



# Frequently Asked Questions

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## *Periodic Update of the Shoreline Master Program*

### **What is a Shoreline Master Program (SMP)?**

A Shoreline Master Program (SMP) is a set of policies and regulations required by state law that has three basic principles:

- Encourages reasonable and appropriate development of shorelines with an **emphasis on water dependent uses**, which when developed are consistent with the control of pollution and prevention of damage to the natural environment, such as docks, marinas, and recreational facilities, or industries and commercial uses that require a shoreline location and support economic development; and,
- **Protects the natural resources and character of the shorelines**, the land, vegetation, wildlife, water, and aquatic life within shoreline environment; and,
- **Promotes public access** and provides opportunities to enjoy the aesthetic qualities of the natural shorelines and recreational activities in shoreline areas.

### **Where does this apply?**

“Shorelines of the state” are special waterbodies that meet certain size or flow criteria in the Washington state Shoreline Management Act (SMA). These shorelines of the state include rivers and streams with mean annual flow more than 20 cubic feet per second, lakes 20 acres or larger, and all marine shorelines. The shoreline jurisdiction extends 200 feet landward of the water’s edge and additionally includes associated wetlands, floodways, and up to 200 feet of floodplain contiguous to the floodway. Click [here](#) to see the shoreline maps for Whatcom County.

### **What is a periodic update of the SMP?**

Whatcom County completed a comprehensive update to its Shoreline Master Program in 2007. Washington state law requires jurisdictions to review and update their SMPs every eight years in accordance with the SMA and its current guidelines and legislative rules to attain state approval.

#### **This periodic update will focus on:**

- Reviewing relevant legislative updates since 2007 and incorporating any applicable amendments;
- Ensuring consistency with regulations for critical areas and flood hazard areas; and
- Improving the overall functionality of the SMP for use by applicants and staff.

#### **This periodic update is not required to:**

- Re-evaluate the ecological baseline that was established as part of the 2007 comprehensive update;
- Extensively assess no net loss criteria other than to ensure that proposed amendments do not result in degradation of the baseline condition; or

- Change shoreline jurisdiction or environment designations, unless deemed appropriate and necessary by the County.

## **What type of activities and uses do shoreline regulations apply to?**

Shoreline regulations apply to any land use activity that occurs within the shoreline jurisdiction as defined in the SMP. Included in those structures and uses regulated in the SMP are:

- New or expanded structures, such as houses, sheds, and decks;
- New or expanded in-water and over-water structures, such as docks, buoys, and boat launches;
- Land development and alteration, such as clearing, grading, dredging, or filling; and
- Other activities along the shorelines, including restoration (e.g., riparian planting, bank stabilization), trail construction, and public access.

## **What is a Shoreline Exemption and what is required to obtain approval?**

Certain land uses and development activities are exempt from the requirement to obtain a Shoreline Substantial Development Permit, but are not exempt from compliance with the Shoreline Master Program. Exemptions must be narrowly construed and all activities that are exempt from the requirement to obtain a Shoreline Substantial Development permit are still required to comply with the SMP. Exemptions are issued in writing by the County after the submission of a complete application, including a site plan. Even though an activity is exempt from requiring a Substantial Development Permit, a conditional use or variance permit may be required. Exemptions under the SMP are different than exemptions under the State Environmental Policy Act (SEPA).

## **How does the SMP affect existing uses and development?**

SMP regulations apply to *new* development and uses; they are not retroactive. Existing uses and developments legally established may be repaired, maintained, and operated. The SMP does, however, apply to expansion or alteration of existing uses and structures.

Structures and uses that were legally established in the past may become legally nonconforming due to new shoreline rules that are adopted over time. Current SMP regulations allow these previously built structures and established uses to continue as they are presently operating.

The County's SMP may allow redevelopment, expansion, or replacement of the residential structure if it is consistent with the current SMP. As part of this periodic review and update the County will be looking at the existing SMP and opportunities consistent with state law to clarify how redevelopment, expansion, or replacement of legally established single-family homes within the shoreline jurisdiction may occur with mitigation and demonstrating there is no net loss of the shoreline ecological functions.

## **What is public access to shorelines? When is it required?**

Public access is a preferred use per the SMA. Public access can be physical access (e.g. trail) and/or visual access (e.g. view corridors). Public access standards apply to new development, not existing development. Generally, new public access is only required for private uses of certain sizes (e.g. large subdivisions, resorts, etc.) and are required for public uses. Public access requirements do not allow for trespass on private property.

## What is No Net Loss?

The SMP Guidelines establish the standard of no net loss. No net loss means that over time, the aggregate existing condition of shoreline ecological functions should remain the same as when the SMP is implemented. Simply stated, the no net loss standard is designed to balance the introduction of new impacts to shoreline ecological functions resulting from new development through mitigation sequencing and restoration. The County must achieve this standard through both the SMP planning process and by appropriately regulating individual developments as they are proposed in the future. Any amendments to the SMP that may occur through the periodic update process would need to comply with the no net loss standard.

## How can I get more information?

Website:

<https://www.whatcomcounty.us/3097/Shoreline-Master-Program-Periodic-Update>

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