



**EXEMPTION FROM THE SHORELINE MANAGEMENT PROGRAM  
SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENT**

**SHX2017-00144**

- Applicant:** Whatcom County Parks & Recreation  
c/o Rod Lamb  
3373 Mt. Baker Hwy  
Bellingham, WA 98226
- Project Description:** Improvements to the auxiliary parking lot of the Silver Creek campground, which include:
- Re-surfacing and grading of existing parking lot with asphalt
  - Installation of concrete barrier curb around lot
  - Installation of stormwater dispersion trench to control stormwater
  - Surfacing of existing walkway/path with limestone and installation of concrete barrier curb
  - Extension of walkway/path from parking lot to covered picnic shelter
  - Installation of concrete parallel curb ramps in two locations along east side of lot to provide ADA access to pathway
  - Surfacing of existing gravel apron adjacent to bath house with concrete
  - Other minor maintenance activities commonly associated with the improvements listed above and as detailed on the submitted site plans stamped "Shoreline Approved" on March 27, 2018
- Project Location(s):** Section 07, Township 40 North, Range 6 East W.M.  
Tax Parcel Number - 400607310022  
St. Address – 9006 Silver Lake Rd.
- Water Body:** Silver Lake
- Shoreline Designation:** Conservancy
- SEPA:** Determination of Nonsignificance issued by Whatcom County on June 6, 2016.

Section 23.60.02.2.B of the Whatcom County Shoreline Management Program (SMP) states that normal maintenance or repair of existing structures or developments is exempt from the requirement to obtain a shoreline substantial developments permit. Normal maintenance or repair of existing structures or developments, including damage by accident, fire 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 causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or the environment.

Whatcom County Shoreline Management Program (SMP), Title 23, Section 23.60.02.2.A states that any development of which the total cost or fair market value, whichever is higher, does not exceed six thousand four hundred sixteen dollars (\$7,047.00) is exempt from the requirement of obtain a Shoreline Substantial Development Permit if such development does not materially interfere with the normal public use of the water or shorelines of the state. It has been determined that the proposed boatlift installation is consistent with the above referenced exemption and applicable policies and regulations of the SMP.

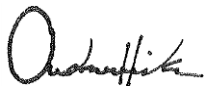
No interference with the normal public use of the water or shorelines of the state was identified as a result of the proposed development review. As such, it has been determined that the proposed development is exempt from the substantial development permitting process per 23.60.020.2.B.

**As conditioned, the project proposed has been determined to be consistent applicable policies and regulations outlined within the Whatcom County Shoreline Management Program (SMP).**

The applicant or any opponent of this determination may appeal this administrative permit decision to the office of the Hearing Examiner. The application for appeal from the Shoreline Administrator's decision may be obtained at the Planning and Development Services Office. Such an appeal shall be filed within twenty (20) calendar days of this determination.

Obtaining a shoreline statement of exemption for a development or use does not excuse the applicant from complying with any other State, Regional, or Federal statutes or regulations applicable to such development or use. According to Section 23.60.02.1.A, an exemption from substantial development permitting is not an exemption from compliance with the Shoreline Management Act (SMA) or the SMP. To be authorized, all uses and developments must be consistent with the policies and regulatory provisions of the SMA and SMP.

**Official: Andrew Hicks**  
**Title: Whatcom County Shoreline Administrator**



Date: April 11, 2018

**Shoreline Management Program Conditions Associated  
With SHX2017-00144**

1. *The proposed work shall be consistent with the scope of the application materials provided reviewed by staff and consistent with the site plan stamped "Shoreline Approved" on March 27, 2018. Any changes will require additional review by the Whatcom County Shoreline Administrator.*
2. *Issuance of this shoreline permit does not release the applicant from any other Local, State, regional or Federal statutes or regulations applicable to the proposed development.*
3. *All construction debris shall be removed from the shoreline environment upon completion of the project and disposed of in accordance to all applicable regulations.*
4. *The proposed walkway to the covered picnic shelter shall be limited to five (5) feet in width.*
5. *Construction shall be commenced within two (2) years of the effective date of this shoreline exemption, as defined by 23.60.190(A)(3), and shall be completed in five (5) years. The Shoreline Administrator may grant a single extension for a period of not more than one (1) year based on a showing of good cause. Such request must be filed with the Shoreline Administrator before the expiration date described above.*
6. *The applicant must ensure that the septic tanks located under the proposed concrete sidewalk (site plan sheet #8) remain accessible for regular maintenance and operation. The septic tank risers must be at grade and easily removed without damaging the risers or the tanks.*
7. *Any change in site plan or project scope shall require further critical areas review by Whatcom County Planning and Development Services..*
8. *Any removal of trees or shrubs within wetland or shoreline buffer shall require review from critical areas staff.*
9. *Best Management Practices (BMPs) will be required in order to address any construction related impacts to water quality, the shoreline, and/or existing habitat.*
10. *Should archaeological resources (e.g. shell midden, faunal remains, stone tools) be observed during project activities, all work in the immediate vicinity should stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (Gretchen Kaehler, Local Government Archaeologist 360-586-3088) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-312-2257; Tamela Smart, Deputy THPO 360-312-2253) should be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required. If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation*

(DAHP) who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.

- ***Please read and ensure that all the conditions are understood. Failure to do so may result in significant building permit delays or additional costs***
- ***Please contact the Building Department at 360-778-5900 to schedule a building permit submittal appointment. Bring a copy of this document, the approved site plan, and any additional information required as listed in the conditions to your building permit submittal appointment. If all the required documents are not submitted the building permit application will not be accepted.***

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FOR OFFICE USE ONLY

**\*\* The following conditions shall be added to the building permit \*\***

**\*\* The following fees shall be added to the building permit \*\***

**\*\* The following reviews are required for the building permit**