

WHATCOM COUNTY SHORELINE MANAGEMENT PROGRAM

Navigating the SMP



The following provides a brief explanation of the Shoreline Management Program (Title 23 of the Whatcom County Code) format, content, and procedures to help developers and property owners navigate their way through the document.

PROGRAM FORMAT AND CONTENT

Whatcom County’s SMP includes goals, policies and regulations. The SMP is a comprehensive plan for how shorelines should be used and developed over time. Goals, policies and regulations provide direction for shoreline users and developers on issues such as use compatibility, buffers, setbacks, vegetation management, public access, moorage, residential development, mitigation, and the like.

Chapter 1 of the SMP explains the purpose of the shoreline management program. Overall goals and objectives are found in Chapter 2. These chapters provide direction and context for the specific policies and regulations that are contained in Chapters, 4, 9 and 10. The administrative and legal procedures are outlined in Chapters 5 through 8. Definitions for terms used in the SMP are located in Chapter 11.

Chapter 3 describes the shoreline jurisdiction consistent with state regulations as well as the shoreline area designations that are applied to each shoreline reach. The area designations indicate in general how different shoreline segments are to be managed and developed consistent with the Comprehensive Plan and zoning regulations and determine which uses are allowed, which are conditional, and which are prohibited in shoreline areas. The County maintains an Official Shoreline Map that shows the area designation applied to each shoreline segment (see <http://www.co.whatcom.wa.us/pds/index.jsp>).

Shorelines specifically designated as ‘shorelines of statewide significance’ by the Shoreline Management Act (RCW 90.58) are listed in Chapter 4, along with policies for their use. Shorelines of statewide significance include Lake Whatcom, Ross Lake, and Baker Lake, the Nooksack River, the Skagit River, Birch Bay and other marine waters below extreme high tide. These shorelines are major resources from which all people of the state derive benefit. These areas must be managed to ensure optimum implementation of the Shoreline Management Act’s objectives.

Shoreline policies are broad statements of intent that are generally phrased using words such as “should.” For example, “native shoreline vegetations should be conserved to maintain shoreline ecological functions.” In contrast, regulations are requirements or mandates that must be met to implement the policies. For example, “vegetation clearing shall be limited to the minimum necessary to accommodate approved shoreline development.” The regulatory language in the SMP is to be ‘liberally construed’ to give full effect to its meaning, so County staff will consider the intent of the Program—as indicated by the policies, when interpreting the regulations.

General policies and regulations pertaining to all types of shoreline use and developments are contained in Chapter 9. This includes policies and regulations for protecting critical areas and buffers, and provisions for vegetation conservation, public access, cultural resources, and general site design. Certain general activities such as filling/excavation, forest practices, and dredging are also covered in this chapter. These provisions act as an umbrella under which additional use-specific standards apply.

PROCEDURES

1. To find out if your proposal is permitted by the Program, first locate the general area of your property on the Official Shoreline Map and determine which shoreline area designation applies to your site. Then review the management policies for that area designation in Chapter 3 to get a sense as to whether your proposal is generally compatible with the management intent for that area. Consult Table 23.90.13.C for an overview of the buffer, setback, open space, height, and impervious surface requirements that will apply to your property. Also consult Table 23.100.01 to see if the uses you are proposing are allowed, allowed as a conditional uses or prohibited.

Consider all aspects of your development proposal now and in the future. If you are planning a single family residence, will you also be seeking approval for accessory structures or dwelling units, a dock or other moorage, or a bulkhead? Will you be subdividing the property in the future? Do you intend to use the property for agricultural or commercial purposes? If you are planning any of these development activities in the near future, review the tables pertaining to each type of use to make sure it will be allowed.

2. If you intend to develop or use lands adjacent to a shoreline of the state as defined in Chapter 11 and depicted on the Official Shoreline Map, schedule a pre-application conference with the Planning and Development Services Department (<http://www.co.whatcom.wa.us/pds/index.jsp>).

3. Once you have reviewed the tables, read Chapter 9 as you will be required to comply with all of the provisions. Although your proposal may be allowed by the Program regulations or even exempt from the requirement to obtain a shoreline substantial development permit, all proposals must comply with the policies and regulations of Chapter 9 and other applicable sections of the Program.

Next proceed to Chapter 10 and review all sections that could apply to your proposal. It may be helpful to read the sections on Flood Control Works, Shoreline Stabilization, and Utilities even if they do not seem-- at first glance-- to pertain to your development.

Assume that your development will require a shoreline substantial development permit unless it is specifically identified in section 23.60.02 as exempt or listed as a conditional use in Table 23.100.01. Review the applicable permit criteria in 23.60.01 or 23.60.04. If you are unable to meet the dimensional standards summarized in Table 90.13.C.1 you may qualify for a shoreline variance. Review the variance criteria in 23.60.03 to see if you qualify. For development and uses allowed under this Program, the County must find that the proposal is consistent with the applicable policies and regulations. When your proposal requires an approval or statement of exemption, submit the proper application to the Planning and Development Services Department. Processing of your application will vary depending on its size, value, and features. Contact the Planning and Development Services Department at (360) 676-6907 for additional information.