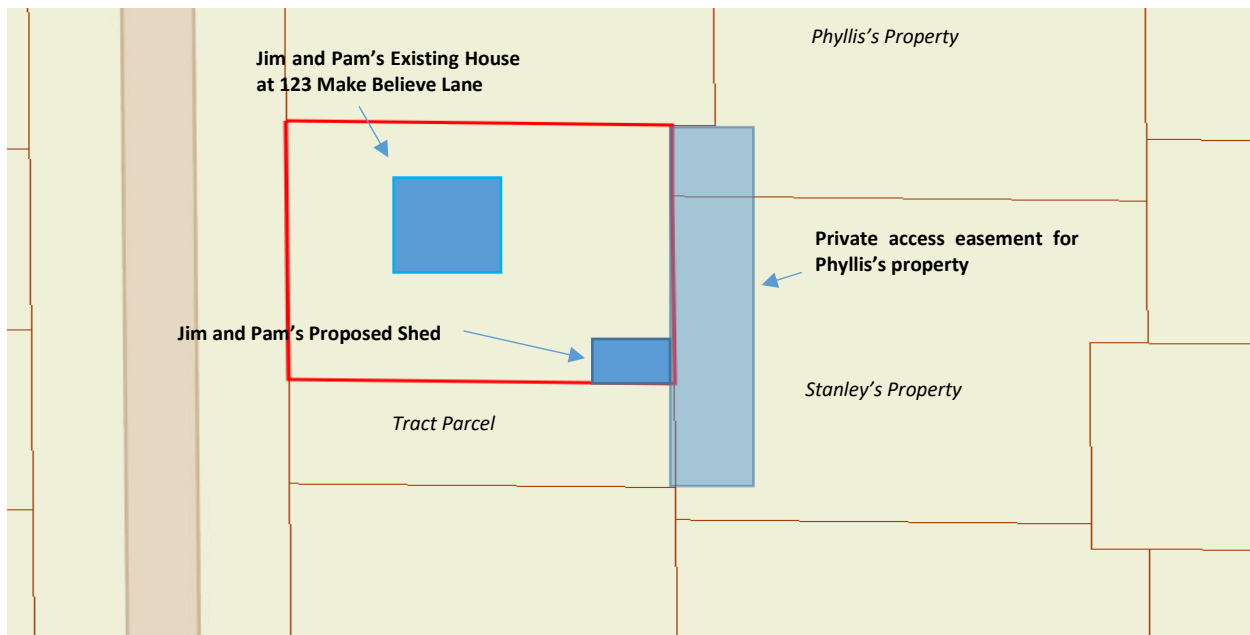


Planning Association of Washington Boot Camp:
LEGAL WRITING FOR PLANNERS

November 15, 2019
Mercer Island, Washington
Presenter: Katherine Hambley, Ogden Murphy Wallace

HYPOTHETICAL SCENARIO

Jim and Pam Halpert own a house at 123 Make Believe Lane, Unicorn, Washington, in the City's R-7.2 zone. The lot is 7,200 square feet, and the only structure on the lot is a small, 750-square-foot, single-family house. Make Believe Lane, a public street, lies to the west of Jim and Pam's parcel. Jim and Pam's house is surrounded by another single-family property to the north, two single-family properties to the east, and a "tract" parcel to the south.



The two properties to the east of Jim and Pam's house are on the interior of the City block, and they have access to Make Believe Lane via the "tract" parcel that lies to the south of Jim and Pam's property. The southern of these interior lots is owned by Stanley Hudson. Stanley's lot directly abuts both Jim and Pam's parcel and the tract parcel. The northern of these interior lots, owned by Phyllis Lappin-Vance, directly abuts Jim and Pam's parcel, but it does not directly abut the tract parcel; it has access to the tract parcel via a private easement over Stanley Hudson's lot. This access easement is 10 feet wide (in the east-west dimension). The western edge of the easement abuts the eastern boundary of Jim and Pam's parcel.

Pam and Jim want to build a workshop or "shed" in their backyard. The workshop will be 14' by 22', and it will be 13' tall at the peak of the roof. Jim and Pam are proposing to put the workshop in the southeast corner of their property, right along the line marked as their property line on the City's tax map (which specifically says the map is not legally binding or accurate). Jim and Pam have not had a survey done.

Jim and Pam are planning to have plumbing and a bathroom in the shed, but they are not putting in a kitchen or heating system. They have stated they will not use the workshop as guest quarters or rent it out to others.

Excerpts from the Unicorn Municipal Code

Title 21: Land Use Code

Chapter 21.01. General Provisions

[. . .]

Chapter 21.02. Scope

[. . .]

Chapter 21.03. Administration

[. . .]

Chapter 21.04. Definitions

21.04.010. “Accessory structures” are structures that are customarily incidental to the property’s principal use and that do not contain a dwelling unit or dwelling units.

21.04.020. “Accessory dwelling units” are dwelling units that are located on a single-family property or inside a single-family dwelling unit.

21.04.030. “Alley” is a public right-of-way or private access easement primarily used or intended to be used as a means of vehicular and pedestrian access to the rear of abutting properties or to any portion of lots that have no other means of accessing the public street network.

21.04.040. “Dwelling units” are single units that provide complete independent living facilities for one or more persons, including permanent provision for living, sleeping, eating, cooking, heating, and sanitation.

Chapter 21.05. Procedures.

[. . .]

21.05.040 Administrative Construction Permits.

- A. **Purpose and Intent.** The City of Unicorn finds that accessory structures serve a useful purpose increasing livable and workable space for single-family homes. The purpose of this section is encourage the efficient construction of accessory structures associated with single-family home uses.
- B. **Scope.** Any application for a proposed accessory structure whose footprint is less than 400 square feet and whose height is less 15 feet may be processed through an administrative construction permit.

C. Administrative construction permit procedures and criteria.

1. **Procedures.** All applications for administrative construction permits will be reviewed by staff. Staff must issue a written recommendation to the ACP Committee on the application. The ACP Committee, which shall be composed of the Planning Director and his or her designee and the Public Works Director and his or her designee, shall meet weekly and shall approve, approve with conditions, or disapprove all ACP applications that come before it. Staff recommendations to the ACP Committee must contain:
 - a. Applicant and owner names.
 - b. Application type.
 - c. The property address.
 - d. A description of the proposal.
 - e. The staff recommendation to the ACP.
2. **Criteria.** The ACP Committee will approve ACP applications if the application qualifies for the ACP process and demonstrates compliance with all applicable provisions of Title 21 of the Unicorn Municipal Code.
3. **Conditions.** The ACP Committee may impose conditions of approval on ACP applications only to the extent necessary to ensure compliance with a applicable requirements of Title 21 of the UMC.

[. . .]

Chapter 21.06. Land Division

[. . .]

Chapter 21.07. Establishment of Zoning Districts

[. . .]

Chapter 21.08. Development Regulations.

[. . .]

21.08.060. Development Regulations for the R-7.2 Zone.

A. Setbacks

1. Single-family homes must be set back from the rear property line 25 feet. They must be set back from side property lines 10 feet.
2. All accessory structures are exempt from the setbacks in subsection A.1 of this section, except that accessory structures must be set back from rear property lines by 5 feet.
3. Accessory dwelling units must be set back 10 feet from all property lines.
4. For purposes of this chapter, if the rear of a property abuts a public street or public alley, the rear property line shall be assumed to be the centerline of the public street or public alley.

B. Lot Coverage

1. Not more than 40% of a lot may be covered by the footprint of any structure or building of any kind.

[...]

Title 22: Building Code

Chapter 22.01

22.01.010. The City of Unicorn hereby adopts and incorporates the state building codes for the state of Washington under Chapter 19.27 RCW, including:

- A. The International Building Code – Chapter 51-50 WAC.
- B. The International Residential Code – Chapter 51-51 WAC.
- C. The International Mechanical Code – Chapter 51.52 WAC.

[...]

Excerpts from the International Residential Code

[...]

**Section R105
Permits**

[...]

R105.2 Work exempt from permit.

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m²).

[. . .]

Exercises

1. *Pam emails you a simple site plan for her shed and says, “a friend told me that backyard sheds are exempt from permitting. Can you tell me if my project is exempt?” Write an email response following IRAC format.*
2. *Pam responds to your email about the 200-square-foot IRC exemption with the following:*

Hi. Thanks for explaining the 200-square foot exemption. I’m kind of confused about the administrative construction permit thing. I saw that section of the code, but I didn’t think our shed qualified because it has plumbing and electricity and stuff. So would we be eligible for the administrative construction permit?

Draft an email response following IRAC format.

3. *Jim and Pam applied for an administrative construction permit on October 15, 2019. The Planning Department assigned their project application number 8675309. Jim and Pam’s application is going before the ACP Committee on November 15, 2019. Shortly after learning of Jim and Pam’s application, Stanley Hudson contacted the Planning Director to complain that the shed does not comply with the 10-foot setbacks for accessory dwelling units or (alternatively) the 5-foot setback for accessory structures in the UMC. Write a staff report to the ACP Committee that complies with the requirements for ACP staff recommendations and that follows the IBAC-IRAC or Multi-Issue-IBAC-IRAC format. Make sure your staff report addresses Mr. Hudson’s concerns.*

Writing Shells: Report to ACP Committee, IBAC-IRAC

Staff Report to Administrative Construction Permit Committee

- **Applicant and Owner Names: Jim and Pam Halpert**
- **Application Number: ACP #8675309**
- **Application Type: Administrative Construction Permit**
- **Property Address: 123 Make Believe Lane**
- **Application Date: October 15, 2019**
- **Date of Consideration Before ACP Committee: November 15, 2019**
- **Recommendation: _____**

Background

Jim and Pam Halpert have applied for an administrative construction permit (“ACP”) for their property at 123 Make Believe Lane. Their application proposes _____

[FACTUAL BACKGROUND FOR PROPOSAL]

Jim and Pam applied for the ACP on _____. The application is currently _____

[PROCEDURAL BACKGROUND FOR PROPOSAL]

Analysis

Staff recommends _____.

[ISSUE/CONCLUSION]

Under UMC _____

[RULE]

Jim and Pam’s shed proposal complies with these requirements because _____

[APPLICATION]

Staff therefore recommends _____ of Jim and Pam's shed.
[CONCLUSION]

Conclusion

Because _____, staff recommend _____ for
ACP#8675309.

Writing Example: Report to ACP Committee, Multi-Issue IBAC-IRAC

Staff Report to Administrative Construction Permit Committee

- **Applicant and Owner Names: Jim and Pam Halpert**
- **Application Number: ACP #8675309**
- **Application Type: Administrative Construction Permit**
- **Property Address: 123 Make Believe Lane**
- **Application Date: October 15, 2019**
- **Date of Consideration Before ACP Committee: November 15, 2019**
- **Recommendation: _____**

Background

Jim and Pam Halpert have applied for an administrative construction permit (“ACP”) for their property at 123 Make Believe Lane. Their application proposes _____

[FACTUAL BACKGROUND FOR PROPOSAL]

Jim and Pam applied for the ACP on _____. The application is currently _____

[PROCEDURAL BACKGROUND FOR PROPOSAL]

Analysis

Staff recommends _____ because _____.

I. Qualification for ADC Process

Jim and Pam’s shed proposal [does/does not qualify] for the ADC process. Under UMC

[RULE]

Jim and Pam’s application complies with these requirements because _____

[APPLICATION]

Jim and Pam’s application therefore meets this criterion.

[CONCLUSION]

II. Compliance with Code Criteria

a. [INSERT ISSUE 1]

b. [INSERT ISSUE 2, etc.]

Staff therefore recommends _____ of Jim and Pam’s shed.
[BRIEF CONCLUSION]

[If imposing conditions, attach as an exhibit and reference them here].

Conclusion

Because _____, staff recommends _____ of ACP#8675309.