



# SAN JUAN COUNTY WASHINGTON

Department of Community Development  
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[sanjuancountywa.gov/2171/Community-Development](http://sanjuancountywa.gov/2171/Community-Development)

## Land Use Project Permit Application

<b>PROPERTY INFORMATION</b>	Land Use/Shoreline
Tax Parcel Number: _____	Designation: _____ Water Body: _____
Island: _____	Subdivision: _____ Lot Number: _____
Property Size: _____	Application Type: _____
Existing and Proposed Use: _____	
Directions to Property: _____	

<b>OWNER AND AGENT INFORMATION:</b>	
Name of Owners: _____	Name of Agent: _____
Address _____	Address _____
City, State, Zip _____	City, State, Zip _____
Phone Number _____	Phone Number _____
Email _____	E-mail _____

NOTE: A timely appeal of Shoreline Exemptions will stay the effective date of the granting of the exemption until the appeal has been resolved at the County level. (SJCC 18.80.140A(7))

<b>PERMIT CERTIFICATION (Must be signed by all property owners of record or a notarized agent signature provided.)</b>		
I have examined this application and attachments and know the same to be true and correct, and certify that this application is being made with the full knowledge and consent of all owners of the affected property. (Signed by property owner or agent. For agent signature, notarized authorization must be attached.)		
Signature _____	Printed Name _____	Date _____
Signature _____	Printed Name _____	Date _____
Signature _____	Printed Name _____	Date _____
<b>For CD&amp;P Use Only</b>	Complete Application: <input type="checkbox"/> YES <input type="checkbox"/> NO	
Amt. Paid: _____	Date Received: _____	Receipt Number: 0000

FOR STAFF USE ONLY			
Date Received: _____	Amount Paid: _____	Receipt #: _____	
SEPA Exempt Code Citation: _____		Inspection Required: <input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	By: _____	Date: _____

NOTE: The Application Submittal Checklist for Land Use Review is a separate form that must be completed and attached to all applications. This checklist, along with other forms that might be needed, and current fees, may be found at: <http://sanjuanco.com/permitcenter/applicationforms.aspx>



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## About Land Use Permits

The San Juan County Unified Development Code (UDC) establishes several different types of land use permits, all of which use this application packet. The purpose for requiring a permit to conduct some land uses is to ensure that they are compatible with the County land use and development regulations. For most projects a final inspection is also required to confirm that development occurred in conformance with the approved plans. When complete, applicants are asked to call one of the above numbers to schedule an inspection.

## Process

### All Permits

After an application, fees, and required attachments and information are submitted, CD&P has 28 days to determine whether the application is complete. If it is not complete, the applicant has 90 days to provide all missing information. Once the application is complete, CD&P will begin processing it. For most permits the County must publish a notice of application in the local paper, and the applicant must post a notice on the property and mail the notice to adjacent property owners. Some projects must also undergo SEPA (State Environmental Policy Act) review which also requires publication and mailing of notices.

### Provisional Permit

After the public comment period, CD&P staff determine whether the project is consistent with the County land use and development codes and the criteria for approval. At that point the application may be approved, approved with conditions, or denied. There is no public hearing. The decision may be appealed by any party of record to the County Hearing Examiner by filing a written appeal and appropriate fees within 21 days of the decision.

### Conditional Use Permit, Variance, and Shoreline Conditional Use/ Variance/ Substantial Development Permit

When all necessary information has been submitted, CD&P staff will schedule a public hearing before the San Juan County Hearing Examiner. At least 10 days prior to the hearing staff will issue a staff report analyzing the proposal for consistency with code requirements and the criteria for approval. At the public hearing, the Hearing Examiner will review the staff report, the applicant's presentation, and all public testimony and, after the hearing is closed, determine whether the proposal is consistent with the criteria for approval. The Hearing Examiner may approve, approve with conditions, or deny the application. For shoreline permits a notice of the decision is sent to the Dept. of Ecology and for variance and conditional use permit applications, within 30 days of transmittal they make the final decision. The Hearing Examiner's action on all except shoreline permits may be appealed to Superior Court in accordance with the requirements of the Land Use Petition Act. Appeals of shoreline substantial development permits must be submitted to the Shoreline Hearings Board within 28 days of the transmittal to Ecology, and shoreline variances and conditional use permits, must be submitted within 28 days the Ecology's final decision.

### Land Uses Subject to P/C Determination

The CD&P Director reviews the impacts of the proposal and, if they are above a certain threshold, a Conditional Use Permit is required. If the impacts are below the threshold a Provisional Use Permit is required.

**Shoreline Exemption (exemption from requirement for shoreline substantial development permit).**

Some activities within shoreline jurisdiction require approval of a Shoreline Exemption. These projects must meet all the requirements of the shoreline and other development regulations, but are processed by CD&P staff and a public hearing is not required. Decisions may be appealed to the County Hearing Examiner by filing a written appeal and appropriate fees within 21 days of the decision.

**State and Federal Requirements.** Projects in wetlands, streams, lakes and marine shorelines are often subject to State and Federal requirements. Submitting a JARPA (Joint Aquatic Resources Permit Application) form to the WA Dept. of Fish and Wildlife, U.S. Army Corps of Engineers and WA Dept. of Ecology is a first step in meeting these requirements (available at: [www.epermitting.wa.gov](http://www.epermitting.wa.gov)).

## Criteria for Approval

### Provisional Use Permits

1. The provisional use permit application shall only be approved by the administrator if the use has been reviewed for consistency with the applicable sections of this code (e.g., Chapter [18.40](#) SJCC, Performance Standards, Chapter [18.50](#) SJCC, Shoreline Master Program, and Chapter [18.60](#) SJCC, Development Standards) and found to meet the requirements set forth by this code; and
2. Any provisional use application (not including short subdivisions) involving property located within the jurisdiction of the state Shoreline Management Act but not requiring a shoreline permit must conform to the policies in Element 3 of the Comprehensive Plan and the applicable regulations in Chapter [18.50](#) SJCC (the Shoreline Master Program).

### Conditional Use Permits

1. The proposed use will not be contrary to the intent or purposes and regulations of this code or the Comprehensive Plan;
2. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located;
3. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval;
4. The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval;
5. The proposal will be served by adequate facilities including access, fire protection, water, stormwater control, and sewage disposal facilities;
6. The location, size, and height of buildings, structures, walls and fences, and screening vegetation associated with the proposed use shall not unreasonably interfere with allowable development or use of neighboring properties;
7. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood;
8. The proposal complies with the performance standards set forth in Chapter [18.40](#) SJCC;
9. The proposal does not include any use or activity that would result in the siting of an incompatible use adjacent to an airport or airfield (RCW [36.70.547](#)); and
10. The proposal conforms to the development standards in Chapter [18.60](#) SJCC.

## **VariANCES**

1. Literal interpretation and application of provisions of this code would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this code, and allowing the variance will be in harmony with the intent and spirit of this code;
2. A variance is necessary for the preservation and enjoyment of a property right possessed by other property in the same vicinity or district, but which is denied to the property in question because of special circumstances on that property;
3. That the hardship described under this subsection is specifically related to the property and is the result of unique conditions such as irregular lot shape, size, or natural features, and the application of this code, and not, for example, from deed restrictions or the applicant's own actions;
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to the right of other property owners in the vicinity; and
5. The variance will not permit a use prohibited by this code in the district in which the subject property is located.

## **Shoreline Conditional Use Permits**

1. The proposed use is consistent with the policies of RCW [90.58.020](#) and the policies of the Shoreline Master Program;
2. The proposed use will not interfere with the normal public use of public shorelines;
3. The proposed use of the site and design of the project is compatible with other permitted uses within the area;
4. The proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located;
5. The cumulative impacts of additional requests for like actions in the area, or for other locations where similar circumstances exist, shall not produce substantial adverse effects to the shoreline environment, e.g., the total of the conditional uses shall remain consistent with the policies of RCW [90.58.020](#) and the Shoreline Master Program; and
6. The public interest will suffer no substantial detrimental effect.

## **Shoreline VariANCES**

VariANCES for development that will be located landward of the ordinary high water mark (OHWM), as defined in RCW [90.58.030\(2\)\(b\)](#), except within those areas designated as wetlands pursuant to Chapter [173-22](#) WAC:

1. That the strict application of the bulk, dimensional, or performance standards set forth in the applicable master program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by the master program. The fact that a greater profit might result from using the property in a manner contrary to the intent of the Shoreline Master Program is not sufficient reason for granting a variance;
2. That the hardship described in this section is specifically related to the property and is the result of unique conditions such as irregular lot shape, size, or natural features, and the application of the Shoreline Master Program, and not, for example, from deed restrictions or the applicant's own actions;
3. That the design of the project is compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment;
4. That the requested variance does not constitute a grant of special privilege not enjoyed by the other properties in the area, and is the minimum necessary to afford relief; and
5. That the public interest will suffer no substantial detrimental effect.

Variances for development that will be located either waterward of the ordinary high water mark (OHWM), as defined in RCW [90.58.030\(2\)\(b\)](#), or within wetlands as designated under Chapter [173-22](#) WAC:

1. Strict application of the bulk, dimensional, or performance standards set forth in the master program precludes a reasonable use of the property not otherwise prohibited by the master program;
2. Proposal is consistent with the criteria established under subsection (I)(3)(a)(ii) through (v) of this section; and
3. Public rights of navigation and use of the shorelines will not be adversely affected.

**Shoreline Substantial Development Permits**

1. Consistent with the policies of the Shoreline Management Act and its implementing regulations, Chapter [90.58](#) RCW and Chapter [173-27](#) WAC, as amended;
2. Consistent with the policies and regulations of the Shoreline Master Program in Chapter [18.50](#) SJCC;
3. Consistent with this chapter;
4. Consistent with the applicable sections of this code (e.g., Chapter [18.60](#) SJCC);
5. Consistent with the goals and policies of the Comprehensive Plan; and
6. All conditions specified by the hearing examiner to make the proposal consistent with the master program and to mitigate or avoid adverse impacts are attached to the permit.