MICC 19.07.110(C)(2) (Existing Code)

a. Shoreline Exemption Permit. A shoreline exemption permit (SEP) may be granted to the following development as long as such development is in compliance with all applicable requirements of this shoreline master program, the city of Mercer Island development code and WAC 173-27-040:

ii. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. “Normal maintenance” includes those usual acts established to prevent a decline, lapse, or cessation from a lawfully established condition. “Normal repair” means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment. Normal maintenance of single-family dwellings is categorically exempt as stated above;

iii. Construction of the normal protective bulkhead common to single-family dwellings. A “normal protective” bulkhead is constructed at or near the ordinary high water mark to protect a single-family dwelling and is for protecting land from erosion, not for the purpose of creating land. Where an existing bulkhead is being replaced, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings.

WAC 173-26-231(3)(C)

For purposes of this section standards on shoreline stabilization measures, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

City of Kirkland (Proposed)

Minor Repair:

1) Includes modifications or improvements to existing shoreline stabilization measure designed to prevent failure of any part of the stabilization measure.

2) Shall not be considered as “minor repair”:

   a) A repair to portion that has collapsed, eroded away or otherwise demonstrated a loss of structural integrity, or in which the repair work involves modification of the toe rock or footings, and is greater than 15’ in continuous linear length;

   b) A repair to more than 75% of the length of the existing hard structural stabilization measure

Repair activities not meeting the definition of minor repair shall be considered major repair or replacement

Major Repair or Replacement:
1) Replacement means the construction of a new structure to perform a shoreline stabilization function of an existing structure. Additions to or increases in size of existing measures shall also be considered new structures.

2) Major repair or replacement shall be treated as a new shoreline stabilization measure. A geotechnical analysis is not required for major repairs or replacements.

3) Replacement shall not encroach waterward of the OHWM or waterward of the existing shoreline stabilization measure.

4) Hard and soft shoreline stabilization measures may allow some fill waterward of the ordinary high water mark to provide enhancement of shoreline ecological functions through creation of nearshore shallow-water habitat.

City of Bellevue (Existing CAO)

“Minor repair” refers to modifications or improvements to an existing shoreline stabilization measure that are designed to ensure the continued function of the stabilization measure by preventing failure of any part of the stabilization measure. A repair that is proposed after a significant portion of the stabilization measure has collapsed, eroded away or otherwise demonstrated a loss of structural integrity is not a minor repair. Minor repair is permitted. Areas of temporary disturbance within the shoreline critical area or shoreline critical area buffer are restored pursuant to a restoration plan.

Major repair or replacement shall be treated as a new shoreline stabilization measure.

City of Lake Forest Park (Proposed)

Replacement bulkheads may be permitted if there is a demonstrated need to protect principal uses or structures from erosion caused by waves provided that:

1. The replacement bulkhead is designed, located, sized, and constructed to assure no net loss of ecological functions.

2. The existing bulkhead is removed.

3. The proposal includes a report prepared by a geotechnical engineer or other qualified professional that evaluates the necessity of the bulkhead.

City of Redmond (Proposed)

Existing shoreline stabilization structure may be replaced with similar structure if demonstrated need:

- Structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions
- Replacement walls or bulkheads shall not encroach waterward of the OHWM
- Soft shoreline measures that provide restoration of ecological functions are allowed waterward of the OHWM