

Individual Well Restrictive Covenant Variance/Waiver Guidance



Guidance to develop property when you can't obtain restrictive covenants for individual wells

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

Use this guidance and flow chart to help you develop a property if you are unable to obtain restrictive covenants.

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, allows you to place your well where the SCA may overlap on their property.

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

- 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 it before you proceed with a variance or waiver request.

Environmental Health Code, Chapters 2 and 3 allow for minor impacts to neighboring lots with adequate mitigation. We created a consistent alternative construction method to reduce the risk through a waiver, instead of the variance process with a hydrogeologist report.

Summary (see flow chart):

- **Well 100–75 feet from property line.** We don't require you notify your neighbor or a hydrogeologist report.
 - We require a waiver application and fee with a 30-foot surface seal for mitigation.
- **Well 74–50 feet from property line.** We require a variance application and fee with hydrogeologist report.
- **Well 49–0 feet from property line.** Consult with Health Department staff.

We review each property based on lot size and existing development.

We 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.

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