



## Shoreline Conditional Use Application Requirements

- 1) Completed, signed and notarized Master Application (See note regarding fee guarantees).
- 2) Completed and signed Supplemental Application (See note regarding fee guarantees).
- 3) Copy of the **deed history** for the property (Available from title companies).
- 4) Copy of any easement agreements, if applicable.
- 5) Letter of authorization to apply for the above permit from the property owner if different than the applicant, or letter of authorization from the applicant if using an agent, i.e. consultant, engineer or attorney (See note regarding fee guarantees).
- 6) Completed and signed SEPA checklist, if applicable.
- 7) Seven (7) copies of a site plan drawn to a standard engineering scale containing at a minimum the following:
  - Dimensions of the property and scale used.
  - Location, setbacks and dimensions of **all** structures on the site.
  - Location of septic tank/drainfield, and well or utility lines.
  - Location, width and length of driveway.
  - Location and dimensions of all parking areas.
  - Names and locations of all public or private roads.
  - North arrow.
  - Location of the Ordinary High Water Mark of all water bodies on or adjacent to the subject site.
  - Distance from any structures to the Ordinary High Water Mark (OHWM) of any creeks, streams, rivers or lakes, if applicable.
  - Location of any wetlands, steep slopes, wildlife habitat or other critical areas if known.
  - If submitting a request for administrative approval or a shoreline variance for additional dock length please provide depth soundings at 5-foot intervals along the length of the proposed dock.
  - Quantity, source and composition of any fill or excavated material.
  - On all variance applications the plans shall clearly indicate where development could occur without approval of a variance and the physical features and circumstances on the property that provide a basis for the request and location of adjacent structures and uses.



- 8) Seven (7) copies of topographic drawings if the site is other than flat.
- 9) Provide a project narrative including a general description of the property as it now exists including its physical characteristics, improvements and structures as well as a general description of the proposed uses and activities necessary to accomplish the project.
- 10) List of names, mailing addresses, and parcel numbers of all persons owning property within either 300-feet (within Urban Growth Areas) or 1000-feet (outside of Urban Growth Areas) of the property boundaries of the subject site, in all directions (**Must be obtained from County Assessor's records**).
- 11) Typed self-adhesive mailing labels for each of the above property owners.
- 12) Fees:

|                               |     |                                   |                      |
|-------------------------------|-----|-----------------------------------|----------------------|
| Application                   | SHV | \$3,465.00                        |                      |
|                               | SHC | \$2,300.00                        | (Public Hearing)     |
|                               | SHC | \$880.00                          | (No Public Hearing)* |
|                               | SHR | (Value dependent on Project cost) |                      |
| Legal Notice                  |     | \$100.00                          |                      |
| SEPA                          |     | \$400.00                          |                      |
| Records / Archiving           |     | \$25.00                           | (UFS #8428)          |
| Flood Review                  |     | \$50.00                           | (UFS #2780)**        |
| Preliminary Stormwater Review |     | \$50.00                           | (UFS #7176)**        |
| Preliminary Traffic Review    |     | \$75.00                           | (UFS #7172)**        |

\* Additional fees will be required if the application requires a public hearing pursuant to WCC23.60.13.

\*\* These fees may or may not apply and will be determined at permit submittal.

*Make checks payable to Whatcom County Planning and Development Services*

**NOTE:** The application requires a personal guarantee for the payment of fees incurred to undertake permit review by whoever signs the permit application. Applicants and agents must recognize they will be held accountable for fees if they sign the application.



## Master Land Use Application

File #(s) \_\_\_\_\_

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

Check all applicable boxes below:

- |  |  |
|--|--|
| <input type="checkbox"/> Administrative                | <input type="checkbox"/> Shoreline Substantial Development |
| <input type="checkbox"/> Binding Site Plan             | <input type="checkbox"/> Shoreline Conditional Use         |
| <input type="checkbox"/> Critical Areas Reasonable Use | <input type="checkbox"/> Shoreline Variance                |
| <input type="checkbox"/> Planned Unit Development      | <input type="checkbox"/> Zoning Conditional Use            |
| <input type="checkbox"/> Long Subdivision              | <input type="checkbox"/> Zoning Variance                   |
| <input type="checkbox"/> Other:                        |  |

Receipt #: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Total Fees: \_\_\_\_\_

**Applicant Name:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone #( \_\_\_\_\_ ) \_\_\_\_\_

Fax #( \_\_\_\_\_ ) \_\_\_\_\_ Email \_\_\_\_\_

**Agent/Representative Name:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone #( \_\_\_\_\_ ) \_\_\_\_\_

Fax #( \_\_\_\_\_ ) \_\_\_\_\_ Email \_\_\_\_\_

**Owner's Name** \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone #( \_\_\_\_\_ ) \_\_\_\_\_

Fax #( \_\_\_\_\_ ) \_\_\_\_\_ Email \_\_\_\_\_

Deed attached:  YES  NO FLOOD ZONE:  YES  NO

Property interest of the applicant:  Purchaser  Lessee  Other \_\_\_\_\_

Site address \_\_\_\_\_

Parcel size: \_\_\_\_\_ in acres

**WHATCOM COUNTY**  
Planning & Development Services  
5280 Northwest Drive  
Bellingham, WA 98226-9097  
360-778-5900, TTY 800-833-6384  
360-778-5901 Fax



**J.E. "Sam" Ryan**  
Director

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Div \_\_\_\_\_ Plat \_\_\_\_\_  
\_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 Section \_\_\_\_\_, T \_\_\_\_\_ N, R \_\_\_\_\_ W.M.

Assessor's Parcel Number \_\_\_\_\_

Zoning: \_\_\_\_\_ Comp. Plan: \_\_\_\_\_ Shoreline: \_\_\_\_\_

Subarea: \_\_\_\_\_ Fire Dist. \_\_\_\_\_ School Dist: \_\_\_\_\_

Water source:  Well  District/Association: \_\_\_\_\_

Sewage Disposal:  Septic  Sewer \_\_\_\_\_

Applicant shall provide the names, addresses and parcel numbers of all persons owning property within 300' in an Urban Growth Area (UGA) or 1,000' outside an Urban Growth Area (UGA) of the subject site.

See instructions attached.

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### Fee Responsibility

Venue and Jurisdiction: The parties hereto recognize and agree that the venue of any action involving their rights or obligations related to this application shall be in Whatcom County, and the parties' rights and obligations hereunder shall be determined, in accordance with the laws of the State of Washington.

Fee Guaranty: Notwithstanding that this application has been submitted in the name of a company, I personally guarantee payment of fees accrued according to the terms listed in the Whatcom County Unified Fee Schedule and that my personal guarantee is part of the consideration for review of the application.

I/we Toby Schwalbe hereby certify that the above statements and the information contained in any papers or plans submitted herewith are true and accurate to the best of my knowledge, and that the list of surrounding property owners is complete and current.

Signature of Applicant

See attached easement agreements

Signature of Owner

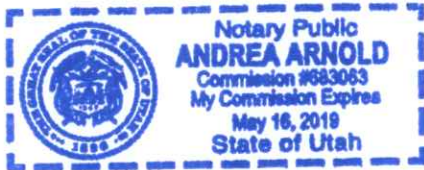
I certify that I know or have satisfactory evidence that Toby Schwalbe is/are the person(s) who appeared before me, and said person(s) acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated Sept. 13, 2017

Notary Public in and for the State of Washington Utah

Residing at Syracuse, Utah

My appointment expires: 5 / 16 / 2019



Application received by: \_\_\_\_\_

Date: \_\_\_\_\_



## Shoreline Conditional Use Supplemental Application

File # \_\_\_\_\_

Shoreline Conditional Use Permits may be granted only when the applicant can demonstrate that all the following criteria are met:

- A. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Whatcom County Shoreline Management Program (attached).
- B. That the proposed use will not interfere with normal public use of public shorelines.
- C. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area.
- D. That the proposed use will cause no unreasonable adverse effects to the shoreline environment in which it is to be located.
- E. That the public interest suffers no substantial detrimental effect.
- F. That cumulative impacts from the approval of Conditional Use Permits for the proposed use along with similar developments would be consistent with the policies of RCW 90.58.020 and would not produce a significant adverse effect to the shoreline environment.
- G. For uses that are not specifically classified in the Whatcom County Shoreline Management Program, including the expansion of a non-conforming use, it must be shown that the proposed use clearly requires a specific site location on the shoreline and that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the Shoreline Program.

*PLEASE USE BLACK INK OR TYPE ALL ANSWERS. IF ANY QUESTIONS DO NOT APPLY, MARK THEM "NOT APPLICABLE"*

- 1) Will the proposed use be consistent with the policies of RCW 90.58.020 and the Whatcom County Shoreline Management Program (attached)?  
YES                      NO

Please explain:

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- 2) Will the proposed use interfere with normal public use of public shoreline?  
YES                      NO

Please explain

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- 3) Will the proposed use be compatible with other uses in the area?  
YES                      NO

Please explain:

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- 4) Will the proposed use cause adverse effects to the shoreline environment?  
YES                      NO

Please explain:

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- 5) Will the proposed use cause detrimental effects to the public interest?  
YES                      NO

Please explain:

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- 6) Could cumulative impacts from the proposed project and other similar projects in the area produce a significant adverse effect to the shoreline environment?  
YES                      NO

Please explain:

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- 7) If the proposal involves a non-conforming use or other use which is not specifically classified by the Whatcom County Shoreline Management Program, does the proposed use require a site located on the shoreline?  
YES                      NO

Please explain:

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- 8) If the proposal involves a non-conforming use or other use which is not specifically classified by the Whatcom County Shoreline Management Program, are there extraordinary circumstances which preclude using the property in a manner consistent with the regulations of the Shoreline Program?  
YES                      NO

Please explain:

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- 9) (TO BE COMPLETED BY LOCAL OFFICIAL)  
Set forth in full that portion of the master program which provides that the proposed use may be permitted as a Conditional Use.

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## RCW 90.58.020

Legislative findings -- State policy enunciated -- Use preference.

The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- 1) Recognize and protect the statewide interest over local interest;
- 2) Preserve the natural character of the shoreline;
- 3) Result in long term over short term benefit;
- 4) Protect the resources and ecology of the shoreline;
- 5) Increase public access to publicly owned areas of the shorelines;
- 6) Increase recreational opportunities for the public in the shoreline;
- 7) Provide for any other element as defined in RCW [90.58.100](#) deemed appropriate or necessary.



In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter [90.58](#) RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

[1995 c 347 § 301; 1992 c 105 § 1; 1982 1st ex.s. c 13 § 1; 1971 ex.s. c 286 § 2.]

See notes following RCW [36.70A.470](#).

**NOTES: Finding -- 1995 c 347: "The legislature recognizes by this act that the growth management act is a fundamental building block of regulatory reform. The state and local governments have invested considerable resources in an act that should serve as the integrating framework for all other land-use related laws. The growth management act provides the means to effectively combine certainty for development decisions, reasonable environmental protection, long-range planning for cost-effective infrastructure, and orderly growth and development." [1995 c 347 § 1.]**

**Severability -- 1995 c 347: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 347 § 901.]**

**Part headings and table of contents not law -- 1995 c 347: "Part headings and the table of contents as used in this act do not constitute any part of the law." [1995 c 347 § 902.]**



## Guidelines For Finding Property Owners Necessary For Hearing Notices

It is the responsibility of the applicant to obtain a complete list of the property owners within 300 feet if within the UGA or 1000 feet if outside of the UGA of the boundaries of the parcel, which is the subject of the application. This guide is intended to help applicants compile that list and assure proper notice as required by the ordinances. Failure to provide a complete list may result in a delay in the processing of the application or a continuance of a scheduled hearing.

The Whatcom County Assessor's Office is the source of the necessary information. The Assessor is located on the main floor of the County Courthouse.

The following procedure is recommended, as the most effective for finding the information you will need. The personnel in the Assessor's Office will help you find the maps and measure the proper distance.

1. Locate the parcel that is the subject of the application on the appropriate map.
2. Carefully measure 300' or 1,000' from each corner and line of that parcel and record the complete 12-digit Assessor's parcel number for each parcel within the proper distance specified above. It is best to make a separate list for these parcel numbers.
3. Using the assessment roll, find the owner of each parcel.
  - a. If the owner that is listed is a bank, savings and loan or other financial institution, also record the title owner's name and the loan number from the listing. If the loan number is provided, and there is no name other than the financial institution, or if an address for the title owner is unavailable, write down the address of the financial institution as they may be able to forward the hearing notice if they are given the loan number.
  - b. The printed assessment roll is updated approximately every six months. There is a computer master file that is always up-to-date. Use the computer to locate any names you may have questions about on the printout, such as for property that you suspect may have been recently sold.
4. Using the name and address master file, find the address of the parcel owners. Those not in the name index can be found through the telephone book, city directory, or other sources. This address is vitally important and must be complete and legible.

This list of property owners, the addresses, and parcel numbers must be submitted with your application. County ordinances and due process requirements make the provision of proper notices to nearby property owners mandatory. No permit can be granted if the notice is defective. The Hearing Examiner will require strict compliance with the notice provisions of the ordinances.

**NOTE: The applicant shall submit typed self-adhering labels with the name and address of each property owner within the specified distance from the subject site. Properties located within the UGA shall notify property owners within 300-feet of the subject site. Properties located outside of the UGA shall notify property owners within 1000-feet of the subject site.**