



# INFORMATION BULLETIN No. 39

City of Blaine

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## SHORELINE PERMITTING

The Shoreline Management Act (SMA) requires all counties and most towns and cities with shorelines to develop and implement Shoreline Master Programs. The SMA was passed by the Washington Legislature in 1971 and adopted by voters in 1972. Its overarching goal is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

The Blaine Shoreline Master Program document that implements the Washington State Shoreline Management Act at the local level. The Master Program applies the policies and goals of the State Act to the unique conditions and features of the City of Blaine.

The SMA establishes three types of shoreline permits: substantial development permit, conditional use permit, and variance permit. Proposals for development and activities within shoreline jurisdiction may require one, two or all of those permits – or none at all.

### ***What are "Shorelines of the State"?***

The area where the Shoreline Management Act applies. These include: • All marine waters. • Segments of streams where the mean annual flow is more than 20 cubic feet per second. • Shorelands adjacent to these water bodies. This is typically the land area within 200 feet of the water body,

### **WHAT IS A SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT?**

A Substantial Development Permit is required for all substantial developments within the shoreline jurisdiction.

This permitting process is required to ensure consistency with the Shoreline Management Act. Developments within shorelines of the state must be

consistent with the policies of the Shoreline Management Act and the requirements of the City of Blaine's Shoreline Master Program (SMP), WAC 173-22 and 173- 27, other local government rules and regulations, and state and federal rules and regulations.

### **WHAT IS A SHORELINE CONDITIONAL USE PERMIT?**

A Conditional Use Permit is required if the specific activity you wish to undertake is listed as a conditional use or is not specifically listed as a use element in the Master Program. This permit is issued by the City, if the application meets certain criteria, and must be approved by the Washington State Department of Ecology.

### **WHAT IS A SHORELINE VARIANCE PERMIT?**

A Variance Permit is required if the activity does not meet the minimum standards for this type of development as outlined in the Master Program. This permit is issued by the City, if the application meets certain criteria, and must be approved by the Department of Ecology.

### **HOW ARE THESE APPLICATIONS PROCESSED?**

The application is processed as Type II-HE application. Refer to the Informational Bulletin describing that process. See IB#8.

### **WHAT IF I DISAGREE WITH THE HEARING EXAMINER'S DECISION?**

Decisions of the Hearing Examiner may be appealed to the Shoreline State Shoreline Hearings Board by filing a request for review within 21 days of the date of filing of the permit. The date of filing is defined in

RCW 90.58.140(6). The procedure **for filing** a request for review is set forth in RCW 90.58.180.

### **EXEMPTIONS**

A project is exempt from permit requirements if it is not a substantial development or if it is exempt by statute, such as single family dwellings. However, such projects must meet the minimum standards of the Master Program.

If your project is not a substantial development, you should request a shoreline exemption, using the Shoreline Exemption Request form.

#### ***What are "Substantial Development"?***

Substantial development is defined in RCW 90.58.030(3)(e). Substantial development is that which exceeds a specific cost or fair market value threshold or is "any development which materially interferes with the normal public use of the water or shorelines of the state." and may include part or all of a floodplain.

### **MORE QUESTIONS?**

For further information, please call the Community Development Services Department at the City of Blaine (360) 332-8311.

The City of Blaine's Community Development Department has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult City of Blaine, CD staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.