation.

2) Shoreline water related industry must be compatible with the surrounding shoreline area.

3) Cooperative use of parking and storage facilities by waterfront industry will be encouraged.

4) Where possible, waterfront industries should be limited to areas where industries already exist.

5) When possible, waterfront industries should not interfere with public access to the shoreline.

AQUACULTURE

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

MINING

Mining is the removal of naturally occurring metallic minerals and 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.

POLICIES:

1) Removal of sand and gravel from the shoreline area will be prohibited.

2) Mining of other minerals within the shoreline area will be allowed only if shown to have no effect on the shoreline environment.

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 lumber and piles, reinforced concrete, rock, and steel beams. The type of construction materials used and the location of bulkheads are very important considerations to the protection of the natural shoreline.

POLICIES:

1) Bulkheads should be constructed in a manner that will minimize alterations of the natural shoreline.

2) Where possible, open type construction of bulkheads should be used.
3) Bulkheads will only be used for the purpose of protecting upland areas.

4) The use of natural appearing rock will be encouraged in construction of bulkheads.

5) Public access to the shoreline should be considered when locating bulkheads.

UTILITIES

Utilities are systems which distribute or transport various items including electricity, oil, gas, communications, sewage and water. The installation of this apparatus 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/maintenance projects on shorelines, banks should be replanted in natural vegetation.

3) The location of utilities should be chosen 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.

LANDFILL

Landfill is creation of additional dry land area by depositing sand, soil, or gravel into a tideland, shoreland, or wetland area. Landfill can destroy the natural character of the shoreline and may create unnatural heavy erosion and silting problems while reducing the existing water surface.
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 landfill permits.

2) Landfills should be designed so as to minimize damage to the shoreline environment.

3) The perimeters of fills should be landscaped to retard soil erosion.

4) Fill material should be of a quality so as not to cause problems of water quality.

SOLID WASTE DISPOSAL

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

POLICIES:

1) Solid waste disposal is to be prohibited.

DREDGING

Dredging is the removal of unconsolidated material (gravel, sand, silt) from the bottom of a stream, lake, bay or other water body for purposes of deepening a navigational channel, deepening or removing sediments from a stream for drainage improvement, or to obtain bottom materials for landfill. If not adequately regulated dredging has the potential to cause much environmental harm.

POLICIES:

1) Dredging except for navigational purposes is prohibited.

2) Depositing of spoils from dredging operations in the shoreline area is prohibited.

SHORELINE PROTECTION

Shoreline protection activities include flood
plain or stream bank modifications such as levees, dams, rip rap (quarry rock) revetments, or other structures directed at containing or controlling flood waters, or preventing erosion of stream banks and soil at flood stage. Such activities are often called structural flood control, and can be extremely expensive both to construct and maintain.

POLICIES:

1) The design, location and construction of shoreline protection features should be undertaken only if it minimizes alteration of the natural shoreline.

2) Encourage the use of set back dikes in those areas that require dikeing.

3) Flood protection measures which result in channelization should be avoided.

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.

PIERS

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 of a visual impact than those on piling, they constitute an impediment to boat traffic and water movement. A concentration of piers along the shore can have the effect of substantially reducing the usable water surface, and interfering or preventing legitimate water uses.

POLICIES:

1) Open-piling 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 aesthetics.

2) Whenever possible, priority should be given to community or cooperative use piers.

ARCHAEOLOGICAL AREAS AND HISTORIC SITES

Indian and pioneer villages, military forts, old settlers 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 present day changes in land use and urbanization. Because of their rarity and the educational 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 observation.
2) Developers should be required to notify town officials if such sites are uncovered during excavation.

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. The recreational experience may be either an active one involving boating, swimming, fishing or hunting or the experience may be passive such as enjoying the natural beauty of a shoreline, nature study, or picnicking.

POLICIES:

1) Insure adequate space for shoreline walking, viewing, and general shoreline enjoyment.

2) Encourage property owners to allow some public use of their shoreline land.

3) Encourage only those recreational activities that are compatible with the shoreline environment.
NATURAL SYSTEMS REGULATIONS

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

The following regulations shall supercede the General Use Regulations and shall apply to all environments where indicated on the Natural Systems Map.

1) FLOOD PLAIN

A flood plain is a shoreland area which has been or is subject to flooding. It is a natural corridor for water which has accumulated from snow melt or from heavy rainfall in a short period. Flood plains are usually flat areas with rich soil because they have been formed by deposits from flood waters. As such, they are attractive places for man to build and farm until the next flood passes across the plain. In flood plains, land-use regulations must be applied to provide an adequate open corridor within which the effects of bank erosion, channel shifts and increased runoff may be contained. Also, wherever possible, permanent vegetation should be preserved to prevent erosion, retard runoff, and contribute to the natural beauty of the flood plain.

A. Use Regulations:

1. Development of any kind, with the exception of recreation, is prohibited within the flood plain.

2. Vegetation in flood plain area shall remain in an undisturbed state, except:
   Where such flood plain areas are used for agriculture or recreational purposes.

3. New dikes, rip rap, or other flood control developments shall not be allowed within the flood plain.

4. 

-14-
2) MARSHES, BOGS AND SWAMPS

Marshes, bogs and swamps are areas which have a water table very close to the surface of the ground. They are areas which were formerly shallow water areas that gradually filled through nature's processes of sedimentation. Although considered abysmal waste lands by many, these wet areas are extremely important. Many species of both animal and plant life depend on this wet environment for existence. Wet areas are also important as ground water recharge areas and have tremendous flood control value. These wet areas should be protected from over development.

A. 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, swamp where no development shall occur.

3. There shall be a minimum distance of 200 feet from the edge of a bog, marsh, or swamp where septic tanks will be prohibited.

4.
USE REGULATIONS BY ENVIRONMENT

The following section specifically outlines what use activities may take place in what environment. For detailed information on the exact boundaries or the below mentioned environments see the attached Environment Map.

URBAN ENVIRONMENT

The Urban Environment is an area of high-intensity landuse, including residential, commercial and industrial development. The environment does not necessarily include all shorelines within an incorporated city. It is limited to those areas presently subjected to extremely intensive use pressure, as well as areas which planning indicates will be necessary for urban expansion.

The primary determinates for the Urban Environment were those already developed areas and particularly frontage required by water-dependent uses.

A) Permitted Uses:
Agriculture
Commercial Development
Outdoor Advertising, Signs and Billboards
Residential Development
Utilities
Water Related Industry
Roads
Archeological Areas and Historic Sites
Shoreline Protection

B) Conditional Uses:
Marinas
Docks
Bulkheads
Boat Ramps
Earth Change
Aquaculture

C) Uses Not Permitted:
All activities not mentioned above must follow Variance Procedure
RURAL ENVIRONMENT

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

The primary determinates for the Rural Environment were those areas characterized by open space and recreational use and areas having high potential for those uses.

A) Permitted Uses:
- Agriculture
- Residential Development
- Utilities
- Shoreline Works
- Roads
- Archeological Areas
- Historic Sites
- Recreation
- Shoreline Protection

B) Conditional Uses:
- Outdoor Advertising, Signs, Billboards
- Bulkheads
- Marinas
- Docks
- Boat Ramps
- Commercial Development
- Water Related Industry
- Aquaculture

C) Uses Not Permitted:
All activities not mentioned above must follow Variance Procedure.
CONSERVANCY ENVIRONMENT

The Conservancy Environment is intended to be a multiple use area, maintaining a natural character. It is also intended to provide open space, pastoral and recreational uses compatible with non-intensive economic development.

The primary determinates for the Conservancy Environment were those areas that cannot tolerate high intensive use and still provide high open-space and recreational values.

A) Permitted Uses:
   Agriculture
   Recreation
   Archeological Areas
   Historic
B) Conditional Uses:
   Utilities
   Shoreline Protection
   Roads
C) Uses Not Permitted:
   All activities not mentioned above must follow Variance Procedure.
NATURAL ENVIRONMENT

At the present time there is no area within this jurisdiction that meets the requirements for Natural Environment designation. The following list of uses if provided for informational purposes and for future use if such an area becomes part of the town.

A) Permitted Uses:
   Recreation
   Archeological Areas
   Historic Sites

B) Conditional Uses:
   Agriculture
   Utilities

C) Uses Not Permitted:
   All activities not mentioned above must follow Variance Procedure.
GENERAL USE REGULATIONS

1) AGRICULTURAL PRACTICES

A) 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 100 feet in width.

2. The use of chemical pesticides, herbicides and fertilizers within the shoreline area is prohibited.

3. Livestock feeding operations must through the use of retention tanks, holding ponds or other acceptable methods prevent runoff containing manure, feed, wastage, or other possible water pollutants from entering the adjacent water body.

4. 

2) AQUACULTURE

It is generally recognized that the chances of an aquacultural activity locating in this area are very slim. The following regulations are therefore general in nature. Should an individual seek a shoreline use permit for an aquacultural enterprise, he must follow the conditional use permit procedure. This procedure will insure that the merits of each application are reviewed carefully.

A) Use Regulation:

1. Public access to the shoreline shall not be impaired.

2. Associated parking shall be set back a minimum of 150 feet from the mean high water mark.

3. Structures associated with aquacultural activity shall be restricted to one story (15 feet) in height.

4. Structures associated with aquacultural activity shall blend as much as possible with the surrounding environment.

5. Marine structures associated with aquacultural activity will be prohibited from areas containing fish or shell fish habitat.

6.
3) FORESTRY

Areas suitable for commercial forestry do not exist within this jurisdiction. If in the future commercial forestry should become feasible applicants for this activity must follow the non-conforming use procedures.

4) COMMERCIAL DEVELOPMENT

Because of the vast number of activities that could conceivably be included in this section the administrator at the time of application shall determine what activities fall into this section. As a general rule all retail and wholesale enterprises that operate for a profit and are not mentioned specifically below would be included in this section.

A) Use Regulations:

1. Commercial developments that require direct contiguous access to the water shall, except where personal safety is involved, make provisions for public access along the shoreline.

2. Commercial developments that do not require direct contiguous access to the water shall be set back from the mean high water mark by a distance of 150 feet.

3. Commercial developments shall not block scenic views and shall be limited to one story (15 feet) in height.

4. Associated parking shall be set back for the mean high water mark a minimum of 150 feet.

5.

5) MARINAS

A) Use Regulations:

1. Marinas shall not obstruct public access to or along the shoreline.

2. Associated parking shall be set back a minimum of 50 feet from the mean high water mark.

3. Marinas shall not be permitted in areas that contain fish or shellfish habitat.

4. Marina operators shall provide litter receptacles for public use every 50 feet of water frontage.

5. No boat sewage shall enter the water. Sewage pumpout and treatment facilities, or a hookup into public sewage lines or a sewage disposal system is required.
6. Marinas shall blend esthetically with the surrounding environment.

7.

6) DOCKS

A) Use Regulations:

1. Private docks are prohibited.
2. Docks open to public use must be of a floating type construction.
3. Docks open to public use are limited to 150 square feet in size.
4. Docks open to public use must be aligned length ways parallel to the shoreline.
5. Docks open to public use must be constructed of a natural appearing material.
6.

7) BOAT RAMPS

A) Use Regulations:

1. Associated parking shall be set back a minimum of 50 feet from the mean high water mark.
2. Boat ramps are prohibited from areas that contain fish or shell fish habitat.
3. Boat ramps are to be constructed of a natural appearing material.
4.

8) MINING

1. The removal of sand and gravel from the shoreline area is prohibited.
2. The mining of any other mineral from the shoreline area must, for all environments, follow the non-conforming use regulations. The following guidelines are to be considered by the administrator before granting a shoreline permit:
   a. Ground water must be protected from contamination.
   b. The runoff of silt and other wastes from the operation into the adjacent water body.
   c. The effects on the esthetics of the area.
d. The effects on wildlife habitat.
e. Plans for rehabilitation of the site.
f.

9) OUTDOOR ADVERTISING, SIGNS AND BILLBOARDS

A) Use Regulations:
   1. Off premise signs and billboards are prohibited.
   2. Overhanging signs and signs on poles are prohibited.
   3. Advertising signs must be constructed flush against the structure for which they are advertising.
   4. Advertising signs are restricted to 100 square feet in size.
   5.

10) RESIDENTIAL DEVELOPMENT

A) Use Regulations:
   1. Subdivisions with the floodplain are prohibited.
   2. Within a subdivision a 200 foot setback shall be maintained between the mean high water mark and any structure. This 200 foot setback area is to be used as open space for residents of the subdivision.
   3. Subdividers shall submit plans that show how during construction runoff and soil erosion are to be controlled.
   4.

11) UTILITIES

A) Use Regulations:
   1. All utilities must be located underground.
   2. Upon the completion of installation or maintenance projects on the shoreline, the area affected 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.
   3. Overhead utilities shall cross the shoreline area only when and where necessary to cross a body of water and only when it has been proven impossible to go under the shoreline.
12) WATER RELATED INDUSTRY

This category can be said to contain those activities engaged in primary production. In those cases where questions might arise as to just what activities are included in this section the Administrator shall have the authority to make that determination.

A) Use Regulations:

1. Except in those cases where personal safety is involved, water related industry shall not restrict public access to and along the shoreline.

2. A setback of 50 feet must be maintained between water related industry and the mean highwater mark.

3. Water related industry shall not block scenic views or vistas.

4. The cooperative use of docking, parking, cargo hauling and storage facilities shall occur wherever possible in water front industrial areas.

5. Sewage treatment, water reclamation, desalination power plant and waste treatment ponds shall not be located in the shorelines of the state. Their needs for access may be met by an underground easement to the water.

13) BULKHEADS

A) 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 of a natural appearing material and shall be constructed no more than four feet above the mean high water mark.

14) LANDFILL

A) Use Regulations:

1. Landfill is a non-conforming use in all environments. A variance must be obtained.
15) **DREDGING**
   A) Use Regulations:
      1. Dredging is a non-conforming use in all environments. A variance must be obtained.

16) **SHORELINE PROTECTION**
   A) Use Regulations:
      1. Rip rapping and other bank stabilization measures shall be located, designed and constructed so as to not necessitate the need for channelization, and to protect the natural character to the streamway.
      2. Where flood protection measures such as dikes are planned they shall be placed landward of the streamway, including associated swamps and marshes and other wetlands directly interrelated and interdependent with the stream proper.
      3. Any flood protection measures which result in the extensive modification or channelization of the streamway shall not be permitted.

17) **SOLID WASTE DISPOSAL**
    Solid waste disposal sites are forbidden in the shoreline area.

18) **EARTH CHANGE**
    This category has jurisdiction over those activities that move or otherwise change the earth’s surface. Activities covered by this section are: landclearing, landscaping or other earth moving projects.
    A) Use Regulations:
      1. When no bulkheads or other protective structures are required or intended, the shoreline shall be kept or restored to its natural contours, slopes, and appearance.
      2. No earth changes that would interfere with the passage of stream waters or flood waters shall be permitted.
      3. Land clearing shall be done in a fashion that does not place machinery or debris within 50 feet of the mean high water mark. All material shall be burned or removed, except that earth, rocks, and the like shall be graded back to the original contour and original vegetation restored.
      4. No equipment or machinery of any kind shall enter any body of water,
marsh, bog or swamp, without specific authorization from the Administrator.

19) ROAD AND RAILROAD DESIGN AND CONSTRUCTION

A) Use Regulations:

1. Roads in wetland areas shall be designed and maintained to prevent erosion and to permit a natural movement of ground water.
2. Filling of wetlands for a road right-of-way shall be prohibited except where it is necessary to approach a bridge.
3. All bridges and other water crossing structures shall be designed to not impede the normal annual high water. Bridge approaches and side slopes shall be planted with a suitable ground cover.
4. There shall be no side casting of excess road building material within the shoreline area.
5. Major arterials shall be prohibited in shoreline areas except where necessary to cross a body of water.
6. In all environments railroads are a non-conforming use.

20) ARCHEOLOGICAL AREAS AND HISTORIC SITES

All shoreline permits shall contain provisions which require developers to notify local governments if any archeological artifacts or data are uncovered during excavations. Permits issued in areas known to contain archeological artifacts and data shall have provisions providing for a site inspection and evaluation by an archeologist.

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.

21) RECREATION

Priority shall be given to recreational activities that receive the most benefit from a shoreline location. These activities would include: walking, viewing, picnicking.

A) Use Regulations:

1. Associated parking is prohibited from the shoreline area.
2. All recreational traffic shall be pedestrian.

* Appears in Appendix of Report
1) **CONDITIONAL USES**

The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of the master program. With provisions to control undesirable effects, the scope of uses within each of the four environments can be expanded to include many uses.

Uses classified as conditional uses can be permitted only after consideration by the local government and by meeting such performance standards that make the use compatible with other permitted uses within that area.

Conditional use permits will be granted only after the applicant can demonstrate all of the following:

(a) The use will cause no unreasonably adverse effects on the environment or other uses.

(b) The use will not interfere with public use of public shorelines.

(c) Design of the site will be compatible with the surroundings and the Master Program.

(d) The proposed use will not be contrary to the general intent of the Master Program.

2) **VARIANCES**

Variance deals with specific requirements of the Master Program and its objective is to grant relief when there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Master Program. The property owner must show that if he complies with the provisions he cannot make any reasonable use of the property. The fact that he might make a greater profit by using the property in a manner contrary to the intent of the Program is not a sufficient reason for variance. A variance will be granted only after the applicant can demonstrate the following:

(a) The hardship which serves as basis for granting of variance is specifically related to the property of the applicant.

(b) The hardship results from the application of the requirements of the Act and Master Program and not from, for example, deed restric-
tions or the applicant's own actions.
(c) The variance granted will be in harmony with the general purpose and intent of the master program.
(c) Public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied.
PERMIT PROCEDURE

Every substantial development that occurs on the shorelines of the State must obtain a Shoreline Use Permit. Shoreline Use Permit applications may be obtained from the Administrator's office at City Hall. The town council if free to set the fee amount (if any) for these permit applications.

The permit procedure is outlined below:

1) The individual obtains an application from the Administrator's office and then publishes notification of that application in a local newspaper at least once a week for two weeks.

2) A period of 30 days must pass from the date of last public notification before the planning commission can act on that application. Interested individuals may make comments in writing to the planning commission concerning the project during this time period.

3) At any time after this 30 day waiting period the planning commission may take action on the application. The planning commission is the final authority for the Town of Lynden concerning Shoreline Use Permits.

4) Within 5 working days from when the planning commission takes action on a permit copies of that action are submitted to the Department and the State's Attorney General's Office.

5) At this time the applicant is notified of the action taken. If the permit is granted the applicant may not begin construction for at least 45 days.
APPEAL PROCEDURE

Any person, including the applicant, can appeal any action taken by the planning commission in regard to a Shoreline Use Permit.

The appeal must be addressed to the Department or the State Attorney General's Office. The appeal must contain as much detailed information as possible as to why the person making the appeal feels the planning commission's action should be overruled. The Department or Attorney General's Office will certify the appeal as either valid or invalid within 30 days of receiving the appeal. If the request is certified, the Shoreline Hearings Board then conducts a review to either sustain or overrule the planning commission's decision. If the request is not certified, the concerned party may appeal directly to Superior Court.
GLOSSARY

ADMINISTRATOR - The person who is responsible for issuing Shoreline Use Permit Applications, inspecting project sites and making recommendations to the planning commission. This person shall be the same person now known as the Building Inspector.

ACT - Means the Shoreline Management Act of 1971, Chapter 90.58 RCW.

AQUACULTURE - Means the culture or farming of food fish, shell fish or other aquatic plants and animals for human consumption.

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; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the shoreline.

DIRECTOR - Means the Director of the Department of Ecology.

ENVIRONMENT - Means a geographic area governed by these regulations displayed on the Master Program Environmental Map.

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

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

MASTER PROGRAM - Means the Comprehensive Use Plan for the town, 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.

MEAN ANNUAL HIGH WATER MARK - Means that mark that 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.

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

NON-COMFORMING USE - Means those uses that do not conform to the given environmental designation.

SHORELINE - That point or line where the land comes into contact with the water.

SHORELINE AREA - That area where the Shoreline Management Act has jurisdiction.

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

SUBSTANTIAL DEVELOPMENT - Means any development of which the total cost, or fair market value, exceeds $1,000.00, or any development which materially interferes with normal public use of the water or shorelines of the state except that the following shall not be considered substantial developments:

(a) Normal maintenance or repair of existing structures or developments, including damage by fire, accident, or elements.

(b) Construction of the normal protective bulkhead, common to single-family residences.

(c) Emergency construction necessary to protect property from damage by the elements.

(d) Construction of a barn or similar agricultural structure on wetlands.

(e) Construction or modification of navigational aids, such as channel markers and anchor buoys.

(f) Construction on wetlands by an owner, lessee, or contract purchaser, of a single-family residence, for his own use or for the use of his 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.
SWAMP - A tract of low-lying land which is saturated with moisture and usually overgrown with vegetation.

VIEW - A broad scan of the landscape observed from a given vantage point.

VISTA - 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 two hundred 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.
ORDINANCE NO. 640
AN ORDINANCE OF THE CITY OF LYNDEN
AMENDING THE LYNDEN SHORELINE
MANAGEMENT MASTER PROGRAM

The City Council of the City of Lynden does ordain as follows:

Section A. There is added to Chapter 16.08 of the Lynden Municipal Code a new section as follows:

16.08.015 Amendment of Shoreline Management Map.
The City of Lynden hereby amends the Shoreline Management Master Program adopted by it on June 17, 1974, by amending the designations contained on the map attached thereto to contain the designation contained on the Amended Shoreline Management Map approved by the Lynden Planning Commission and forwarded to the Lynden City Council. A copy of said amended map is on file with the Lynden City Clerk. This ordinance shall not become effective until adoption of this amendment by the State of Washington Department of Ecology pursuant to the Washington State Shoreline Management Act.

Section B. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases has been declared invalid or unconstitutional, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section C. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section D. This Ordinance shall be in full force and effect, five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council this 15th day of June, 1981, and signed and approved by the Mayor on the same date.

ATTEST:  
CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY