

FREQUENTLY ASKED QUESTIONS: SHORELINE MASTER PROGRAM PERIODIC UPDATE

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:

1. **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, recreational facilities, or industries and commercial uses that require a shoreline location and support economic development.
2. **Protects the natural resources and character of the shorelines**, the land, vegetation, wildlife, water, and aquatic life within shoreline environment.
3. **Promotes public access** and provides opportunities to enjoy the aesthetic qualities of the natural shorelines and recreational activities in shoreline areas.

WHERE DO SHORELINE RULES APPLY?

“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. Shorelines of the state in the City of Burlington are limited to Gage’s Slough and portions of the Skagit River that occur within the City’s corporate limits.

The minimum shoreline jurisdiction is the greater of lands extending 200 feet landward in all directions from the ordinary high-water mark (OHWM) of Gage’s Slough and the Skagit River, or the floodway plus contiguous floodplain extending 200 feet landward from the floodway, plus associated wetlands and river deltas. The floodway is that area established by FEMA, or one that is mapped to meet the requirements of the SMA (identified by “soil, vegetation, topography or other indicators” as the area where flood waters are carried.) Lands protected by publicly maintained dikes are not included in the floodway.

WHAT IS A PERIODIC UPDATE OF THE SMP?

The City of Burlington completed a comprehensive update of its Shoreline Master Program in 2013. To attain state approval, Washington state law ([WAC 173-26-090](#)) requires jurisdictions review and update their SMPs every eight years in accordance with the Shoreline Management Act (SMA), and its current guidelines and legislative rules.

The City received a grant from the Washington Department of Ecology to support this update. The grant timeline calls for completing this periodic update by June 30, 2021. The City intends to complete the bulk of the review by June and finalize its adoption by the end of 2021.

This periodic update will focus on:

- Reviewing relevant legislative updates since the 2013 SMP update and incorporating any applicable amendments
- Ensuring consistency with Burlington’s Comprehensive Plan Update
- Ensuring compatibility with other City regulations

This periodic update will NOT:

- Re-evaluate the ecological baseline that was established as part of the 2013 SMP update
- Extensively assess no net loss criteria other than to ensure that proposed amendments do not result in degradation of the baseline condition

HOW DO SHORELINE REGULATIONS APPLY TO LAND USE AND DEVELOPMENT ACTIVITIES?

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

- New or expanded structures, such as houses, sheds, and decks
- Land development and alteration, such as clearing, grading, dredging, or filling
- 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 are issued in writing by the City 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 are not retroactive. SMP regulations apply to *new* development and uses as of its adoption. Existing uses and developments legally established may be repaired, maintained, and operated, but the SMP does apply to proposals for 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.

Additionally, current SMP regulations allow the footprint of legally established single-family homes to be excluded from a new shoreline setback or vegetation management area. Such homes can therefore avoid the nonconforming designation and are considered “conforming, expansion limited” in the current SMP.

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 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 Citywide existing condition of shoreline ecological functions should, at a minimum, remain the same as when the SMP is implemented. Simply stated, the no net loss standard uses mitigation and restoration to balance impacts to shoreline ecological functions resulting from new development. The City 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?

1. CITY WEBSITE: the City’s webpage can be accessed by clicking [HERE](#) or using this web address: <https://www.burlingtonwa.gov/840/Shoreline-Master-Program---UPDATE>
2. BECOME A PARTY OF RECORD: contact the Department of Community Development by mail at 833 South Spruce Street, Burlington, WA 98233 or by email at bradmj@burlingtonwa.gov and ask to be a party of record for the SMP update.