

Seattle Permits

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

Shoreline Substantial Development Exemptions Application Instructions

December 22, 2005

This client assistance memo (CAM) provides general information on Seattle's Shoreline Master Program (SMP) as it pertains to exemptions from the requirement of obtaining a shoreline substantial development (SSD) permit.

Seattle's shoreline regulations are mandated by the State Shoreline Management Act (SMA) of 1971, as amended in 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). Accordingly, Seattle has adopted regulations for its shorelines, in Chapter 23.60 of the Seattle Municipal Code (SMC).

Under the SMC, shorelines of the city (designated as the "Shoreline District") include Seattle's saltwater shorelines, Salmon Bay, Lake Union, the Ship Canal, Lake Washington, Green Lake and the Duwamish River, their associated shorelands together with the lands underlying them, plus all "associated wetlands" and all marshes, swamps, bogs, floodways, river deltas and flood plains associated with these waters. Shorelands, by definition, are comprised of areas extending 200 feet landward, as measured on a horizontal plane from ordinary high water.

Any proposal within the Shoreline District that involves the construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of any sand, gravel or minerals, bulkheading, pile driving, placing of obstructions, or any project of a permanent or temporary nature that interferes with the normal public use of the water is subject to the regulation of the SMA and SMC. An SSD permit is required, unless the project qualifies for a specific exemption under the

code. (See also CAM 209, *Master Use Permit Application Requirements for Shoreline Permits.*)

SHORELINE SUBSTANTIAL DEVELOPMENT EXEMPTIONS

State law and the SMC specifically exempt certain types of development from the requirement of obtaining an SSD permit (SMC 23.60.020). The types of development that are commonly exempt are summarized below.

If your project qualifies for a shoreline exemption, you must obtain written approval from the Department of Planning and Development (DPD) before a construction permit can be issued or the project can be implemented. The burden of proof that a development or use is exempt from the permit process is on the applicant. The process for obtaining written approval for a shoreline exemption is described in the following section.

All development within the Shoreline District, even where an exemption from the requirement of an SSD permit is granted, must be consistent with the policies of the State Shoreline Management Act (SMA) and Seattle's Shoreline Master Program (SMP). The SMA also states that permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, in so far as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. Thus, conditions may be attached to the approval of a shoreline exemption, in order to assure consistency of the project with the SMA and SMP (WAC 173-27-040 and SMC 23.60.020 B5).

The following types of projects are commonly shoreline exempt:

- Any development with a value of less than \$5,000 that does not materially interfere with normal public use of the water (SMC 23.60.020 A).
- Normal maintenance and repair of existing structures or developments, including damage by accident, fire or elements (SMC 23.60.020 C1).

www.seattle.gov/dpd

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- Interior remodeling of existing structures (SMC 23.60.020 C1).
- Installation of rooftop mechanical units located behind existing parapet and not visible from the water (SMC 23.60.020 C1).
- Construction of normal protective bulkhead common to single family residences, including beach nourishment and bioengineered erosion control projects (SMC 23.60.020 C2).
- Emergency construction necessary to protect property from damage by elements (23.60.020 C3).
- Construction of a single family residence and accessory structures including landscaping by owner, lessee or contract purchaser, for his/her use, on dry land only (23.60.020 C6).
- Construction of a pier, designed for pleasure craft only, for a single family residence, the cost of which does not exceed \$2,500 in saltwater, or \$10,000 in freshwater in a single year, and which does not exceed \$12,500 inclusive of the initial investment within five years of the initial investment (SMC 23.60.020 C7).
- Demolition of structures, not having a major impact on the shoreline character (SMC 23.60.020 C11).

The following types of development do not qualify for a shoreline exemption:

- Grading over 250 cubic yards, which is not incidental to the construction of a single family house. A shoreline substantial development permit is required.
- Installation of fences or other accessory structures, located waterward of the residential setback of a single family house, if the views of the shoreline from adjacent residences are blocked. This type of development is not allowed. Photo documentation of views from adjacent properties is required.

FILING AN EXEMPTION APPLICATION

Minor exemptions may be approved by a land use planner at the DPD Applicant Services Center (20th floor of Seattle Municipal Tower at 700 Fifth Ave.), upon verification of required documentation. This over-the-counter exemption approval is applicable for specific types of projects on dry land only. Types of exemptions that can be issued over-the-counter include:

- Construction of a single family residence and accessory structure(s) by owner, lessee or contract purchaser, for his/her use on an upland lot*. This

exemption includes landscaping, but not grading in excess of 250 cubic yards, unless this grading is incidental to the construction of the house.

**Note:* An “upland lot” is a lot that is wholly or partly within the shoreline district, which is historically separated from the water by a street, arterial, highway, railroad right-of-way or government-controlled property which prevents access to and use of the water, as of March 17, 1977.

- Interior remodeling of existing structures.
- Installation of rooftop mechanical units located behind existing parapet and not visible from the water.
- Demolition of structures on an upland lot.

The submittal requirements for the review of the above project types are the same as are needed for the application of a building permit. The verification of whether a project is exempt is made either at the time of in-take for a building permit or during review for a building permit.

With the exception of applicants for the above over-the-counter exemption categories, all applicants for a shoreline exemption must provide the required letter, map and plans described below. Two identical copies of all submittal materials are required. An application may be submitted by mail, with the required fee (see Fee Information section below). Checks should be payable to the City of Seattle - DPD. Please address the envelope to:

City of Seattle - DPD
Public Resource Center
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Alternatively, the application may be submitted in person to the Public Resource Center (PRC) located on the 20th floor of the Seattle Municipal Tower, 700 Fifth Ave. An appointment is not necessary for submitting the exemption application; and cash, checks or credit cards are accepted for payment.

Letter of Application

Please submit the following site and project information in letter form:

- Exemption type and code reference (see previous section and SMC 23.60.020 for this information)
- Property address
- Existing use of site

- Description of proposed project, including a description of the location and size of all proposed structures.
- Name and address of the owner(s) of the property.
- Name and address of agents for the owner(s), if applicable.

PLANS

The plans should include the following information, where applicable. Suggested size of the plans is a minimum of 8.5x11 to a maximum of 11x17, however there is no required size for these plans. Include the plans with the above letter.

General Information

- Vicinity map
- Property address
- Name of adjacent streets, places or alleys, where applicable
- Access easements to or across the property, where applicable
- Property lines and their dimensions
- Location, size, shape and dimensions of all existing and proposed structures
- Dimensions from all proposed buildings to the property line
- Height of all proposed structures, including decks, porches and garages, from average existing grade immediately prior to any site preparation
- Location of driveway and width, where applicable
- North arrow
- Drawing scale

Shoreline Information

- Name of adjacent water body (e.g., Lake Union).
- Line of ordinary high water (i.e., mean higher high water level for salt water, or mean high water for fresh water).
- Pierhead line, harbor line, construction limit line, where applicable.
- Ownership of property to be developed including state-owned aquatic lands.

- If the proposal involves alteration of the existing contours, or if the site is sloping, indicate existing and proposed ground elevations and contour lines at 5-foot intervals for submerged areas and 10-foot intervals landward of the ordinary high-water mark.
- If the proposal involves residential structures, you must show the location and distance from the ordinary high water 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 proposal involves a residential pier and/or floats, you must show the location and length of adjacent piers within 200 yards of the proposed pier.

Elevation Information

- Elevation of existing and proposed structures, if project includes additional structures on land.
- A cross-section, showing structure height and water depth if the proposal involves piers, other in-water structures, bulkheads or other shoreline protective structures.

Additional Information

- A contractor's bid to verify the total cost or fair market value of your proposal including labor and material, if the proposed exemption category is the \$5,000 threshold, as provided under SMC 23.60.020.A.
- A contractor's bid to verify the total cost or fair market value of the proposed new single family pier, if proposed exemption category is for single family pier per SMC 23.60.020 C7.
- A statement from a structural engineer licensed by the State of Washington to verify the need for immediate action, in order to address the imminent threat to public health and safety on the property, if proposed exemption category is for emergency construction per SMC 23.60.020 C3.

REVIEW PROCESS

After an application is submitted, it will be reviewed for compliance with the state and City regulations. DPD may require the applicant to furnish additional information to assist in the evaluation of the application. The DPD Director's decision on the request is final.

FEE INFORMATION

Except for the over-the-counter exemption approvals, for which no review fee will be assessed, a fee will be charged for the review of an SSD permit exemption. The fee is based on the number of hours to review the application. The cost for the first hour is collected at the time of application. Any additional money owed for review of the project will be collected at the time of issuance of the SSD permit exemption. Once the analysis begins on an application, the fee is non-refundable. See www.seattle.gov/dpd/fees for more information.

Questions regarding fees should be directed to a land use planner at the DPD Applicant Services Center.

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.