

Construction Exempt from Building Permit

When is a building permit required?

Swinomish generally requires a building permit (or a mechanical, plumbing, or grading permit) anytime you erect, construct, enlarge, alter, repair, move, improve, convert, or demolish a building or structure, including:

- Construction, including remodeling or change of use
- Placement of a shipping container or mobile home
- Installation of a furnace, wood stove, plumbing, or mechanical system
- Excavation and grading, including installation of retaining walls, sidewalks, and driveways

When is a building permit NOT required?

The following types of construction are exempted from the general requirement to obtain a building permit:

- **One-story detached accessory structures, provided that the floor area does not exceed 200 square feet.¹**
 - The building is not used for sleeping purposes.
 - Only one such exempt building is allowed on any parcel.
 - The building is separated from all other structures by no less than 8 feet.
 - The building is not located in a designated floodway.
 - The building contains no plumbing.
 - The building meets the requirements of the zoning code.²
- Fences not over 6 feet tall.³ Note that fences need to comply with zoning and shoreline setback requirements.
- Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter to width does not exceed 2-to-1.
- Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- Uncovered platforms, walks, decks, and driveways not more than 30 inches above grade and not over any basement or story below.
- Prefabricated swimming pools that are less than 24 inches deep.
- Swings and other playground equipment.
- Window awnings supported by an exterior wall that that do not project more than 54 inches from the exterior wall and do not require additional support.
- Decks not exceeding 200 square feet in area that are not

more than 30 inches above grade at any point, are not attached to a dwelling, and do not serve the exit door required by IRC R311.4.

- Membrane structures (as defined in the International Building Code) if all of the following are true:
 - The structure is used exclusively for the protection or propagation of plants other than marijuana that are not on display for public viewing or sales.
 - The structure is located a minimum of 20 feet from any property line or other structure and meets standard setback requirements.
 - The membrane material is less than 20 mil (0.5 mm) in thickness.
 - Multiple membrane structures located on the same lot and having an aggregate floor area exceeding 12,000 square feet must maintain a minimum of 60-foot clear yards on all sides of the structure.
- Replacement of windows without increasing the size.⁴
- Roof coverings or wall coverings where the structural supports (including sheathing) are not being modified and the new materials are of similar weight to the old materials.⁵

Compliance with the code is still required

Importantly, although a building permit is not required, you are required to comply with the building and land use codes, including setback and flood requirements, and requirements to obtain any other types of permits required by law. If you are uncertain of permit requirements, check with the Planning Department to confirm your work is permit exempt.

What other permits may be required?

Shorelines & Sensitive Areas (SSA). If you are building within 200 feet of the shoreline, wetland or a designated stream, or on a steep slope, your structure may be subject to SSA regulations.

Plumbing & Mechanical. Unless otherwise exempt, separate permits for plumbing and mechanical work may be required even for work exempt from a building permit.

Excavation & Grading. Separate permits for excavating and grading work may be required even for work exempt from a building permit.

Electrical work. Construction that is exempt from a Tribal building permit may still require electrical permits from the Washington State Department of Labor and Industries (www.lni.wa.gov).

¹ IBC 105.2, Work exempt from permit.

² SITC 20-03

³ SBC 12-01.080 (A)1b.

⁴ Department policy

⁵ Department policy