

Seattle Permits

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

Master Use Permit Application Requirements for Shoreline Permits

Updated May 11, 2006

This Client Assistance Memo (CAM) summarizes Seattle Master Use Permit (MUP) application requirements for shoreline permits, including substantial development permits, shoreline variances, special uses and shoreline conditional uses. **Applicants should read the entire document carefully before submitting an application.**

Shoreline permits are elements of the Master Use Permit system administered by DPD. Shoreline permit regulations are required by the Shoreline Management Act of 1971, as amended, Chapter 90.58 of the Revised Code of Washington (RCW). This state law requires local governments to establish a program consistent with rules adopted by the state Department of Ecology (DOE) for the administration and enforcement of the permit system titled State of Washington Shoreline Master Program Guidelines.

Accordingly, the City has adopted regulations for the shorelines of the City in the Seattle Shoreline Master Program. Those regulations are contained in Chapter 23.60 of the Seattle Municipal Code.

Permit Requirements

A Shoreline Substantial Development Permit is required for projects that propose to undertake a "substantial development" within the "Shoreline District" as defined by the Seattle Shoreline Master Program.

Substantial development is generally defined as any development, the total cost or fair market value of which exceeds five thousand dollars (\$5,000), OR any development that materially interferes with the normal public use of the water or shorelines of the City, unless it is exempt from the requirement.

EXEMPTIONS—State law specifically exempts certain types of development from the requirement to obtain a Substantial Development Permit. See CAM 209A, *Shoreline Substantial Development Exemptions Application Instructions*, to determine if your project may be exempt. If your project is exempt, you must obtain a written confirmation from the DPD Shoreline Exemption Officer before any other required City of Seattle, state or federal permit can be issued.

The City's shorelines (designated the "Shoreline District") include Seattle's saltwater shorelines, Salmon Bay, Lake Union, the Ship Canal, Lake Washington, Green Lake, and the Duwamish River, PLUS all "associated wetlands" of these waters. By definition, associated wetlands comprise an area extending 200 feet landward, as measured on a horizontal plane from the ordinary high water mark, floodways, river deltas and flood plains associated with such areas, and generally swamps, marshes, bogs and similar areas.

Other Permits Required

The Shoreline Substantial Development Permit **does not** take the place of any other required permit or review. A project or development may also require, among others, a building or grading permit, a variance or 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, and/or a federal Army Corps of Engineers' permit for work in navigable waters of the U.S. A listing of the more common permits or approvals that may be required is provided for your convenience in Appendix B.

What To Do Before Making an Application for a Substantial Development Permit

Presubmittal Conference

DPD strongly encourages applicants to have a pre-submittal conference with a Land Use Planner. These staff members can assist and advise applicants on shoreline regulations at any stage of a project's devel-

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opment; however, consultation early in project planning most often will result in smoother processing of an application. Call (206) 684-8850 to have a presubmittal packet sent to you or pick one up at the DPD Applicant Service Center (ASC), located on the 20th floor of Seattle Municipal Tower, 700 Fifth Ave., (206) 684-8850. A fee applicable to a future permit application applies.

To schedule a presubmittal conference, call (206) 684-8850, or TTY (206) 233-7154.

Zoning and Use Compliance

The applicant must comply with shoreline regulations. In addition, all other applicable zoning and land use code requirements must be met. If a variance or an approval to establish or change use are needed for a project in the shoreline area, then the variance or use approval must be applied for at the same time as the shoreline permit. Both the variance or use approval and shoreline approval would be part of one Master Use Permit application.

Shoreline Variances and Conditional Uses

State law provides that the City of Seattle may approve variances from specific Shoreline Master Program bulk, dimensional or performance standards, but only where extraordinary or unique circumstances relating to the property are such that the strict implementation of the regulations would impose unnecessary hardships on the applicant OR thwart the policies set forth in state law (RCW 90.58.020). See attachment C.2 for the criteria that must be met for approval of variances.

Shoreline conditional uses are types of uses (as identified in the Shoreline Master Program) that must meet specified criteria in addition to the normal requirements for a shoreline development. See attachment C.3 for the criteria that must be met for conditional use approval.

Final approval on shoreline variances and conditional uses is made by the State Department of Ecology (DOE). The City's approval constitutes a recommendation to DOE.

Filing a Substantial Development Permit, Shoreline Variance or Conditional Use Application

For assistance with fees and procedural requirements related to your application, please talk with staff at the Public Resource Center (PRC), located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave., or call (206) 684-8467.

Applications are filed by a scheduled appointment with a land use planner at the ASC. You will receive a project number when scheduling your intake appointment.

All applicants for shoreline permits must fill out the section indicated on the Master Use Permit Attachment forms (C.1) included in this publication. Please include a Joint Aquatic Resource Permit Application (JARPA) if your project requires a state and/or federal permit(s).

Plans Required

DPD requires six identical copies of plans for a shoreline permit. Additional drawings are recommended for certain types of development. Optional drawings or other supporting information need not be submitted in multiple copies. See Appendix A for forms and detailed instructions on preparing application materials.

Additional Information Required

Most developments requiring a Shoreline Substantial Development Permit will also require review for compliance with the State Environmental Policy Act (SEPA).

DPD staff can advise applicants whether an Environmental (SEPA) Checklist, as described in CAM 208, *When Environmental Review is Required in Seattle*, will be required. If the checklist is required, five copies must be submitted at the same time as the shoreline permit application.

A land use planner will review the submitted checklist and determine whether an environmental impact statement will be required.

If the checklist does not provide sufficient information to determine the environmental impacts of the proposal, the applicant will be asked to provide additional information as required by SEPA Guidelines. Additional information about how to file a checklist is also described in CAM 208.

DPD may also require applicants to furnish additional information or plans to correct deficiencies in the application or to assist in the evaluation of the application. An application may be cancelled if the applicant has failed, without justification, to supply required information or data within 60 days after it has been requested by the City in writing.

Application Fees

Fees are due at the time you apply. They are charged in accordance with the fee schedule, which is established annually by the City Council in the Permit Fee

Ordinance and is available online on our "Fees" page at www.seattle.gov/dpd/about. Information on fees and procedural requirements is available by calling our Public Resource Center at (206) 684-8467.

Notice of Applications

The Master Use Permit public notice requirements for shoreline permits include the following:

- Environmental sign – If environmental review is required for the shoreline permit, the applicant needs to post a large sign (4' x 8') on the development site. If a development is subject to review only because it is located over water, then an environmental sign is not required. For more information on the large sign requirement, see Director's Rule 14-97, *Environmental Review Sign and Land Use Sign Standards for Applications*.
- Placards – DPD will prepare and post four placards on or near the development site after the large sign is posted.
- DPD will include a notice in the Department's Land Use Information Service Bulletin and will publish a notice twice in the official City newspaper, the *Daily Journal of Commerce* (DJC), after the environmental sign is posted. The notice describes the proposal and informs the public of the opportunity to comment. The public has 30 days from the last date of the newspaper publication notice in which to comment to the City on the shoreline application (per RCW 90.58.140). The Land Use Information Service Bulletin is available on our website at www.seattle.gov/dpd/notices.

Public Hearing

DPD may hold a public hearing for the purpose of obtaining information about a proposed development, particularly when:

- The development has broad public significance, or
- Fifty or more persons file a written request for a hearing, or
- The cost of the development exceeds \$500,000, or
- The proposed development needs a **shoreline** variance or conditional use.

Notice of the public hearing is mailed to residents and owners of property within 300 feet of the proposed development and to community and civic groups at least 20 days prior to the hearing.

Notice Of Decision

Notice of DPD's decision on the shoreline permit application will be given in the following manner:

- Publication in the *Daily Journal of Commerce*
- Publication in the department's Land Use Information Service Bulletin
- Mailing to individuals who have commented or requested a copy of the decision and to the applicant
- Mailing to applicable state agencies

The notice will state the permit decision to grant, deny or grant with conditions, and will provide information on appealing the decision.

Evaluation Criteria

A land use planner evaluates proposed shoreline developments to assure that they are consistent with the policies of the Shoreline Management Act of 1971, as amended, provisions of WAC 173-27, as amended, and the more specific requirements set forth in the Seattle Shoreline Master Program. Other evaluation factors include the permit requirements of other agencies with shorelines jurisdiction, pollution control regulations and the substantive requirements of the State Environmental Policy Act (SEPA).

Developments on shorelines that are of statewide significance will also be evaluated in accordance with the guidelines developed by the Department of Ecology and RCW 90.58.020, as amended.

Compatibility with surrounding development is one condition of approving certain developments identified as "special uses" in the Seattle Shoreline Master Program.

For shoreline variance or conditional use approval, specific findings are required as established in the Land Use Code; refer to attachments C.2 and C.3.

Modification Of Application

An application may be modified at any time prior to the decision by DPD so long as the modification does not substantially change the uses or increase the bulk proposed, change the essential features of the development, or otherwise increase the impact of the development upon the shoreline. More extensive changes of the proposed development will require a new application and/or new public notice.

Limitations on a Substantial Development Permit

Commencement Of Construction

As a general rule, construction permitted by a Substantial Development Permit may not begin or be authorized until 21 days from the date the State Department of Ecology receives the final City decision, or until all review proceedings (appeals and court actions) are terminated and after other necessary permits have been obtained.

For conditional use permit and variance applications, the Department of Ecology has 30 days from the date the City approves the complete application to review it, and to approve it, approve it with conditions, or deny it. The decision by Ecology is followed by a 21-day appeal period during which the applicant, local government or the public may appeal the decision to the Shoreline Hearings Board. If no appeal is filed, the applicant is authorized to begin the permitted activity.

Construction Progress

Construction or substantial progress toward construction of an authorized substantial development, shoreline variance or conditional use must be undertaken within two years after final approval of the permit or the permit terminates except as provided below.

Exceptions

The City may extend the two-year time period under certain conditions.

Permit authorization may be extended up to five years after approval of the permit to complete construction. If good cause is shown, the City may authorize a single, one-year extension beyond the five years.

Rescission Of Permit

The City may rescind any permit, after a hearing with adequate notice to the permittee and the public, upon finding that the permittee has not complied with conditions of the permit.

Appeals to the Shoreline Hearings Board

The applicant or any other person who does not agree with the granting or denying of a Substantial Development Permit or with the rescission of permit may seek review by the Shorelines Hearings Board within 21 days of the date DPD's decision is received by the Washington State Department of Ecology (per SMC 23.60.070).

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

Revision of Approved Substantial Development Permit

To revise an approved Substantial Development Permit, the applicant must make application for a revision and provide detailed plans describing the proposed changes in the permit.

If the proposed changes (1) are determined to be within the scope and intent of the original permit, and (2) do not substantially change the uses, increase the bulk, change the essential features of the development or otherwise increase the impact of the development upon the shorelines, and (3) otherwise meet the requirements of WAC 173.27.100, the revision will be approved and will usually become effective immediately. There is, however, an appeal period and any construction undertaken pursuant to the revision will be at applicant's own risk.

NOTE: The approved revision, along with copies of the revised site plan and text, will be submitted to the State Department of Ecology, the Attorney General, and to persons who received notification of the original permit action.

If the proposed changes are not within the scope and intent of the original permit, the applicant will be advised of the need to file a new application for shoreline development.

Appeals from the approval of a revision may also be made to the Shorelines Hearing Board (see CAM 232).

Access to Information

Links to electronic versions of DPD **Client Assistance Memos (CAMs)**, **Director's Rules**, and the **Seattle Municipal Code** are available on the "Publications" and "Codes" pages of our website at www.seattle.gov/dpd. Paper copies of these documents, as well as additional regulations mentioned in this CAM, 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.

APPENDIX A

Instructions for Preparing Application Materials

Note: Attachments C.1, C.2 and C.3 are included in this document.

ATTACHMENT C.1 Shoreline Substantial Development Permits, Variances, Special Uses, and Conditional Uses

All applicants must fill in questions 1 - 9 of the form and sign and date the form (at the bottom) (must be the owner or designated agent).

ATTACHMENT C.2 Shoreline Variance Permits

Applicants for Shoreline Variance permits must answer the questions on this form.

ATTACHMENT C.3 Shoreline Conditional Use Permits

Applicants for Shoreline Conditional Use permits must answer the questions on this form.

Plans Required for Shoreline Permits

Six identical copies of plans must be submitted at the time of application. Applications will not be accepted unless all plan submittal requirements are met. Applicants will need to submit DPD plan cover sheets (see CAM 106, *General Standards for Plans and Drawings*).

Mandatory Plan Requirements

Site plan, containing the following information:

- property address
- legal description
- applicant's name, address and phone number
- names and widths of adjacent streets, places or alleys
- access easements to or across the property
- location, size, shape and dimensions of all existing and proposed structures
- property lines and their dimensions as located by survey stakes
- dimensions from all buildings to the property line
- roof overhangs and other architectural features, dimensioned
- height of all structures, including decks, porches and garages, from grade
- lot area calculations
- north arrow
- drawing scale
- location of driveway and width

CAM 103, *Site Plan Requirements*, provides instruction guidelines to aid an applicant in the preparation of a site plan.

Shoreline site plan containing the following:

- creeks, drainage ditches or other physical features of the site
- Information concerning the shorelines including:
 - name of adjacent water body (i.e., Lake Washington, Lake Union, etc.)
 - line of ordinary high water (i.e., common and usual water line or mean higher high tide of salt water or mean high water for fresh water)
 - shoreline environment designation according to Seattle Shoreline Master Program
 - Pierhead Line, Harbor Lines, Construction Limit Line where appropriate.
 - ownership of property to be developed including state owned aquatic lands.
 - existing impervious surface area calculations and proposed impervious surface calculations.
- If the development involves alteration of the existing contours or the site is sloping, indicate existing and proposed ground elevations and contour lines at five foot intervals in water areas and ten foot intervals landward or ordinary high water mark.
- If the development involves removal of any soils by dredging, identify composition and volume of any extracted materials, and identify the proposed disposal area.

APPENDIX A

Instructions for Preparing Application Materials

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- If the development involves any fill, identify source, composition and volume.
- All projects must show landscaping meeting City standards, Environmental Critical Area standards, and shoreline master program standards where applicable.
- If the development involves residential structures, you must show the location and distance from the ordinary high water mark of all structures on the subject site and on all adjacent properties within 100 feet. Accurate distances are critical and a survey may be required.
- If the development involves non-residential structures, you must show the location and distance from OHW of all structures on the subject side.
- If the development involves a residential pier and/or floats, you must show the location and length of adjacent piers within 200 yards of the proposed pier.

NOTE: The above information may be included on the plot plan or on a separate sheet.

Vicinity Map

The vicinity map should indicate the site location using natural points of reference (streets, waterways or other prominent landmarks).

Building Elevations

A building elevation is a scaled drawing of the exterior of the building showing what it will look like when constructed. If a building's height is near the maximum height limit, a survey will be required. Provide drawings of all elevations so that the height can be calculated.

The Shoreline Master Program establishes height limits for all structures in the Shoreline District. Height in the Shoreline District is measured **from** the average of the natural or **existing** ground immediately prior to any site preparation, to the highest point of a structure. Building heights must not exceed the more restrictive of the shoreline height limit or the height limit of the underlying zone. All height calculations in the shoreline district are to be made as set forth in Chapter 23.60 of the Seattle Land Use Code.*

If the structure is to be built over water, average grade elevation shall be the elevation of ordinary high water.

Cross Sections

A cross section is a scaled drawing depicting a view through a project to show details at the point of section. Cross sections are useful to show typical underwater details and/or details of bulkhead and retaining wall construction.

If the development involves piers, bulkheads or retaining walls, or other shoreline protective structures, cross sections must be provided. Cross sections of piers must also show water depth beneath the pier.

Projects That Require Alteration of or Addition to Existing Parking Facilities

Include a parking plan (may be shown on plot plan) showing the dimensions and number of spaces, aisles, entrances and exits, and screening and landscaping.

Additional Information

Additional drawings and information may also be required for certain types of development. This is particularly the case for large, complex projects. To determine if additional drawings will be required, see a land use planner in the Applicant Services Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. The decision on additional information can probably be made at a presubmittal conference.

APPENDIX B

**State And Federal Agencies That Require Permits
for Certain Types of Water-Related Activities****STATE AGENCIES****A. Department of Ecology (DOE)**

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

DOE
Northwest Regional Office
3190 160th Ave. SE
Bellevue, WA 98008-5452
(425) 649-7000

www.ecy.wa.gov/programs/wq/permits/index.html

B. WA Department of Fish and Wildlife

Washington Department of Fish and Wildlife
16018 Mill Creek Blvd.
Mill Creek, WA 98012-1296
(425) 775-1311

www.wdfw.wa.gov/hab/hpage.htm

C. Department of Natural Resources

If you are interested in leasing state marine lands in a designed harbor area, contact:

Seattle Office, Department of Natural Resources
Aquatic Lands Division
950 Farman Ave. N
Enumclaw, WA 98022-9282
(360) 825-1631

www.dnr.wa.gov/htdocs/aqr

FEDERAL AGENCIES**A. Army Corps of Engineers**

Any work that is proposed in navigable waters, including Lake Washington, Lake Union, Duwamish River or the Ship Canal, will require a permit from the Corps. A permit is also required for all activities that involve dredging and filling in navigable waters. For permit information contact:

Corps of Engineers - Permit Division
PO Box 3755
Seattle, WA 98124
(206) 764-3495

www.nws.usace.army.mil

(click on "Regulatory" on the sidebar)

B. Environmental Protection Agency (EPA)

Projects that involve open-water disposal of dredging spoil and other material into Puget Sound must receive EPA approval before dumping can occur. For EPA approval information contact:

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

C. U.S. Department of Interior - Fish and Wildlife Service

The Department of Interior must give its approval on all projects that might affect fish and/or wildlife before the project can be begun. If the proposed project might affect fish and/or wildlife, contact the Department of Interior to determine if it has any regulations that apply to the proposed project. Any project that requires an Army Corps of Engineers permit will automatically be referred to the Department of Interior for its review.

Department of Interior
Fish and Wildlife Service - Pacific Region
Western Washington Fish and Wildlife Office
510 Desmond Drive SE, Suite 102
Lacey, WA 98503
(360) 753-9440

www.fws.gov/pacific

ATTACHMENT C.1
Shoreline Substantial Development Permits and
Special Uses

MASTER USE PERMIT

CITY OF SEATTLE
 Department of Planning and Development

To be completed by Local Official:

Master Use Permit
 Application Number: _____ Shoreline Environment: _____

Address of Project: _____

The proposed action requires approval of:

- _____ Substantial Development Permit
- _____ Shoreline Variance
- _____ Shoreline Special Use
- _____ Shoreline Conditional Use

To be completed by Applicant:

1. Name of adjacent water areas or wetlands.

2. Describe current use of property and existing improvements.

3. List of permits required from other than City of Seattle agencies (include name of agency, date of application, number of application and disposition).

4. Name and Address of Owner (if other than applicant).

5. Describe the proposed development or construction and the proposed use of the property.

(Continue on reverse side)

ATTACHMENT C.2
WAC 173-27-170
Shoreline Variance Permits

CITY OF SEATTLE
Department of Planning and Development

All Shoreline Variance Applications must provide the following information:

- (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) 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.3
WAC 173-27-160
Shoreline Conditional Use Permits

CITY OF SEATTLE
Department of Planning and Development

All Shoreline Conditional Use Permit Applications must provide the following information:

- (1) Uses that are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:
 - a. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
 - b. That the proposed use will not interfere with the normal public use of public shorelines;
 - c. That 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. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - e. That the public interest suffers no substantial detrimental effect.

- (2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

- (3) Other uses that are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.

- (4) Uses that are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.