



Planning & Development Services Dept.

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ADMINISTRATIVE ORDER #000052 081602

CODE INTERPRETATION

CODE SECTION: 20.80.040

ISSUE: How to define “footprint” when administering Critical Area Partial Exemptions section 20.80.040. How are walkways, patios, accessory structures such as sheds, decks, and parking areas treated?

FINDINGS:

The SMC Section 20.80.040 (critical area partial exemptions) states that “...*if the modification, addition, replacement or related activity does not increase the existing footprint of the residence lying within the above-described...*”

The code does not contain a definition of "footprint." The Dictionary does not contain a definition of footprint that pertains to zoning and planning practice.

A definition of footprint that is generally accepted in Planning practice, from the *Glossary of Zoning, Development and Planning Terms* (Planning Advisory Service Report #491/492) is as follows:

The horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns.

DECISION:

We should include only the roof area of permanently occupied structures in the definition of the "footprint of the residence."

Existing uncovered decks and patios would be treated the same as other existing non-conforming: repair and in-kind replacement of existing decks within 12 months of loss is allowed as long as they are the in the same place, the same size, and no closer than the closest point of where they were before. A deck can be switched to a patio, however, neither can be counted as part of the existing "footprint of the residence" for the purposes of this exemption, otherwise people may apply to convert "barbeque patio" square footage to 35 foot buildings or converting decks to buildings with foundations.

Existing impervious pathways should be treated the same as decks and patios, but note that property owners are provided with considerable additional leeway with "trails" in SMC 20.80.480(d).

Vehicle drives and parking areas are subject to the basic existing non-conforming rule.

In a case where someone wants to put in a new deck, patio, shed, or impervious pathway where none existed previously, these are allowed under this exemption as long as they are no closer than the closest previous intrusion into the buffer, and these WOULD get subtracted from the 750 square feet of new allowable square footage. The logic is we don't want people converting the square footage of an uncovered deck into a building with a foundation, or using that one little shed at the edge of the cliff to justify putting the new house that close, but if they want the new deck, they can subtract it from what is allowed under this exemption. The one exception here to this flexibility is with new pollution generating impervious surface: what they have is what they get under this exemption (just the basic existing non-conforming rule).

Director Approval Date: August 16, 2002 by Tim Stewart (*updated 10/09*)