King County | Office of the Executive

November 9, 2026

Department of Ecology Shorelands and Environmental Assistance Program
c/o Rebecca Rothwell
PO Box 47600
Olympia, WA 98504-7600

Thank you for the opportunity to review and provide input on the draft changes to Washington Administrative Code (WAC) Chapters 173-18, 173-20, 173-22, 173-26, and 173-27. King County sees the Shoreline Management Act (SMA) as foundational to protecting shoreline processes and functions as well as public access and water-dependent uses. Navigating shoreline management in the context of a changing climate and growing population is particularly challenging. We recognize the considerable effort by Ecology staff to refine the WACs and are encouraged by many of the changes. ***While we support many of the substantive updates, we continue to have significant concerns about the timeline for updates, uncertainty about Ecology intent and expectations for decoupling Shorelines code from critical areas and flood codes, availability of capacity grants, and the effective date for WAC 173-27.***

We strongly support the inclusion of sea level rise (SLR) analyses to inform shoreline policies and regulations that will shape shoreline uses, development, and redevelopment for decades to come. We appreciate Ecology's efforts to craft this language in a manner that acknowledges this is an evolving field of science that currently faces limited data availability. We also support provisions that limit future need for new shoreline armoring and hardening which is consistent with King County shoreline conservation and shoreline restoration efforts.

King County submitted detailed comments on the initial draft rule on August 15, 2025. Many of those concerns are still relevant and are attached for reference. Our current comments and requests are focused on priority concerns and questions about the timing and practical steps to implement the updated rules.

1. **Timeline.**

   Given the timeline Ecology has proposed for final rulemaking and issuance of guidance, we have significant concerns in our ability to incorporate the necessary changes required in this SMP update. Our understanding is that the June 30, 2029, deadline for County SMP adoption is set in state law. Our most recent information is that Ecology will not have final rulemaking adopted until March 1, 2027, and some of the more detailed guidance and checklists available to jurisdictions until July 2027, with critical components around shoreline modifications not being available until even later in 2027. When we factor in regulatory requirements for SEPA, public notice, tribal consultation, policy and code drafting, and Council review and adoption, this leaves relatively little time for community engagement prior to scoping and drafting the actual code and policy updates. The draft SMP rule update calls for prohibitions on certain

types of development and redevelopment in the coastal hazard area that are likely to be extremely controversial and may draw threats of legal challenge. Robust public engagement and education about sea level rise risks is essential to supporting successful adoption of these updates. The current timeline for SMP rulemaking and issuance of guidance would require us to draft code prior to completing the assessment and community engagement, reducing trust built between our government and our communities. Compounding concerns around timing and capacity, the SMP update will also be concurrent with a Comprehensive Plan update to align with requirements of House Bill 1181. These requirements have only grown in complexity as a result of recent Growth Board decisions.

We request that Ecology seek legislative actions to extend the due date for SMP adoption by one year to June 2030.

2. **Clarifying Rule Intent and Approach to "Decoupling" Shoreline Regulations from Critical Areas Regulations.**

King County's code structure relies on cross referencing between the Shorelines and Critical Areas codes (CAO) to ensure consistency in standards and protection of ecological functions and values. Our understanding is that the updated rules would disallow local governments from cross-referencing their CAOs in shoreline regulations and would require that codes applicable to the shoreline jurisdiction be consolidated into a shorelines-specific chapter of code. In addition to significant code drafting to consolidate shoreline-related codes and eliminate cross referencing, we are understanding that Ecology's expectation is that we also reorganize and tailor critical area regulations to shoreline conditions based on shoreline designations, allowed uses, and focus on ecological value.

Ecological values of critical areas and shorelines are functionally related, and our approach to protecting critical areas, managing floodplains, and protecting the shoreline environment is intentionally integrated within our policies, codes, and across programs. This integrated approach was pursued during the King County's recent update to the CAO adopted in December 2025 (Ecology Shorelines review is still pending). We are now also updating our functionally related flood codes.

We request that Ecology provide specific intent, guidance, and example approaches for "decoupling" Shorelines code from other code while reflecting the related ecological functions of shorelines, critical areas, and floodplains as soon as possible. By separate communication, we are seeking advice from Ecology Floodplains and Shorelines staff regarding drafting of the County's current flood code update with rulemaking in mind.

3. **Immediate Effect of Certain Rule Requirements.**

King County Department of Natural Resources and Parks staff attended a recent Shoreline Planners workshop on steep slopes, and Ecology staff indicated that WAC 173-27 would become effective 31 days after adoption by Ecology. This will require King County Department of Local Services to make operational changes and will effectively require the department to make code changes by April 2027 to, at a minimum, align with RCW 36.70B.080(1)(b). King County is not currently resourced to implement these changes on this timeline.

We request that Ecology delay the effective date of WAC 173-27 to align with the deadline for SMP adoption.

4. **Capacity Funding.**

   We appreciate Ecology's historic investment in capacity funding for local jurisdictions undertaking major SMP updates and are hopeful to see those investments continue as jurisdictions begin updating their SMPs, especially as they develop and integrate sea level rise risk analyses and implement what is a significant and comprehensive update to SMP rulemaking concurrent with broader updates to Comprehensive Plans for compliance with House Bill 1181.

   We request that Ecology and Commerce seek funding for capacity grants that reflects the scope of policy and code updates needed for compliance with Shorelines rule updates and House Bill 1181 compliance that will trigger significant analysis and updates.

We appreciate the time you have taken during this rulemaking process to solicit feedback and for your willingness to meet with us to discuss aspects of the proposed changes. If you would like to meet with King County staff to talk through our feedback in more detail, we would be happy to do so. Please contact me (eauzins@kingcounty.gov) or Beth leDoux (Beth.Ledoux@kingcounty.gov)

Thank you for your time and consideration.

Sincerely,

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