



# LAND USE MASTER INVOICE

COMMUNITY DEVELOPMENT SERVICES

435 MARTIN STREET, STE. 3000

BLAINE, WA • 98230

PHONE: (360) 332-8311

FAX: (360) 543-9978

**Total Fees**

\$ \_\_\_\_\_

**FOR OFFICIAL USE ONLY**

I, the applicant/owner, certify that this application is being made with the full knowledge and consent of all owners of the property in question. I attest that the information provided on this and supplemental application forms and materials is true and accurate. I also agree to provide access and right of entry to City of Blaine employees, representatives or agents for the sole purpose of application review and any required later inspections. This right of entry shall expire when the City (through the Director or designee) concludes the application has complied with all applicable laws and regulations. Access and right of entry to the applicant's property shall be requested and shall occur only during regular business hours.

Project Name: \_\_\_\_\_

Site Address/Location/Parcel Number: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Mailing Address for Contact Person: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_ Property Owner Signature: \_\_\_\_\_

## PLEASE CHECK ALL THAT APPLY

<input type="checkbox"/> Boundary Line Adjustment - \$275 <input type="checkbox"/> Critical Areas Review (major) - \$275 <input type="checkbox"/> Commercial (Downtown) Design Review - \$200 +\$75/hour <input type="checkbox"/> Covenant to Bind <input type="checkbox"/> Flood Area Development - \$100 <input type="checkbox"/> Land Disturbance (minor) - \$200 <input type="checkbox"/> Land Disturbance (major) - \$500	Hot Key – 243 Hot Key – 048 Hot Key – 022  No Charge Hot Key – 035 Hot Key – 243 Hot Key – 243	<input type="checkbox"/> Pre-Application (1 <sup>st</sup> free, \$250 after) <input type="checkbox"/> Short Plat - \$525 <input type="checkbox"/> Site Plan Review - \$275 <input type="checkbox"/> Specific Binding Site Plan - \$525 <input type="checkbox"/> Shorelines Exemption - \$50 <input type="checkbox"/> SEPA Review - \$375 <input type="checkbox"/> SEPA Exemption Request - \$75 <input type="checkbox"/> Signs - \$50 for first 3, \$25 per add.	Hot Key – 243 Hot Key – 243 Hot Key – 219 Hot Key – 243 Hot Key – 035 Hot Key – 048 Hot Key – 023
<input type="checkbox"/> Building or Plat Variance - \$300 <input type="checkbox"/> Conditional Use - \$350 <input type="checkbox"/> Shorelines Conditional Use - \$500 <input type="checkbox"/> Shorelines Variance - \$500	Hot Key – 035 Hot Key – 035 Hot Key – 035 Hot Key – 035	<input type="checkbox"/> Shorelines Substantial Development <\$50K - \$275 <input type="checkbox"/> Shorelines Substantial Development ≤ \$250K - \$550 <input type="checkbox"/> Shorelines Substantial Development > \$250K - \$900	Hot Key – 035  Hot Key – 035 Hot Key – 035
<input type="checkbox"/> General Binding Site Plan - \$1,500 + \$100/acre for every acre over 3 <input type="checkbox"/> Planned Unit Development - \$800 + \$100/lot or tract <input type="checkbox"/> Preliminary Long Subdivision \$1,500 + \$100/lot or tract <input type="checkbox"/> Final Long Subdivision \$525 + \$50/lot or tract	Hot Key – 243 Hot Key – 243 Hot Key – 243 Hot Key – 243	<input type="checkbox"/> Annexation - \$1,500 + \$50/acre + <input type="checkbox"/> Comprehensive Plan Amendment – Variable \$ _____ <input type="checkbox"/> Land Use & Development Code Amendment - \$500 <input type="checkbox"/> Zoning Map Amendment – Variable \$ _____	Hot Key – 243  Hot Key – 043 Hot Key – 243 Hot Key – 243

**DESCRIPTION OF PROPOSED PROJECT: (Attach supplemental sheets as necessary)**



# CITY OF BLAINE

## COMMUNITY DEVELOPMENT SERVICES

435 MARTIN STREET SUITE 3000 • BLAINE, WA • 98230  
PHONE: (360) 332-8311 • FAX: (360) 332-8330  
www.cityofblaine.com

### Shoreline Variance Use Permit Application

<b>FOR OFFICE USE ONLY</b>	
Application # _____	STAMP IN DATE

Name: _____
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*Applications must be completed and submitted to Community Development Services. Applications that are incomplete (i.e., that do not include all of the information required below) will be returned to the applicant.*

#### SUBMITTAL REQUIREMENTS

- ✘ A completed **Master Land Use Application**. Representative authorization is required if application is not signed by owner.
- ✘ Please prepare and label as **“EXHIBIT A,”** a narrative statement describing how the proposal is consistent with the following criteria:
  - That the strict application of the bulk, dimensional or performance standards set forth in the master program precludes or significantly interferes with a reasonable permitted use of the property.
  - That the hardship described above (bullet point one) 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 master program and not, for example, from the deed restrictions or the applicant’s own actions.
  - That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.
  - That the proposed variance does not constitute a granting of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.
  - That the public interest will suffer no substantial detrimental effect.
  - That the public rights of navigation and use of the shorelines will not be adversely affected by granting of the proposed variance.
- ✘ A Shoreline Variance Permit application fee as set forth in the City of Blaine Unified Fee Schedule.



## Shoreline Variance Permit (SVP): General Information, Instructions and Submittal Requirements

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May 2004

This Information Bulletin summarizes the City of Blaine application requirements for shoreline variance permits. This information and instruction material is designed to help you understand the basics of how freshwater and saltwater “shorelines” (as defined below) are regulated in the City of Blaine and the steps for acquiring a shoreline variance permit. Familiarizing yourself with this information before applying will facilitate a timely and well-informed decision on your application. **Applicants should read the entire document carefully before submitting an application.**

Shoreline permits, including a shoreline variance permits, are elements of the City’s permit system administered by the Community Development Services department. Shoreline permit regulations are required by the Shoreline Management Act of 1971, as amended, Chapter 90.58 of the Revised Code of Washington (RCW). This State law requires local governments to establish a program consistent with rules adopted by the State Department of Ecology (DOE) for the

administration and enforcement of the administration and enforcement of the permit system titled State of Washington Shoreline Master Program Guidelines.

Accordingly, the City of Blaine has adopted policies and regulations for the shorelines of the City in the Blaine Shoreline Management Master Program. This Shoreline Program and its associated policies and regulations are contained by reference in Chapter 17.81 of the Blaine Municipal Code.

### **About Shoreline Permits**

The goal of the Washington State Shoreline management Act (SMA) of 1971 is “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines” (RCW 90.58.020). The SMA and Chapter 17.81 of the Blaine’s Land Use & Development Code — the Blaine Shoreline Management Master Program (SMMP) — regulate use and development along the shorelines of the City. The City’s **Shoreline jurisdiction** (a.k.a., **shorelines**) includes all marine waters (Drayton Harbor and Semiahmoo Bay) Dakota Creek, PLUS all “associated wetlands” of these waters, AND upland areas called “shorelands” 200 feet landward from the edge (“ordinary high water mark” or “floodway,” whichever is greater) of these waters.

### **Four Shoreline Permit Types**

- **Shoreline Substantial Development Permit (SSDP)** is required for projects which proposed to undertake a “substantial development” within the “Shoreline Jurisdiction” as defined by the Blaine Shoreline Management Master Program. Substantial development is generally defined as any development, the total costs or fair market

value of which exceeds \$5,000 dollars, OR any development which materially interferes with the normal public use of the shorelines of the City. **Development** is defined as “a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filing; 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 the act at any stage of water level” (WAC 173-27-030(6)).

Examples of development regulated under the SMP include the construction or installation of houses, gazebos, decks, docks, stairs, fences, stormwater tightlines, bulkheads, roads, culverts, etc., regardless of the need for a Building Permit.

- **Shoreline Conditional Use Permit (SCUP)** is a provision in the SMA and the City’s SMMP for types of uses that must meet specified criteria in addition to the normal requirements for shoreline development.

- **Shoreline Variance Permit (SVP)** for a proposal within shoreline jurisdiction limited to granting relief from specific bulk, dimensional or performance standards set forth in the City’s SMMP. The applicant is required to demonstrate that there are extraordinary circumstances relating to the physical character or configuration of property, which impose unnecessary hardships.

- **Shoreline Exemption (SE)** for a proposal within a shoreline jurisdiction which meets exemption criteria, as delineated in the City’s SMMP. Certain developments are considered “**exempt**” (listed in WAC 173-27-040 and codified in City’s SMMP – Appendix A) from the SSDP requirement. Any person who wishes to undertake “exempt development” within shoreline jurisdiction must first apply for an SSDP Exemption. To say that a development is “exempt” under the City’s SMMP means only that it is exempt from the requirement to obtain an SSDP. Exemption from SDP requirements does not mean that

the development is exempt from the provisions of the City’s SMMP or the SMA. The SSDP Exemption may contain conditions to ensure that the activity is consistent with the SMA, SMMP, and other sections of the Blaine Municipal Code. Also, the SSDP Exemption may require review under the State Environmental Policy Act (SEPA), be processed as a Conditional Use and/or be accompanied by a Shoreline Variance according to the specifications of the proposal.

## Other Permits Required

The Washington Department of Ecology (DOE) shares responsibility for administering the SMA with local government (WAC 173-27). All Shoreline SDPs and Exemption, Conditional Use Permits and Variances must be submitted to DOE for review after issuance by the local government. DOE has 21 days for review of Shoreline SDPs and Exemptions and 30 days for conditional uses and variances, to approve, approve with conditions, or disapprove the action.

Furthermore, all shoreline permits **do not** take the place of any other required permit. A project or development may also require, among others, a building or grading permit, a variance or conditional use, division of land approval, a State Department of Ecology Water Quality Certification, a lease from the State Department of Natural Resources or a federal Army Corps of Engineers’ permit for work in navigable waters of the U.S. A listing of the more common permits or approvals that may be required is provided for your convenience in Appendix C. If other state or federal permits are required, a completed JARPA is necessary, and subsequently replaces the City’s Master Land Use Application and Shorelines Permit Supplemental Applications.

## What to do Before Making an Application for a Shoreline Variance Permit

### *Pre-Application Conference*

Community Development Services strongly encourages applicants to have a Pre-Application Conference with relevant City Staff. These staff members can assist and advise applicants on shoreline regulations at any stage of a project's development; however, consultation early in project planning most often will result in smoother processing of an application. Call Community Development Services at (360) 332-8311 to have a Pre-Application Conference packet sent to you or pick on up at the service counter at 322 "H" Street, Blaine.

### Filing a Shorelines Variance Permit Application

Once the pre-application conference process is completed, the Applicant's next step is to complete and assemble the necessary application materials for a Shoreline Variance Permit. A Complete application submittal must include the following:

- A completed and signed **Master Land Use Application** and a **Shoreline Variance Permit, Supplemental Application Form**. If other state or federal permits are required for the proposed project, then a completed and signed **JARPA** is submitted in place of the above noted applications.
- A Site Plan (see attached Site Plan Requirements – Appendix A)
- A completed and signed SEPA Environmental Checklist (See attached Environmental checklist & Information Bulletin 27). If necessary see WAC 197-11-800 for list of Categorical Exemptions.
- Application Fees (Fees are due at the time of application and are charged in accordance with the fee schedule, which is established annually by the City Council with a Unified Fee Schedule Resolution).

## Shorelines Variance Permit Application Review Process (See attached Process Flow Chart)

### *Step 1 – Application Submission*

The completed and signed application materials must be submitted, together with the required number of copies and fees, to the Department of Community Development, 322 "H" Street, Blaine.

### *Step 2 – Determination of Completeness*

Following submittal of your application, staff will make a determination within 14 days as to whether your application is complete. You may be required to submit additional information within a specified time period if the application is deemed incomplete.

### *Step 3 – Distribution of Proposal & Public and Agency Comment Period*

Following the determination of completeness, a final decision must be made by the City within 120 calendar days, though typically the timeframe is shorter. There are instances, however, when the "clock" is stopped to obtain additional information or pursue studies relevant to project review. The specific process to be followed is determined by the Permit Review & Approval Procedures as established in Chapter 17.06, Blaine Municipal Code.

In this step, Community Development staff will route copies of the proposal for comments to other agencies, internal staff and the public. Staff will also send out to all property owners within 300 feet of the proposed development a SEPA notice and make a public Notice of Application (NOA), stating that an application was filed with the City. The NOA describes the proposal and informs the public on the opportunity to comment. The public has 30 days from the date of the newspaper publication notice in which to comment to the City on the shoreline application.

#### **Step 4 – Formal Application & Environmental Review and TRC Meeting.**

Following the close of the formal comment period, the City's permit reviewer will review all comments received on the project and prepare a staff report and recommendation including a SEPA determination. The Technical Review Committee (TRC) that is comprised of staff from various City departments' meets with the proponent and, if so desired their designers and engineers, to discuss the technical elements of the proposal. Following this meeting, the Community Development Director will complete the staff report and recommendation and schedule a date for the Public Hearing.

#### **Step 5 – Public Hearing and Planning Commission Review**

The City's Planning Commission is responsible for the review of Shoreline Variance Permits. Following the public hearing, the Planning Commission will review the public testimony, the application, staff report and any other relevant material and will approve, approve with conditions or deny the proposal. A copy of the staff report and a Notice of Decision are then mailed to the Department of Ecology for a decision.

#### **Step 6 – Department of Ecology Review**

Shoreline Variance Permits issued by the local government represent the final decision under the local shoreline review. However, the *Washington State Department of Ecology has 30 days to approve, approve with conditions or disapprove the action.* Appeals of either or both decisions are made to the Shoreline Hearings Board within 10 days after DOE completes their review and makes their decision on the proposed project.

#### **Step 7 – Appeals to the State Shorelines Hearings Board**

The applicant or any person or agency who does not agree with the granting or denying of a Shoreline Variance Permit may seek review by the Shorelines Hearings Board within 10 days of the date the DOE decision is received made. Information concerning the appeal process and procedures is provided in

#### **Information Bulletin #36 (How to Appeal the Granting, conditioning or Denial of Shoreline Permits).**

#### **Step 8 – Commencement of Construction**

As a general rule, construction permitted by an locally approved SVP may not begin or be authorized until 30 days from the date the State Department of Ecology receives the final Notice of Decision from the City or until all review proceedings (appeals and court actions) are terminated and after other necessary permits have been obtained.

#### **Construction Progress**

Construction or substantial progress toward construction of an authorized substantial development must be undertaken within five (5) years after final approval of the permit. The City may extend the (with the possibility of a one-year extension).

#### **Step 9 – Building Permit and other permits/approvals may be required**

It is important to note that many SVPs require a Building Permit before construction may commence. The shoreline approval is a land use approval only. The Building Permit application may be submitted concurrently with the shoreline application or after shoreline approval is acquired. The Community Development Department will assist the applicant in determining whether a Building Permit and/or other City permits, such as a clearing or grading Permit, are required.

The City of Blaine's Community Development Services department has created information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult City of Blaine, CD staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.