

Whatcom County Shoreline Master Program Update



Planning Commission Hearings
September 2006

Shoreline Background

- **1971** – State Shoreline Management Act
- **1976** – Whatcom County adopts its first Shoreline Management Program (SMP)
- **1998** – Most recent update of Whatcom County SMP (currently in effect)
- **2003** – State Adopts New Shoreline Guidelines
- **2004** – Whatcom County initiates comprehensive SMP update

SMP Purpose

- RCW 90.58 Shoreline Management Act of 1971
- “... to prevent inherent harm due to uncoordinated or piecemeal development ...”
- “protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life...”
- “...uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state’s shoreline.”

Shoreline Guidelines - Highlights

- No net loss of shoreline ecological functions and processes
- Restoration of degraded and/or impaired shorelines (incentive/voluntary)
- Cumulative impacts must be addressed
- Legislative ruling – shoreline regulations must be at least as restrictive as Critical Areas Ordinances

Process to date

- Advisory committees
- Public workshops
- Stakeholder meetings
- Public comment period – (60 days – ends August 30th)
- Website (www.co.whatcom.wa.us/shorelines)
- Mailing list
- Public hearings – (following public comment period)

What is an SMP?

A planning document that defines goals and policies for shoreline use and development consistent with the Comprehensive Plan

A set of regulations that governs shoreline use and development consistent with state law

A framework for developing, protecting, and restoring the County's shorelines over time

Where does the SMP Apply?

- Marine shorelines
- Stream segments with mean annual flow of 20 c.f.s. or more
- Lakes greater than 20 acres
- Shorelines of Statewide Significance
- Lands extending 200-feet landward from the ordinary high water mark (OHWM)
- Floodways and contiguous floodplains 200-feet from such floodways
- All associated wetlands and river deltas
- Excludes reservations and tribal trust lands

The SMP Regulates...

All aspects of shoreline development and use including but not limited to:

- Bulk and dimensional characteristics
- Site planning
- Vegetation conservation
- Shoreline stabilization
- Docks and moorage
- Public access
- Views and Aesthetics

Key Components of the SMP

- Overall goals and objectives
- Shoreline Area Designations
- Policies for Shorelines of Statewide Significance
- General policies and regulations (apply to all uses and shoreline areas)
- Use-specific policies and regulations

Goals and Objectives

Consistent with the Comprehensive Plan:

- Economic Development
- Public Access
- Recreation
- Transportation and Essential Public Facilities
- Shoreline Use
- Conservation
- Cultural Resources
- Views and Aesthetics
- Restoration and Enhancement

Area Designations

- Applied to shore segments based on ecological condition, existing land use, and future land use
 - Provides a system for determining allowed uses
 - Recognizes specific characteristics of different geographic areas
 - Shown on Official Shoreline Map
- ❖ Aquatic
 - ❖ Natural
 - ❖ Conservancy
 - ❖ Rural
 - ❖ Resource
 - ❖ Shoreline Residential
 - ❖ Urban Conservancy
 - ❖ Urban Resort
 - ❖ Urban
 - ❖ Cherry Point

General Policies and Regulations

Generally similar to the existing SMP

- Establish use preferences:
 - Water-dependent
 - water-related
 - water-enjoyment
- Ensure ecological protection (No Net Loss)
- Provide for public access
- Conserve shoreline vegetation
- Maintain shoreline views
- Protect cultural/historic/archeological resources

Use Policies and Regulations

Generally similar to existing SMP

- Residential Use – Preferred use, requires clustering and other impact minimization measures
- Commercial, Port and Industrial Uses – Non water-oriented uses allowed as part of mixed use developments and must include public access and/or restoration
- Moorage – Preference for shared moorage; use of treated wood and other harmful materials prohibited
- Shore Stabilization – Generally prohibited unless demonstrated need

Shoreline Permits

- Development is regulated through the shoreline permitting process and sometimes through enforcement
- Shoreline permits include:
 - Shoreline Substantial Development
 - Shoreline Conditional Use
 - Shoreline Variance
 - Statement of Shoreline Exemption

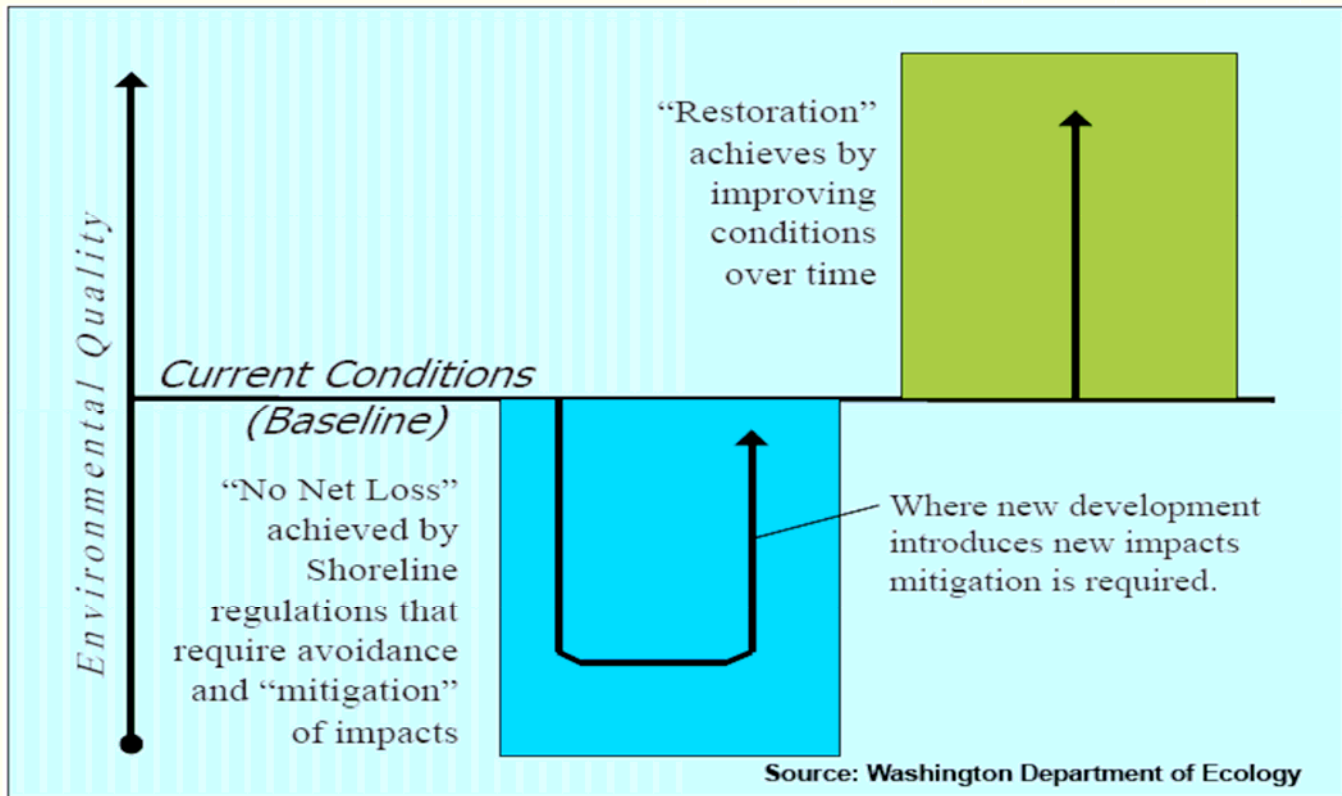
No Net Loss

Achieved mainly through mitigation sequencing:

- Avoid impacts
- Minimize impacts
- Rectify past impacts
- Reduce impacts over time
- Compensate for impacts by providing replacement resources

Mitigation v. Restoration

**Two Distinct Objectives:
No-Net Loss of Shoreline Ecological Functions and Restoration Over Time**



Distinction between mitigation and restoration as it is applied through the shoreline master program process.



What has Changed?

Critical Areas and Flood Management

Improved integration with the Critical Areas Ordinance, Flood Damage Prevention Ordinance and other natural resource programs and regulations

- Provides consistency
- Eliminates unnecessary redundancy, gaps, and/or conflicts between natural resource policies and regulations.
- Streamlines decision making

Regulations

What has Changed? (Cont.)

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Nonconforming Use and Development

- Includes clear provisions for non-conforming uses and development; allows for continued equitable use
- Allows for the development of non-conforming lots that were lawfully created prior to the adoption of the SMP

Regulations

What has Changed? (Cont.)

Shoreline Area Designations

- Changes better reflect actual shoreline conditions
- Provide greater consistency with the Whatcom County zoning map, and the Ecology-recommended shoreline area designation system (WAC 173-26-211(4)(b)).
- Existing designations are retained where they are consistent with the purposes and policies in the Shoreline Guidelines (WAC 173-26-211).

Shoreline Area Designations

What has Changed? (Cont.)

Existing Designations

Proposed Designations

Urban Resort Urban Resort

Urban Urban

..... Shoreline Residential

Rural Rural

..... Resource

Conservancy Conservancy

..... Urban Conservancy

Natural Natural

Aquatic Aquatic

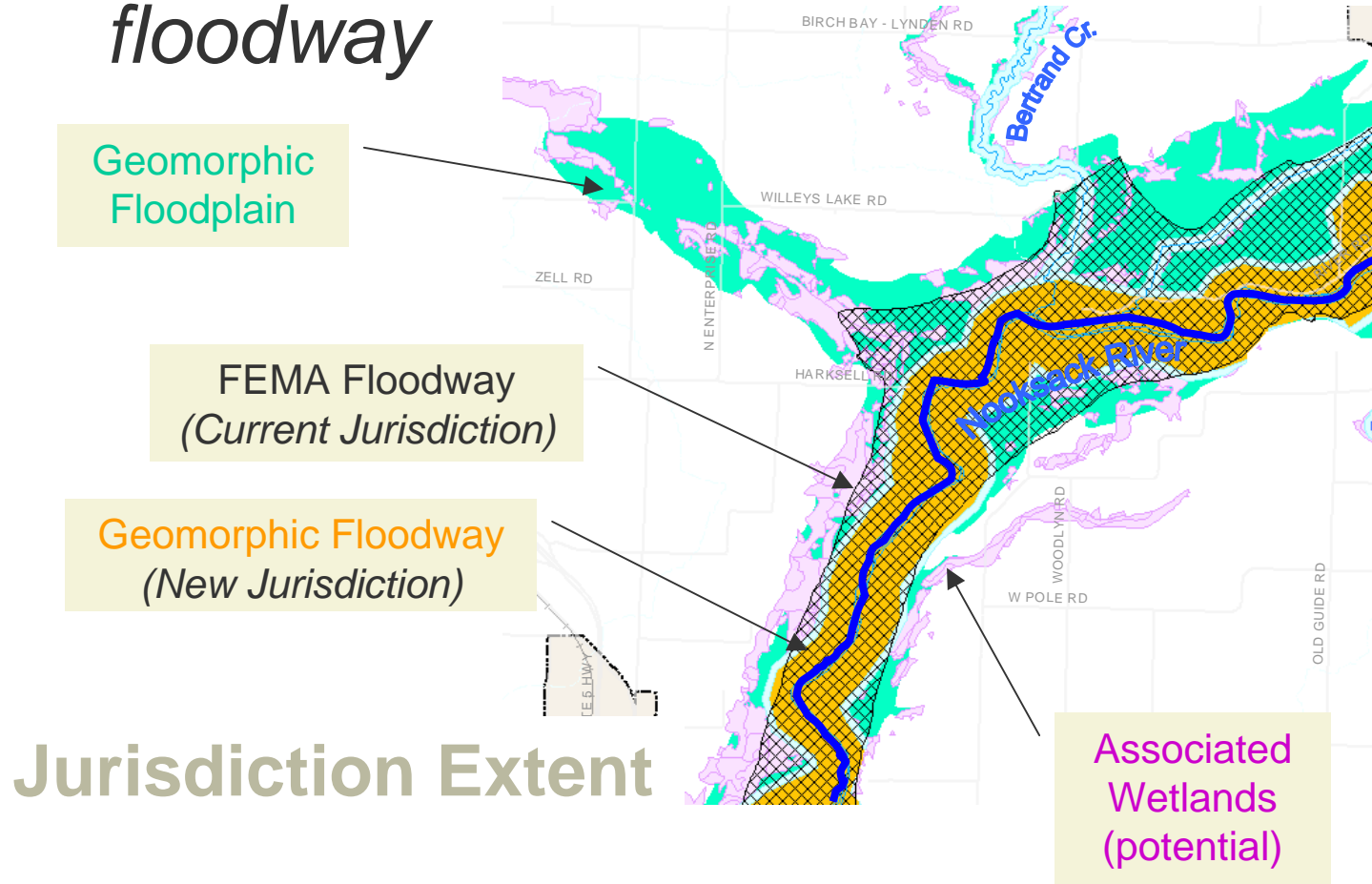
Cherry Point Management Unit Cherry Point Management Area

Shoreline Area Designations



What has Changed?

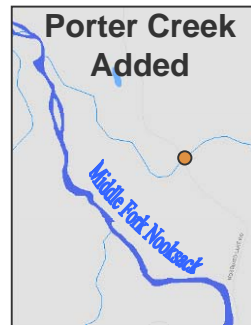
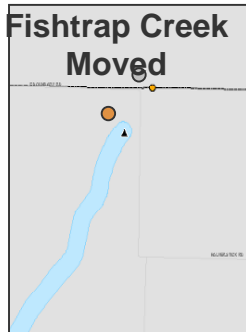
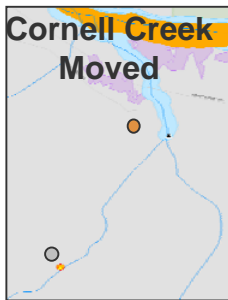
Delineation of the Nooksack River floodway



What has Changed? (Cont.)

■ Stream Segments

■ Jorgensen Lake



Jurisdiction Extent