

Focus on: Emergency Exemptions for Residential Shoreline Stabilization and Flood Protection

Purpose

Local governments and property owners often inquire about using the exemption from the shoreline substantial development permit (SDP) process for emergency construction to protect single-family homes from erosion and flooding. This document is designed to clarify when an exemption to the SDP process can be used, protective measures property owners can take, and steps to take after the emergency passes.

Overview

Shoreline master programs (SMPs) allow landowners to protect property from damage during emergencies. An emergency is defined as an unanticipated, imminent threat to public health, safety, or the environment requiring immediate action. The state rule governing the [emergency construction exemption](#) covers actions taken immediately before, during, or after an emergency. When a jurisdiction deems new protection structures to be appropriate, they should be removed or permitted once conditions abate. Emergency construction does not include development of new permanent protection structures where none previously existed. All emergency construction must be consistent with the state [Shoreline Management Act](#) and the local SMP. Flooding or other seasonal events that can be anticipated and may occur but are not imminent are not an emergency.



Sandbags filled for flood protection in Skagit County. (Credit: Washington Conservation Corps)

What is an emergency?

Emergencies are unanticipated events posing an imminent threat to health, safety, or the environment that do not allow for site specific design, detailed study, or standard permitting processes such as:

- A migrating river channel that results in stream waters undermining a home.
- Fast moving floodwaters that quickly erode a river bank lined with dwellings. Floodwaters subside but more flooding is anticipated, and continued erosion will undermine homes.

Important considerations are whether residential structures, utilities, and other key infrastructure are at imminent risk.

Non-emergency events

Projects addressing long-term or seasonally occurring shoreline erosion or flooding generally will not meet the narrow definition of “emergency” and “imminent threat” under the exemption since these events can be anticipated and accommodated through standard permitting processes. Similarly, a local or state emergency proclamation alone does not mean the emergency construction exemption can be used. Site-specific conditions must meet the narrow definition of emergency under the provision.

Temporary measures

With minor exceptions, constructing new bulkheads, seawalls, revetments, or other stabilization or flood protection measures cannot be authorized under the emergency construction exemption. The provision is not intended for *new* permanent protective structures where none previously existed. Property owners should address erosion and flooding emergencies with temporary stabilization or flood protection measures such as:

- Sandbags or supersacks.
- Storm shields for windows and doors.



Sandbags being installed to protect a home from flooding. (Credit: Washington Conservation Corps)

Following the emergency, temporary measures must be removed. If permanent protection is necessary, the temporary measure should be the minimum necessary until a permanent structure can be designed and permitted in compliance with the local shoreline master program.

After-the-fact permits required for new permanent structures

Temporary protection measures are easily removed and require no additional permitting. In rare circumstances, a local government may determine new permanent shoreline stabilization or flood protection is required. When this occurs, only the minimum structure necessary should be installed and the property owner must apply for after-the-fact shoreline permits within a specific timeframe. Those who bypass these steps could have their after-the-fact permits denied and be directed to remove the structure.

How should I get new shoreline stabilization permitted?

Contact your local building or planning department with any permitting questions. Normal protective stabilization may be processed and reviewed under the exemption for new residential shoreline stabilization, along with any other shoreline permits required by the local shoreline master program. Using the right process protects our shorelines and avoids significant costs associated with structure removal and mitigation.

Related Information

- [Shoreline stabilization](#)
- [Shoreline natural hazards management](#)
- [Homeowner resources about marine shore-friendly shoreline stabilization options](#)



Find regional shoreline contacts:
<https://ecology.wa.gov/shoreline-management-contacts>



To request an ADA accommodation, contact Ecology by phone at 360-407-6600 or visit <https://ecology.wa.gov/accessibility>. For Relay Service or TTY call 711 or 877-833-6341