



**Department of Local Services
Permitting Division**

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**FINAL CODE INTERPRETATION
CINT26-0001**

Background:

The Department of Local Services, Permitting Division, received a code interpretation application dated January 9, 2026 from Leon Environmental, LLC concerning whether the King County Shoreline Master Program (KCSMP) shoreline modification standards in King County Code (K.C.C.) 21A.25.160 require a Shoreline Conditional Use Permit (SCUP) for normal maintenance and repairs to existing, legally-established shoreline stabilization in the Conservancy shoreline environment. The question was prompted by review of an after-the-fact permit application for a bulkhead replacement completed under an emergency authorization on tax parcel 2423029016 at 12826 SW Ober Beach Rd., Vashon, WA. The completed bulkhead replacement occurred within the Conservancy shoreline environment and involved replacement of a failing timber pile bulkhead with an angular rock bulkhead.

The applicant previously submitted a shoreline exemption application, SHOR19-0020, on August 28, 2019. During review of SHOR19-0020, it was determined that a SCUP would be required and this requirement was communicated to the applicant in Permitting's December 4, 2019 review letter and request for information. The applicant submitted a SCUP application, SHOR20-0020, on June 15, 2020. During review of SHOR19-0020 and SHOR20-0020, the applicant requested and received an emergency authorization (PREA20-0315) to proceed with bulkhead replacement work. SHOR19-0020 and SHOR20-0020 are now after-the-fact permit applications for the bulkhead replacement work completed under PREA20-0315. A post-construction pre-application meeting (PREA21-0125) was held with the applicant on September 12, 2024, and the requirement for a SCUP was once again communicated to the applicant. Between the initial application submittal in 2019 and the post-construction pre-application meeting held in 2024; there was no change to the shoreline modification table permitting requirements for shoreline stabilization in KCC 21A.25.160. The only relevant code change consisted of the addition of the word "replacement" in the shoreline stabilization development condition in KCC 21A.25.160.C.1: "New and replacement shoreline stabilization, including bulkheads, shall meet the standards in K.C.C. 21A.25.170." The addition of the word "replacement" was intended to add clarity to the code and did not result in a change to the SCUP requirement for shoreline stabilization in the Conservancy shoreline environment. "

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Code Sections Subject to Interpretation:

The application poses the question of whether K.C.C. 21A.25.160 requires a SCUP for normal maintenance and repairs to existing, legally established shoreline stabilization in the Conservancy shoreline environment.

Discussion & Analysis:

The applicant contends that a SCUP is not required by the KCSMP for the completed bulkhead replacement because it is “normal maintenance and repair”, and only a new bulkhead would require a SCUP. This assertion conflates the criteria for exemption from a Shoreline Substantial Development Permit (SSDP) with the KCSMP shoreline modification standards, contending that because the project may qualify for an SSDP exemption as “normal maintenance and repair”, it does not need to comply with the KCSMP shoreline modification SCUP permitting requirements in King County Code (K.C.C.) 21A.25.160.

Exemption from a Shoreline Substantial Development Permit – WAC 173-27-040

The applicant asserts that the bulkhead replacement is exempt from an SSDP as “normal maintenance and repair” pursuant to Washington Administrative Code (WAC) 173-27-040(2)(b). WAC 173-27-040(2)(b) describes the SSDP exemption criteria for normal maintenance and repair of existing structures or developments. This exemption criteria defines “normal maintenance” as “those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition” and “normal repair” as follows:

“Normal repair means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.”

These criteria are specific to an exemption from an SSDP and do not absolve the project from compliance with additional shoreline permitting requirements in the KCSMP. As described in WAC 173-27-040(1)(b), even if the development or use does not require an SSDP,¹ an exemption from the SSDP process is not an exemption from compliance with the local master program, nor from any other regulatory requirements, including the need to obtain a conditional use permit under K.C.C. 21A.25.160. Regardless of state law

¹ King County expresses no opinion on whether a SSDP is necessary under state law.

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obligations on a permittee, through K.C.C. 21A.25.160, the King County Council has exercised its independent legislative and police powers to require a SCUP for the type of bulkhead work done in this case.

Shoreline Modification – KCSMP, K.C.C. 21A.25.160

Shoreline stabilization is considered a shoreline modification. K.C.C. 21A.25.160 of the KCSMP determines whether a specific shoreline modification is allowed, prohibited, or subject to a shoreline conditional use permit (SCUP) within each of the shoreline environments. The shoreline modifications listed in K.C.C. 21A.25.160 of the KCSMP are grouped by the shoreline modification categories in WAC 173-26-231. The shoreline stabilization standards in WAC 173-26-231 include standards for both new and replacement stabilization. Similarly, the KCSMP shoreline stabilization standards in K.C.C. 21A.25.170 also include standards for both new and replacement stabilization.

The KCSMP shoreline modification table lists “shoreline stabilization, not including flood protection facilities” broadly and makes no distinction between new, replacement, or repair stabilization. The KCSMP requires a SCUP for shoreline stabilization in the Conservancy shoreline environments pursuant to the shoreline modification table in K.C.C. 21A.25.160.B. The shoreline modification table lists “C1” for shoreline stabilization in the Conservancy environment. “C” indicates that the modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 21A.44.100 and “1” indicates specific development conditions applicable to the shoreline modification.

A shoreline modification is allowed subject to the applicable review process indicated in the table *and* the specific development conditions indicated pursuant to K.C.C. 21A.25.160.A.4. Although shoreline stabilization is subject to both the SCUP process and the corresponding development condition, the SCUP process is required for shoreline stabilization independently of the corresponding development condition. This is important to note because the applicant contends that a SCUP is not required for the bulkhead replacement because the development condition in K.C.C. 21A.25.160.C.1 applies only to new stabilization; however, shoreline stabilization is an allowed shoreline modification in the Conservancy environment only when subject to the conditional use review process in K.C.C. 21A.44.100.

K.C.C. 21A.25.160.C.1 – Shoreline Stabilization Development Conditions

The applicable development condition for shoreline stabilization in place at the time of application submittal, K.C.C. 21A.25.160.C.1, requires that “New shoreline stabilization, including bulkheads, must meet the standards in K.C.C. 21A.25.170.”

Although the development condition refers to “new” stabilization, it references the standards in K.C.C. 21A.25.170, which also contain standards for replacement

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stabilization. This supports that a SCUP is required for shoreline stabilization broadly in the Conservancy environment and is not specific or limited only to new stabilization.

Decision

Shoreline stabilization requires a SCUP in the Conservancy shoreline environment, as listed in the KCSMP shoreline modification table in K.C.C. 21A.25.160.B. The shoreline modification table does not make a distinction between new and replacement shoreline stabilization, and the shoreline stabilization standards of K.C.C. 21A.25.170 referenced in K.C.C. 21A.25.160 include standards for both new and replacement stabilization. This indicates that a SCUP is required for shoreline stabilization broadly in the Conservancy environment and is not specific or limited only to new stabilization.

Even if a shoreline stabilization project is exempt from the SSDP process, this is not an exemption from additional shoreline permits that may be required by the KCSMP. Any development or use that is listed as a conditional use pursuant to the KCSMP must obtain a SCUP even when the development or use does not require an SSDP (WAC 173-27-040(1)(b)).

In conclusion, as originally indicated back in 2019, the work on the applicant's bulkhead requires a SCUP because it is shoreline stabilization within a conservancy zone.

DocuSigned by:

Mark Rowe

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Acting Director, Permitting Division
Department of Local Services

3/20/2026

Date

CC: File CINT25-0008
Yolanda Ho