

Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

Application Requirements for Shoreline Permits

Updated July 12, 2019

This Tip summarizes our Seattle Master Use Permit (MUP) application requirements for shoreline permits, including substantial development permits, shoreline variances, shoreline conditional uses, and shoreline special uses.

Shoreline permits are reviewed and administered by the Seattle Department of Construction and Inspections (SDCI). Shoreline permit regulations are required by the State Shoreline Management Act of 1971. This state law requires local governments to establish a program consistent with the State of Washington Shoreline Master Program Guidelines adopted by the State Department of Ecology (DOE) for the administration and enforcement of shoreline permits.

The City of Seattle has adopted shoreline regulations in the Seattle Shoreline Master Program, in Chapter 23.60A of the Seattle Municipal Code.

Seattle's shorelines (designated the "Shoreline District") include:

- Marine and freshwater shorelines, including the waters of Puget Sound, Lake Washington, Lake Union, the Ship Canal, Salmon Bay, Duwamish River, Green Lake
- "Associated wetlands" (as defined by the Shoreline Code) and floodplains
- All shorelands, which are those lands extending landward for 200 feet, as measured on a horizontal plane from the ordinary high water mark or mean higher high water of the water body or boundary of an associated wetland

Shoreline Substantial Development Permit Requirements

We require a Shoreline Substantial Development Permit for projects with a proposed "substantial development" within the Shoreline District, as defined by the Seattle Shoreline Master Program.

"Substantial development" is generally defined as any development that exceeds \$6,416 in total cost or fair market value as adjusted under RCW 90.58.030(3)(e), or any development that materially interferes with the normal public use of Seattle's water or shorelines. There are some exceptions for projects that are exempt from this requirement. (See Tip 209A, *Shoreline Substantial Development Exemptions Application Instructions*, and the section below for further guidance on shoreline exemptions.)

Other Permits/Reviews Required

The Shoreline Substantial Development Permit does not take the place of any other required permit or review. You may also need, among others:

- A building or grading permit
- A land use variance or land use conditional use
- An environmentally critical areas (ECA) review
- A State Department of Ecology Water Quality Certification
- Hydraulic Project Approval (HPA)
- A lease from the State Department of Natural Resources
- A federal Army Corps of Engineers' permit for work in navigable waters of the U.S

Most developments that need a Shoreline permit will also need a review for compliance with the State Environmental Policy Act (SEPA), see Tip 208, *When Environmental Review is Required in Seattle*. If the SEPA checklist is required, you must submit one at the same time as your

shoreline permit application. SDCI may also require you to provide additional information or plans to help us evaluate your application.

Zoning and Use Compliance

You must comply with shoreline regulations and all other applicable zoning and land use regulations. If you need a variance or an approval to establish or change use for a project in the shoreline area, then you may apply for the variance or conditional use before other use-related permit applications to determine whether we will allow the proposed standards or uses.

Shoreline Variances and Shoreline Conditional Uses

We may allow shoreline variances from specific Shoreline Master Program bulk, dimensional, or performance standards when you demonstrate your proposal meets all of the specific criteria of SMC 23.60A.036. Shoreline variances must be approved by the Department of Ecology.

Shoreline conditional uses are types of uses (such as aquaculture in certain parts of the City) identified in the Shoreline Master Program that must be approved by the Department of Ecology after the SDCI review. Conditional uses must meet specific criteria (see SMC 23.60A.034) as well as the applicable development standards in Seattle's Shoreline Master program.

Shoreline Special Use approval is required for some types of uses (e.g., water-based airports) or shoreline modifications (e.g., artificial reefs). The criteria for special use review and approval are identified in subsection 23.60A.032 of the Seattle Land Use Code.

The City reviews shoreline variances and shoreline conditional use applications and sends a recommendation to the State Department of Ecology. DOE makes the decision on these applications.

Shoreline Permit Exemptions

State law specifically exempts certain types of development from the requirement to obtain a Shoreline Substantial Development Permit. A common shoreline-exempt project is a remodel of a single-family residence on land in a shoreline district. See Tip 209A, *Shoreline Substantial Development Exemptions Application Instructions*, to determine if your project may be exempt, and the process for getting an exemption.

Your request must be specific to a development proposal. You need to submit your request to the Public Resource Center for processing and review. You must present your approved shoreline exemption at your application intake appointment for the associated Master Use or building permit, or you may be required to reschedule your intake appointment. You must also show any conditions of the shoreline exemption approval on your plans.

Pre-submittal Conference

SDCI encourages you to have a pre-submittal conference with a land use planner before applying for a permit. A land use planner can assist and advise you on shoreline regulations for your proposed development or shoreline modification. If you consult with a land use planner early in your project planning, your application and our review process will generally be more effective.

For our land use pre-submittal conference information and application, go to our website, www.seattle.gov/sdci/permits/forms, and select "Pre-Submittal Conference Application – Land Use." You can also call (206) 684-8850 to have a pre-submittal application form sent to you, or you can pick one up at our Applicant Service Center (ASC) on the 20th floor of the Seattle Municipal Tower. You must also submit a completed Statement of Financial Responsibility form. You may submit the completed forms by email to sci_presubapp@seattle.gov, by mail to SDCI, Applicant Services Center, PO Box 34019, Seattle, WA 98124-4019, or in person at the ASC.

You may call (206) 684-8850 if you have questions regarding the Pre-Submittal Conference process.

How to Submit Your Application

All permit applications are submitted and issued online through the Seattle Services Portal at <https://cosac-cela.seattle.gov/portal>. You can find additional information about the application and review process in Tip 201, *Master Use Permit (MUP) Overview*. You need an appointment to submit your electronic permit applications through the Seattle Services Portal.

Depending on the type of shoreline application, you need to submit:

Shoreline Application	Required Forms
Shoreline Permit	Shoreline Permit Application (Appendix A)
Shoreline Variance	Shoreline Permit Application (Appendix A) Shoreline Variance Permit Application (Appendix B)
Shoreline Conditional Use	Shoreline Permit Application (Appendix A) Shoreline Conditional Use Permit Application (Appendix C)

If your project requires a state and/or federal permit, you should provide a copy of the Joint Aquatic Resource Permit (JARPA) with your application. Contact information for State and Federal agencies is provided in Appendix D.

Plans Required

In addition to the application forms called out in Appendix A, your dimensioned plans should show existing and proposed development and landscaping (including all trees and their size), floor plans showing dimensions and uses, and elevation drawings. You also need to provide calculations for height, lot coverage, setbacks, and parking. Other helpful information is found in Tip 103, *Site Plan Requirements*, Tip 103A, *Site Plan Guidelines*, and Tip 103B, *Environmentally Critical Area Site Plan Requirements*.

Application Fees

You need to pay a minimum land use review fee when you apply for your permit. We charge an additional hourly fee if our project review time exceeds the minimum number of hours specified in our fee schedule. We bill additional fees monthly to the financially responsible party listed on the Statement of Financial Responsibility form. You will also need to pay fees for public notice.

The City Council establishes our fees annually in the Permit Fee Ordinance, available on our fees web page at [www.seattle.gov/sdci/codes/codes-we-enforce-\(a-z\)/fees](http://www.seattle.gov/sdci/codes/codes-we-enforce-(a-z)/fees).

Application Instructions

1. **Get coaching:** For assistance with specific Land Use Code questions related to your application, you can meet with a land use planner at the counter in the ASC.

2. **Prepare for an appointment:** In order to schedule an intake appointment, you must have completed a Preliminary Application online and a Pre-Application Site Visit (be sure to select the authorization checkbox). You will receive a record number and a report from the site inspector.
3. **Schedule an appointment:** You need to schedule an appointment in order to submit your application. You can schedule your appointment through the Seattle Services Portal at <https://cosaccela.seattle.gov/Portal/>.
4. **Submit your application:** Submit your shoreline permit application online through the Seattle Services Portal. Be sure to:
 - Complete the attached shoreline permit application form and upload it as a separate document to the Seattle Services Portal.
 - Prepare and upload an electronic plan set as indicated above.
5. **Submit SEPA documents:** If environmental review is required under the State Environmental Policy Act (SEPA) (see Tip 208, *When Environmental Review is Required in Seattle*), the SEPA component must be reviewed in conjunction with the review of the shoreline permit application (Section 23.76.010D of the Land Use Code). Upload a signed and completed SEPA checklist to the portal.

Notice of Application

The City of Seattle's Land Use Code has specific requirements for notifying the public of opportunities to comment on proposed land use activities. The type and extent of this notice generally depends on the type of project in question. Our primary notice methods include one or more of the following:

- Notice mailed to nearby property owners/residents
- Installation (by SDCI) of land use signs posted on the proposal site
- Installation of large environmental signs (by the applicant under direction of SDCI) on the proposal site
- Publication in SDCI's Land Use Information Bulletin

Notice of Decision

SDCI will publish notice of our decision on your shoreline permit application by:

- Publishing in the *Daily Journal of Commerce*

- Publishing in our Land Use Information Bulletin
- Mailing to individuals who have commented or requested a notice of the decision and to the applicant
- Mailing to applicable state agencies

The notice will state our permit decision to grant, deny, or grant with conditions. The notice will include information on how to appeal our decision.

Decisions on Shoreline Variances and Shoreline Conditional Uses are made by DOE after they have received our analysis and recommendation. You can appeal the DOE decision.

Appeals to the Shoreline Hearings Board

You or any other person who does not agree with the decision on a shoreline substantial development permit may file an appeal to the Shorelines Hearings Board within 21 days of the date SDCI's decision is received by the Washington State Department of Ecology. You may appeal a shoreline conditional use permit or a shoreline variance to the Shorelines Hearings Board within 21 days of DOE's decision.

Information on the appeal process and procedures is in Tip 232, *How to Appeal the Granting, Conditioning or Denial of Shoreline Permits*.

Time Limits on Shoreline Permits

Shoreline permits are valid for two years. You must start your construction activity within this two year period. If you do not start construction within the two years, you may apply for an extension of one additional year to begin work. If you began work but do not complete it within the initial two year or extended three year timeframe, you may request an extension to complete the work bringing the life of the permit to five (5) years. You may request an extension for a sixth year to complete construction -see Tip 224A, Master Use Permit (MUP) Extensions and Renewals, for more information and the permit extension application form. We do not allow extensions beyond six years. If you need more than six years to complete construction, you need to get a new shoreline permit. If you have not begun work within the initial two year or extended three year time frame, we will consider the permit expired and you will need a new permit.

Access to Information

Links to electronic versions of SDCI **Tips, Director's Rules**, and the **Seattle Municipal Code** are available on our website at www.seattle.gov/sdci. Paper copies of these documents, as well as additional regulations mentioned in this Tip, are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.

ATTACHMENT A
All Shoreline Permit Applications

MASTER USE PERMIT

CITY OF SEATTLE
Seattle Department of Construction and Inspections

Master Use Permit
Application Number: _____ Shoreline Environment: _____

Address of Project: _____

Name of the shoreline (water body) associated with the proposal site: _____

Section, township, and range: _____

You must provide longitude and latitude on all applications for projects located in open water areas away from land.

The proposed action requires approval of:

_____ Substantial Development Permit

_____ Shoreline Variance

_____ Shoreline Conditional Use

_____ Shoreline Special Use

1. Describe your proposed project, including the proposed use or uses and the activities necessary to accomplish the project.

2. Describe the property as it now exists, including its physical characteristics and improvements and structures.

3. Describe the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development, and physical characteristics.

(Continue on next page)

4. Provide a site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs, and text which shall include:
- (a) The boundary of the parcel(s) of land upon which the development is proposed.
 - (b) The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. You may approximate the location, unless we require the *precise* location to determine that the development complies with our regulations. You will need to also give us your supporting technical rationale for the precise location of the ordinary high water mark. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.
 - (c) Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. If there are areas within the boundary that will not be altered by the development, you may indicate as such and approximate contours for that area.
 - (d) A delineation of all wetland areas that will be altered or used as a part of the development.
 - (e) A general indication of the character of vegetation found on the site.
 - (f) The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stock-piles or surcharge, and stormwater management facilities.
 - (g) Where applicable, a landscaping plan for the project.
 - (h) Where applicable, you should include plans for development of areas on or off the site as mitigation for impacts associated with your proposed project and those plans should contain information consistent with the requirements of this section.
 - (i) Quantity, source, and composition of any fill material that you place on the site, whether temporary or permanent.
 - (j) Quantity, composition, and destination of any excavated or dredged material.
 - (k) A vicinity map showing the relationship of the property and your proposed development or use to roads, utilities, existing developments, and uses on adjacent properties.
 - (l) Where applicable, a depiction of the impacts to views from existing residential uses and public areas.

ATTACHMENT B

Shoreline Variance Permit Application

SMC 23.60A.036 and WAC 173-27-170

Provide the following information:

- I. A Shoreline Variance is sought from the following provisions and requirements of Chapter 23.60A of the Seattle Land Use Code:
(provide the code sections, specific requirements, and amount of deviation)
- II. Your plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

For ALL SHORELINE VARIANCES, provide an analysis addressing the following shoreline variance criteria:

Seattle Shoreline Master Program Variance Criteria (SMC 23.60A.036):

- A. Except as provided in subsection 23.60A.036.B and 23.60A.036.C, in specific cases the Director, with the approval of Ecology, may authorize a shoreline variance from bulk, dimensional, and performance standards of this Chapter 23.60A if the Director finds that the applicant has demonstrated that the request:
 1. Complies with WAC 173-27-170 and the Shoreline Policies in the Comprehensive Plan;
 2. Complies with standards in [Section 23.60A.030](#);
 3. Complies with any additional criteria set out in this [Chapter 23.60A](#) for granting a variance; and
 4. Can achieve no net loss of ecological functions, unless a variance from this requirement is granted under subsection 23.60A.036.C.
- B. Determinative standards. Standards relating to the characteristics of uses or shoreline modifications that are determinative of whether the uses or modifications are allowed, allowed as special uses, allowed as shoreline conditional uses, or prohibited in the use sections of each environment or in standards for specific uses are not subject to variance, except as follows:
 1. An applicant may apply for a variance from height, bulk and scale standards.
 2. An applicant may apply for a variance from other characteristics of uses or shoreline modifications by complying with the applicable variance standards of this [Chapter 23.60A](#) and also demonstrating that there is no reasonable use of the property without the variance, regardless of whether the project is waterward of the OHW mark or in a wetland.
- C. No variance is allowed from the requirements to achieve no net loss of ecological functions unless the applicant demonstrates by clear and convincing evidence that the standards for a shoreline variance in WAC 173-27-170(3) are met, regardless of whether the project is waterward of the OHW mark or in a wetland, in addition to complying with other sections of this [Chapter 23.60A](#). Notwithstanding such findings, the Director may deny the shoreline variance if the impacts are inconsistent with the public trust doctrine or the laws of nuisance, or would cause significant injury to occupiers of the land, to other properties, or to public resources, or result in significant adverse impacts to shoreline ecological function that are inconsistent with the policy of the Shoreline Management Act.

WAC 173-27-170: Landward of the Ordinary High Water Mark:

- (1) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in [RCW 90.58.020](#). In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
- (2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
 - (b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
 - (c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 - (d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - (e) That the variance requested is the minimum necessary to afford relief; and
 - (f) That the public interest will suffer no substantial detrimental effect.
- (3) N/A
- (4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- (5) Variances from the use regulations of the master program are prohibited.

WAC 173-27-170: Waterward of the Ordinary High Water Mark:

- (1) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in [RCW 90.58.020](#). In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
- (2)
 - (a) N/A
 - (b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
 - (c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 - (d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - (e) That the variance requested is the minimum necessary to afford relief; and
 - (f) That the public interest will suffer no substantial detrimental effect.
- (3) Variance permits for development and/or uses that will be located waterward of the ordinary high water mark

(OHWM), as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

- (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
 - (b) That the proposal is consistent with the criteria established under subsection (2) (b) through (f) of this section;
and
 - (c) That the public rights of navigation and use of the shorelines will not be adversely affected.
- (4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of [RCW 90.58.020](#) and shall not cause substantial adverse effects to the shoreline environment.
- (5) Variances from the use regulations of the master program are prohibited.

ATTACHMENT C

Shoreline Conditional Use Permit Application

SMC 23.60A.034 and WAC 173-27-160

You may apply for a shoreline conditional permit for uses or shoreline modifications that are listed in Chapter 23.60A as requiring shoreline conditional use approval, or for a use or shoreline modification that is not identified in the shoreline environment where it is proposed to be located and is allowed in the underlying zone.

Provide an analysis addressing the following shoreline conditional use criteria (from WAC 173-27-160 and SMC23.60A.034); your application must demonstrate that all of the criteria are met:

All Shoreline Conditional Use Permit applications must meet all of the following criteria:

1. a. The proposed use or shoreline modification is consistent with the policies of [RCW 90.58.020](#) and the Shoreline Policies in the Comprehensive Plan;
 - b. The proposed use will not interfere with the normal public use of public shorelines;
 - c. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
 - d. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - e. The public interest suffers no substantial detrimental effect
2. Complies with standards in [Section 23.60A.030](#);
 3. Complies with all additional shoreline conditional use criteria in this Chapter 23.60A for the specific use or shoreline modification listed as a shoreline conditional use; and
 4. Can achieve no net loss of ecological functions, unless the applicant obtains a variance from this requirement under subsection 23.60A.036.C.

APPENDIX D

State And Federal Agencies That Require Permits for Certain Types of Water-Related Activities

The following State and Federal contact information is current as of July 2019. Please check agency web links for current information.

State Agencies

Department of Ecology (DOE)

The Department of Ecology is responsible for issuing National Pollutant Discharge Elimination System Permits (NPDES permit). A NPDES permit is required to discharge pollutants into the state's surface waters and for the discharge or disposal of waste materials into the state's ground waters or into municipal sewer systems. Contact:

DOE
Northwest Regional Office
(425) 649-7000

<https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-permits>

WA Department of Fish and Wildlife

WDFW issues Hydraulic Project Approval permits for activities in or near state waters, contact:

WDFW HPA Program
(360) 902-2534

<http://wdfw.wa.gov/licensing/hpa/>

Department of Natural Resources

If your project includes leasing or will affect state-owned aquatic lands, contact:

Shoreline District Office
Department of Natural Resources
(360) 825-1631

www.dnr.wa.gov/programs-and-services/aquatics/leasing-and-land-transactions

Federal Agencies

Army Corps of Engineers

If you are proposing any work in navigable waters, including Lake Washington, Lake Union, Duwamish River or the Ship Canal, you will need a permit from the Corps. You are also required to get a permit is also required for all activities that involve dredging and filling in navigable waters. For permit information contact:

U.S. Army Corps of Engineers
Regulatory Branch - Permit Division
PO Box 3755
Seattle, WA 98124
(206) 764-3495

www.nws.usace.army.mil

(click on "Regulatory Permitting" on the sidebar)

Environmental Protection Agency (EPA)

If your projects involves open-water disposal of dredging spoil and other material into Puget Sound, you must receive EPA approval before you start dumping. For EPA approval information contact:

Environmental Protection Agency - Aquatic Resources
1200 Sixth Ave.
Seattle, WA 98101
(800) 424-4372

www2.epa.gov/aboutepa/epa-region-10-pacific-northwest