

June 1, 2021 • Information for staff and industry professionals

Environmental Health  
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## Guidance to Develop Property When You are Unable to Obtain Restrictive Covenants

**Code reference:** Environmental Health Code, Chapter 3, Section 6.C

This guidance and attached flow chart outline the process to develop a property when an applicant is unable to obtain restrictive covenants when they develop property.

When you drill an individual well, the siting or placement of the well may affect neighboring properties. Each individual well has a Sanitary Control Area (SCA)—a 100-foot non-pollution radius surrounding the well. If the SCA overlaps a property line and affects a neighboring property, you must get a Restrictive Covenant. This document, signed by the neighboring property owner, gives you permission to place your well where the SCA may overlap onto their property.

You must send a certified letter to the property owner requesting they sign the Restrictive Covenant document.

- If they refuse, you can request a variance or waiver request.
- We recommend you consult with us before you submit a variance or hire any contractors.
- You must document this step and we must review in order to proceed with a variance or waiver request.

Environmental Health Code, Chapters 2 and 3 allow for minor impacts to neighboring lots to be mitigated with minimal impact to development. Minor impacts to neighboring lots should not require a variance to proceed with development. Based on consistent alternative construction methods for these situations, we modified our requirements and created this waiver process.

We need to review each situation independently dependent on lot size and existing development.

We strongly recommend you consult with Health Department staff for difficult, small, or irregular properties before you proceed with any contractors or applications.

### Questions?

Contact us at (253) 649-1420 or [ehdrinkingwater@tpchd.org](mailto:ehdrinkingwater@tpchd.org).