



Substantial Development Permits

Shoreline Management Program

H
A
N
D
O
U
T

J3

Shoreline Substantial Development Permits

Shoreline substantial development permits involve the review of substantial developments as defined by the Whatcom County Shoreline Management Program (SMP). Substantial development is generally defined as any development, the total cost or fair market value of which exceeds five thousand dollars (\$5,000), or any development that materially interferes with the normal public use of the water or shorelines of the county. This permit is issued by either the County Shorelines Administrator or the Hearing Examiner.

When is a shoreline substantial development permit required?

A Shoreline Substantial Development Permit is required for all developments within the shoreline jurisdiction, except those development activities that qualify for a Shoreline Statement of Exemption. Applicants should contact the Whatcom County Shorelines Administrator to determine if a shoreline substantial development permit is required or if their proposal qualifies as an exemption.

It is important to note that an exemption from the substantial development permit process is not an exemption from compliance with the state Shoreline Management Act or the Whatcom County SMP, nor from any other regulatory requirements. To be authorized as

an exemption, all uses and developments must be consistent with the policies and provisions of this master program and the Shoreline Management Act. A shoreline substantial development permit or shoreline statement of exemption is required for almost all development activities within the jurisdiction of the SMP. Applicants should contact the Shorelines Administrator prior to commencing with any development activity within the shoreline jurisdiction to determine what regulations apply and what permits will be required.

Evaluation criteria

The Whatcom County Shorelines Administrator evaluates proposed shoreline developments to ensure that they are consistent with the policies of the Shoreline Management Act of 1971, as amended, and the more specific requirements set forth in the Whatcom County Shoreline Management Program.

In order for a shoreline substantial development to be approved, the Administrator or Hearing Examiner, as appropriate, must find that the proposal is consistent with the following criteria:

- All regulations of this program appropriate to the shoreline designation and the type of use or development activity proposed shall be complied with, except those bulk and dimensional standards which have been

THE PLANNING AND DEVELOPMENT SERVICES HANDOUT SERIES

modified by approval of a shoreline variance under Section 23.60.180.

- All policies of this program appropriate to the shoreline designation and the type of use or development activity proposed shall be considered and substantial compliance demonstrated. A reasonable proposal that cannot fully conform to these policies may be permitted, provided it is demonstrated that the proposal is clearly consistent with the overall goals, objectives and intent of the Program.
- For projects located on shorelines of statewide significance, the policies of section 23.40 shall also apply.

Other evaluation factors include, but are not limited to, the requirements of the Whatcom County Zoning Ordinance, the Whatcom County Critical Areas Ordinance, and the substantive requirements of the State Environmental Policy Act (SEPA).

Proposals are also reviewed for compliance with the requirements of other agencies within Whatcom County with jurisdiction over the project, including, but not limited to, the Building Services Division, Health Department, the Flood Division, Engineering, and Long-Range Planning.

Other permits required

None of the shoreline permits may take the place of any other required permit. A project or development may also require, among others, a shoreline variance, shoreline conditional use permit, shoreline statement of exemption, building permit, clearing or grading permit, a zoning variance or conditional use permit, a State Department of Ecology Water Quality Certification, a State Department of Fish and

Wildlife Hydraulic Project Approval, a lease from the State Department of Natural Resources or a federal Army Corps of Engineers permit for work in navigable waters of the United States.

What should I do before applying?

The County strongly encourages applicants to have a pre-submittal conference with the Whatcom County Shorelines Administrator prior to making application for a shoreline variance. Staff members can assist and advise applicants on shoreline regulations at any stage of a project's development; however, consultation early in project planning most often will result in smoother processing of an application. Call (360) 676-6907 to arrange a pre-submittal conference with the Whatcom County Shorelines Administrator.

Additional information required

Most developments requiring a permit under the Shoreline Management Program will also require review for compliance with the State Environmental Policy Act (SEPA). The Whatcom County SEPA Administrator staff can advise applicants whether a SEPA checklist will be required. If the checklist is required, it must be submitted at the same time as the shoreline permit application.

If the application does not provide sufficient information to determine the environmental impacts of the proposal, the applicant will be asked to provide additional information as required by SEPA guidelines.

The County may also require applicants to provide additional information or plans to correct deficiencies in the application or to assist in the evaluation of the application. An

application may be cancelled if the applicant has failed, without justification, to supply required information or data within 180 days after it has been requested in writing by the County.

Appeals

Application for appeal from a decision regarding approval or denial of a permit under the Shoreline Management Program may be obtained from Whatcom County Planning and Development Services. Such an appeal shall be filed during the local appeal period—within ten (10) calendar days of the issuance of a shoreline permit.

Following the expiration of the local appeal period, the application is forwarded to the Washington State Department of Ecology for review and comment. Once Ecology has commented on the application, the decisions to approve or deny the shoreline permit may also be appealed to the Washington State Shorelines Hearings Board within twenty-one

(21) calendar days following the expiration of the local appeal period.

Application fees

Fees are due at the time you submit your application. Please refer to the current Whatcom County Unified Fee Schedule. Information on fees and procedural requirements is available by calling (360) 676-6907.

Information

Due to the administrative complexity of these regulations, it is usually best to visit with our Natural Resource Staff to answer any additional questions.

Planning and Development Services
5280 Northwest Drive
Bellingham, Washington 98226 USA
E-mail: pds@co.whatcom.wa.us

Staff Contact: Natural Resource Staff
Phone: (360) 676-6907