



City of Raymond Shoreline Master Program (SMP) Update

Do have questions about how the Shoreline Master Program update may affect your property rights?

The excerpts below on SMPs and their affect on private property are from two Washington State Department of Ecology publications that you can find on their website.¹

How will the SMP apply to my existing home?

A number of shoreline property owners are concerned that updating local shoreline master programs will put their existing home in peril, because their home could be “out-of-compliance” or “non-conforming” under new shoreline regulations.

Important things to know about new shoreline master programs and your existing shoreline home:

- Updated shoreline master programs are not retroactive.
- Existing single-family homes are “grandfathered.” Expansions of existing single-family structures are reviewed on a case-by-case basis.
- Shoreline programs must be designed and put in place so they are consistent with constitutional protections of private property.

Similar to most land-use laws, provisions of new shoreline master programs are not “retroactive.” This means existing homes are not “out of compliance” with new shoreline master program regulations. New regulations only apply to new development and uses. In Washington, residential lots created and homes built under older land use laws are “grandfathered in” under those laws so that new standards do not apply retroactively – if no new development is proposed.

Shoreline homeowners can make improvements, and can enlarge or expand their current homes under most conditions. For instance, Whatcom County updated their shoreline master program in 2008 using Ecology’s new shoreline guidelines. Since then, the county has received more than 56 applications to make improvements to existing homes, including making additions and building garages. Every homeowner’s permit request was approved and issued in a timely manner.

Is it true if my house burns down I can’t rebuild it in the same location?

Each local jurisdiction may modify their approach to this issue. Exceptions may apply such as if the existing location is dangerous or unsafe for building, such as on a failing bluff.

Could updating the local shoreline master program require me to tear down my existing shoreline structure?

No. Updating a local shoreline program only applies to development occurring after adoption. There are no retroactive shoreline master program requirements.

¹ <http://www.ecy.wa.gov/programs/sea/shorelines/smp/faqs.html>

Could there be limits on repairing houses, barns, fences, bulkheads, docks or other structures?

Provisions in state law allow the repair and maintenance of existing, lawful constructed structures. State shoreline guidelines allow repair and maintenance of existing structures, subject to any building requirements imposed separately by local jurisdictions.

My home is on a shoreline. How will new buffer standards in an updated shoreline program affect me?

Existing homes won't be affected by new buffer standards because they are "grandfathered" under the Shoreline Management Act. Houses built or expanded after the state adopts the updated shoreline program will be subject to the new buffer standards.

What do shoreline buffers and setbacks mean to homeowners?

Shoreline property owners have voiced concern about new buffer and setback standards under updated shoreline master programs. Some worry they will have to tear out existing landscaping or their garden, or lose waterfront views because they'll be forbidden from pruning their trees and shrubs. Ecology has adopted more than 30 shoreline programs under the 2003 guidelines. All have included allowances for tree trimming and maintaining natural views, as well as provisions for accessing the water. New shoreline master programs do not require homeowners to remove their existing landscaping.

Buffers are intended to protect homes from erosion, filter polluted run-off, provide shade, and protect other ecological functions. They protect our water quality by helping filter out toxic and other pollutants in stormwater runoff, help stabilize slopes, and provide organic material to both the land and water food webs. Buffers also provide shade and habitat for critical fish and wildlife species.

Shoreline setbacks are the minimum distance between a structure and the shoreline, or the structure and the buffer. They are not retroactive so they won't affect existing homes. Setbacks keep new homes and developments out of harm's way and prevent the future need for shoreline armoring. Setting a new home back from the shoreline in a low bank area can reduce the need for armoring when sea levels rise over time or unusual floods come. Setbacks also keep homes from being built too close to the water's edge, making our residences safer and less expensive to maintain.

Important things you should know about shoreline buffers and setbacks:

- Shoreline master programs do not necessarily set rigid "one-size-fits-all" standards. Buffer and setback sizes can be tailored based on environmental conditions, current development patterns, and future planned development.
- Buffers and setbacks help protect environmental and economically important shoreline resources.
- Shoreline buffers and setbacks offer opportunities for unique landscaping, screen nearby developments from view, and block noise and glare from adjacent properties and water-based activities.