



ADMINISTRATIVE ORDER #000082 050306

INTERPRETATION OF DEVELOPMENT CODE

CODE SECTIONS: 20.30.430, 20.30.440, 20.60, 20.70

Subject: Timing of building permit application when a plat is pending. The question under consideration is whether the City should allow an applicant to apply for a building permit on a site where subdivision of land is planned or pending.

FINDINGS: The following code sections, from the Shoreline Municipal Code (SMC), the Revised Code of Washington (RCW) and the International Building Codes (IBC) are relevant to this analysis:

Shoreline Municipal Code (SMC)

20.30.430 Site development permit – Type A action.

Engineering plans for improvements required as a condition of preliminary approval of a subdivision, shall be submitted to the Department for review and approval of a site development permit, allowing sufficient time for review before expiration of the preliminary subdivision approval. (Ord. 238 Ch. III § 8(h), 2000).

20.30.440 Installation of improvements.

A. **Timing and Inspection Fee.** The applicant shall not begin installation of improvements until the Director has approved the improvement plans, the Director and the applicant have agreed in writing on a time schedule for installation of the improvements, and the applicant has paid an inspection fee.

B. **Completion – Bonding.** The applicant shall either complete the improvements before the final plat is submitted for City Council approval, or the applicant shall

post a bond or other suitable surety to guarantee the completion of the improvements within one year of the approval of the final plat. The bond or surety shall be based on the construction cost of the improvement as determined by the Director.

- C. **Acceptance – Maintenance Bond.** The Director shall not accept the improvements for the City of Shoreline until the improvements have been inspected and found satisfactory, and the applicant has posted a bond or surety for 15 percent of the construction cost to guarantee against defects of workmanship and materials for two years from the date of acceptance. (Ord. 238 Ch. III § 8(i), 2000).

20.60.020 General requirements.

- A. All development proposals that require City approval shall be adequately served by the following facilities and services prior to the time of occupancy, plat recording, or other land use approval, as further specified in this chapter:
1. Sewer and/or wastewater disposal;
 2. Water supply;
 3. Fire protection service;
 4. Surface water and stormwater management; and
 5. Streets and access.
- B. Regardless of the number of related permits required for a single development proposal, the provisions of this chapter shall be applied only once to any single development proposal. If changes and modifications result in impacts not considered when the proposal was first approved, the City shall consider the revised proposal as a new development proposal.
- C. All sewer and water connections within the City right-of-way shall be made in accordance with the applicable engineering standards specified in Chapter [20.70](#) SMC. (Ord. 238 Ch. VI § 1(B), 2000).

20.60.070 General provisions.

All new development shall be served by an adequate surface water management system as follows:

- A. The proposed system is adequate if the development proposal site is served by a surface water management system approved by the Department as being consistent with the design, operating and procedural requirements adopted by the City;

- B. For a formal subdivision, special use permit or zone reclassification, the phased installation of required surface water management improvements shall be stated in the approving ordinance. Such phasing may require that a financial guarantee be deposited. (Ord. 238 Ch. VI § 3(B), 2000).

20.60.110 Construction timing and final approval.

- A. No work for a permitted development related to permanent or temporary storm drainage control shall proceed without the approval of the Director.

- B. Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be:
 - 1. Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with an approved erosion and sediment control plan;

 - 2. Satisfactorily sequenced and maintained until all improvements, restoration, and landscaping associated with the permit and/or for the project are completed, and the potential for onsite erosion has passed.

- C. Prior to the construction of any improvements and/or buildings on the site, those portions of the drainage facilities necessary to accommodate the control of surface water and stormwater runoff discharging from the site shall be constructed and in operation. Recording of formal and administrative subdivisions may occur prior to the construction of drainage facilities when approved in writing by the Director of the Department only to minimize impacts that may result from construction during inappropriate times of the year. If recording of formal or administrative subdivisions occurs prior to the construction of the drainage facilities (when approved in writing by the Director of the Department to minimize impacts that may result from construction during inappropriate times of the year) then a bond will be posted to cover the cost of the unbuilt drainage facilities and a deadline for completion of the drainage facilities will be imposed.

20.70.010 Purpose.

The purpose of this chapter is to establish requirements for engineering regulations and standards to implement the Comprehensive Plan. This chapter will ensure that public facilities and services necessary to support development are provided in a timely manner consistent with the goals of the Washington State Growth Management Act of 1990 and provide a general framework for relating development standards and other requirements of this Code to:

- A. Adopted service level standards for public facilities and services,
- B. Procedural requirements for phasing development projects to ensure that services are provided as development occurs, and
- C. The reviews of development permit applications.

The requirements of this chapter shall apply to all development in the City processed under the provisions of the Shoreline Development Code. No permit shall be issued nor approval granted without compliance with this chapter. (Ord. 238 Ch. VII § 1(A), 2000).

20.70.030 Required Improvements

- C. It shall be a condition of approval for development permits that required improvements shall be installed by the applicant prior to final approval or occupancy as follows: The provisions of the engineering chapter shall apply to:
 - 1. All new multifamily, nonresidential, and mixed-use construction and remodeling or additions to these types of buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;
 - 2. Subdivisions;
 - 3. Single-family new constructions and remodels.

RCW 58.17.110

Approval or disapproval of subdivision and dedication -- Factors to be considered -- Conditions for approval -- Finding -- Release from damages.

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine:
(a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative

body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW [82.02.050](#) through [82.02.090](#) may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW [82.02.050](#) through [82.02.090](#) shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

International Residential Code (IRC) Section R317

This section dictates type of construction in relation to property lines. A townhome development where each unit is on a separate property, that is, a zero lot line subdivision, is subject to the IRC. However, a townhome development that is not subdivided in such a way is subject to the International Building Code (IBC).

DECISION:

The type of property division must be established prior to the City's accepting a building permit for a townhome development. A building permit application will not be accepted for a zero lot line townhome development unless the plat has been recorded.

In the case of pending subdivisions or short plats, the infrastructure analysis should take place during the processing of the subdivision so that adequacy of the facilities for the entire development may be ensured prior to building taking place. Further, until the plat is recorded, there is no guarantee that the subdivision will take place or the infrastructure work completed. Utility providers often treat subdivided property differently from undivided property. Problems can arise if a property is divided after utilities are installed to multiple buildings on a single lot. The City's and fire department codes also treat road access differently for single parcels than for multiple parcels. Therefore, building permit applications on a site will not be accepted for review prior to the processing and recording of a plat.

If a bond is posted for the work that is not completed prior to recording of the plat, strict time limits must be spelled out in the bond for the completion. Any expiration of the bond will result in the bond being seized for completion of the work.

original signed by Joe Tovar 5/4/06

Director's Signature

Date