



## SHORELINE SUBSTANTIAL DEVELOPMENT, SHORELINE CONDITIONAL USE OR VARIANCE PERMITS

### **PURPOSE**

The SMA ([RCW 90.58.140\(3\)](#)) requires that local governments establish a program for the administration and enforcement of the shoreline permit system. All proposed uses and development occurring within shoreline jurisdiction must conform to RCW chapter [90.58](#) (the Shoreline Management Act) and this Program regardless of whether a permit is required. Within the City of Sequim, all non-exempt substantial development undertaken within the shorelines of the state must first obtain a Shoreline Substantial Development, Shoreline Conditional Use, or Variance Permit from the City.

### **PERMIT PROCEDURES**

The owner of the subject property or the authorized agent(s) of the owner is encouraged to have a pre-application meeting with the Shoreline Administrator and/or his or her staff to determine the need for a Shoreline Permit.

All Shoreline Permits, (Substantial Development, Conditional Use, and Variance) are classified as a C-I land use action. The Planning Commission shall be the decision-making authority for all Shoreline Permits.

| <b>Procedural Steps</b>    | <b>Application Process</b>                  |
|----------------------------|---|
|                            | <i>Type "C-1" Actions</i>                   |
|                            | <b>Planning Commission and City Council</b> |
|                            | <b>Type C-1</b>                             |
| Recommendations by:        | Staff                                       |
| Notice of Application      | Yes   |
| Public Meeting / Workshop  | —   |
| Open Record Public Hearing | Yes / Planning Commission                   |
| Final Decision-making Body | Planning Commission                         |
| Appeal Authority           | City Council                                |

Each permit for a Shoreline Permit issued by the City of Sequim shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of filing as defined in [RCW 90.58.140\(6\)](#) and [WAC 173-27-130](#), or until all review proceedings initiated within twenty-one days from the date of such filing have been

terminated; except as provided in the SMA ([RCW 90.58.140\(5.b\)](#)) for Shoreline Hearings board appeals.

The Planning Commission shall hold a public meeting on each proposed Shoreline Permit application. The Shoreline Administrator shall prepare and distribute public notice of the meeting as set forth in [SMC 20.01.191](#).

The Planning Commission shall determine the application's compliance with the review criteria for Shoreline Permits and this SMP, in addition to any other criteria specified by the Sequim Municipal Code or statute. Upon a finding of compliance, the Planning Commission shall instruct the Shoreline Administrator to prepare written findings of fact and statement of reasons in support of the determination and provide notice to Ecology as required according to the type of Shoreline Permit. The recommendation may include issuing the permit, issuing the permit with conditions, or denial of the application. In each case, the Planning Commission may attach conditions for approval to assure no net loss of ecological functions, as identified in the City's 2010 Inventory and Characterization. Ecology may also attach conditions for approval on Conditional Use Permits and Variances.

See Chapter 7 within [SMC](#) Title 19 of the Shoreline Master Plan for administrative procedures.

### ***Public Notice***

Applicants are responsible for the following public notices, in addition to the provisions required in [SMC 20.01.150](#), as part of any Shoreline Permit application. If SEPA compliance is required for the proposal, public notice requirements under SEPA may be satisfied concurrently as part of the Shoreline Permit process.

1. Notification by regular mail no less than thirty (30) days prior to issuance of a permit to all owners of property lying within 300 feet of the exterior boundaries of where substantial development is taking place or activities supporting the proposed improvement. The form of such notice shall be provided by the City and the content shall be approved by the Shoreline Administrator prior to mailing.
2. Posting of a sign at the subject property, presenting the following information:
  - a. Type of permit applied for;
  - b. Brief description of proposed use;
  - c. Address of subject property;
  - d. Applicant's name;
3. Publication of public notice in a newspaper with local distribution no less than once a week for two consecutive weeks, with the last publication date no less than thirty (30) days prior to issuance of permit.
4. An affidavit that the notice has been properly published, posted and deposited in the U. S. mail pursuant to the above requirements shall be submitted to the Shoreline Administrator at least thirty (30) days in advance of the issuance of permit.

### ***Substantial Development Permits***

Development means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level. Substantial development means any development of which the total cost or fair market value exceeds five thousand seven hundred and eighteen dollars (\$5,718), or construction of a dock in saltwater where the total cost exceeds \$2,500, or any development which materially-interferes with the normal public use of the water or shorelines of the state, except those exempted developments set forth in the preceding section, consistent with WAC 173-27-040.

### ***Conditional Use Permits***

The purpose of a Shoreline Conditional Use Permit is to allow case-by-case review of uses which may have a greater potential for impacts without project-specific conditions, while providing flexibility in varying the application of the use regulations of this SMP in a manner consistent with the policies of RCW 90.58.020. Ecology is the final reviewing authority for Shoreline Conditional Use Permits pursuant to WAC 173-27.

Uses that are not classified or set forth here may only be authorized as conditional uses if the applicant can demonstrate that the criteria set forth for conditional uses are met. Unclassified uses approved as conditional uses should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects on the shoreline environment.

### ***Variance Permit***

The purpose of a Variance Permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this SMP, and where there are extraordinary or unique circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP would impose unnecessary hardships on the applicant or thwart the SMA policies as stated in RCW 90.58.020. Requests for allowing uses different than those specifically identified as allowed in the shoreline environment cannot be considered in the variance process.

Construction pursuant to this permit shall not begin nor can construction be authorized except as provided in WAC 173-27. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect. Ecology is the final approving authority for Variance Permits.

**SUBMITTAL**

1. Community Development Filing Fees:
  - Shoreline Substantial Development (\$1,000.00 + \$75/unit)
  - Minor Substantial Development (800.00 + \$0.25/sq. ft.)
  - Shoreline Conditional Use (\$800.00 + \$0.25/sq. ft.)
  - Variance Permit (\$800.00)
2. Please submit all of the items listed on the attached checklist.

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***Failure to submit all required items (in a legible form) will delay processing of your application pursuant to [RCW 36.70B.070](#).***

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**SHORELINE PERMIT SUBMITTAL CHECKLIST**

Application requirements for substantial development, conditional use, or variance permits per [WAC 173-27-180](#).

| <b>APPLICATION REQUIREMENTS</b>   |              |                          |
|---|--------------|--------------------------|
| <b>Description</b>  | <b>Notes</b> | <b>Provided</b>          |
| A completed "Shoreline Substantial Development Permit" application form.  |              | <input type="checkbox"/> |
| A completed JARPA form, if required.  |              | <input type="checkbox"/> |
| A completed intake form from <a href="#">WAC 173-27-990, Appendix A</a> – Shoreline Management Act Permit Data Sheet and Transmittal Letter.  |              | <input type="checkbox"/> |
| A copy of completed SEPA environmental checklist, declaration of non-significance or environmental impact statement, if required. Note that if the environmental review has not occurred prior to application for a Shoreline Permit, the time period for application review may be extended. |              | <input type="checkbox"/> |
| The names, addresses and legal description for each parcel of property within 300 feet of the exterior boundary of the subject property as shown by the records of the Clallam County Assessor.   |              | <input type="checkbox"/> |
| Other items as required by the Shoreline Administrator.   |              | <input type="checkbox"/> |
| <b>SITE DEVELOPMENT PLAN REQUIREMENTS</b>   |              |                          |
| A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:  |              |                          |
| (a) Boundary of parcel(s) of land upon which development is proposed.   |              | <input type="checkbox"/> |
| (b) Ordinary high water mark (OHWM) of all water bodies located adjacent to or within boundary of project.  |              | <input type="checkbox"/> |
| (c) Existing and proposed land contours.  |              | <input type="checkbox"/> |
| (d) Delineation of all wetlands areas that will be altered or used as part of the development.  |              | <input type="checkbox"/> |
| (e) General indication of character of vegetation found on site.  |              | <input type="checkbox"/> |
| (f) Dimensions and locations of all existing and proposed structures and improvements including: buildings; paved/graveled  |              | <input type="checkbox"/> |

|   |  |                          |
|---|--|--------------------------|
| areas; roads; utilities; septic tanks and drainfields; material stockpiles or surcharge; stormwater management facilities.  |  |                          |
| (g) Where applicable: landscaping plan for project.   |  | <input type="checkbox"/> |
| (h) Where applicable: plans for development of areas on or off site as mitigation for impacts associated with proposed project which contain information consistent with these applications requirements.                                   |  | <input type="checkbox"/> |
| (i) Quantity, source and composition of any fill material placed on site whether temporary or permanent.  |  | <input type="checkbox"/> |
| (j) Quantity, composition and destination of any excavated or dredged material.   |  | <input type="checkbox"/> |
| (k) Vicinity map showing relationship of property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.   |  | <input type="checkbox"/> |
| (l) Where applicable: depiction of impacts to views from existing residential uses and public areas.  |  | <input type="checkbox"/> |
| <b>ADDITIONAL VARIANCE REQUIREMENTS</b>   |  |                          |
| (m) Variance applications – clearly indicate: where development could occur without approval of a variance; physical features and circumstances on property that provide a basis for the request; location of adjacent structures and uses. |  | <input type="checkbox"/> |



Permit No. \_\_\_\_\_

**SHORELINE PERMIT APPLICATION**

City of Sequim  
152 W. Cedar St.  
Sequim, WA 98382

Phone: (360) 683-4908  
Fax: (360) 681-0552  
[www.sequimwa.gov](http://www.sequimwa.gov)

***For Department Use Only:***

Application Number:

Date Received:

***To be completed by the Applicant:***

**1. PERMIT TYPE:**

- Shoreline Substantial Development (\$1,000 +\$75/unit)
- Minor Substantial Development (\$800 + \$0.25/sq. ft.)
- Shoreline Conditional Use (\$800 + \$0.25/sq. ft.)

Variance Permit: (\$800.00)

PROJECT LOCATION:

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**2. APPLICANT:**

ADDRESS:

TELEPHONE: (Home):

(Business):

EMAIL:

**3. ENGINEER:**

ADDRESS (if different from Applicant):

TELEPHONE: (Home): (Business):

EMAIL:

**4. CONTACT PERSON / APPLICANT'S REPRESENTATIVE:**

ADDRESS (if different from Applicant):

TELEPHONE: (Home): (Business):

EMAIL:

**5. OWNER:**

ADDRESS:

TELEPHONE: (Home): (Business):

EMAIL: Is the applicant the property owner?  Yes  No

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I, the undersigned, am a property owner or officer of the corporation owning property involved in this application and certify the foregoing statements, answers and information submitted are in all respects true and correct to the best of my knowledge.

\_\_\_\_\_  
Applicant's Signature                      Printed Name                      Date

\_\_\_\_\_  
Owner's Signature                      Printed Name                      Date



1. Property location, legal description (if applicable), section, township, range to nearest quarter or quarter section, or latitude/longitude to nearest minute, and a street address where available.
2. Name of water body or wetlands and shoreline/wetlands which development is proposed to be within 200'. This should be the water body from which jurisdiction of the act over the project is derived (e.g. Sequim Bay).
3. Is this a shoreline of statewide significance?
4. Environment designation.
5. Indicate the total cost or fair market value of the development.
6. Is the project a dock in saltwater or does it materially-interfere with the normal public use of the water or shorelines of the state?
7. List of permits required from other than City of Sequim agencies (include name of agency, date of application, number of application and disposition).
8. General description of property as it now exists including: physical characteristics, improvements and structures.
9. General description of proposed project including: proposed use/uses, activities necessary to accomplish project (Summary of the intended uses or project purpose).
10. General description of vicinity of proposed project including: identification of adjacent uses, structures and improvements, intensity of development, physical characteristics.
11. Does the development include state-owned aquatic lands?

12. Describe the nature of existing shoreline (type of shoreline such as marine, stream, lake, lagoon, marsh, bog, swamp, flood plain, floodway, delta, type of beach, such as accretion, erosion, high bank, low bank, or dike, material such as sand, gravel, mud clay, rock riprap, and extent and type of bulkheading, if any).
13. In the event that any of the proposed buildings or structures will exceed a height of 35 feet above the existing grade level, indicate the approximate location and number of residential units, existing and potential, that will have an obstructed view.
14. Will the proposed use interfere with the normal public use of public shorelines?
15. Is the use compatible with other permitted uses within the area and with uses planned for the area under the comprehensive Plan and Shoreline Master Plan?
16. Will the proposed use cause significant adverse effects to the shoreline? Will it result in net loss of ecological functions? Will it be incompatible with the environment designation or zoning classification in which the use will be located? Please explain.
17. Will the public interest suffer from detrimental effects caused by the proposed project?
18. Is the project in the best interest of the public's health, safety, morals and welfare?

**ANSWER THE FOLLOWING QUESTIONS ONLY IF APPLYING FOR A VARIANCE**

19. Does the strict application of the bulk, dimensional or performance standards set forth in this Program preclude or significantly interfere with reasonable use of the property?
20. If the answer to question 20 is yes, how is the hardship specifically related to the property? How is it a result of unique conditions and not from the applicant's own actions?

21. Does the strict application of the bulk, dimensional or performance standards set forth in this program preclude all reasonable use of the property?
  
22. Will the public rights of navigation and use of the shorelines be adversely affected by the granting of the variance?