

**WHATCOM COUNTY HEARING EXAMINER**

RE: SHORELINE SUBSTANTIAL DEVELOPMENT )	SHR2007-0008
ZONING CONDITIONAL USE )	CUP2008-0006
Application for )	
)	
<i>Lake Whatcom Resort Partners</i> )	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
)	AND DECISION

**SUMMARY OF APPLICATION AND DECISION**

Application: The Applicant is requesting approval of a Shoreline Substantial Development Permit and a Zoning Conditional Use Permit to renovate the existing non-conforming Lake Whatcom Resort and Marina. The renovations include reducing the number of RV pads from 130 to 83, replacement or remodel of existing structures, installation of a new septic system, and up-grade of potable water storage tank and associated projects as listed in the Staff Report.

Decision: The requested permits are granted, subject to conditions.

**FINDINGS OF FACT**

**INTRODUCTION**

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted herein and evidence presented at the public hearing.

**I.**

**PRELIMINARY INFORMATION**

Applicant: Lake Whatcom Resort Partnership

Property Location: 990 South Lake Whatcom Boulevard  
Bellingham, Washington

Legal Description: Within the SE ¼ of the SE ¼ of Section 20, Township 37N, Range 4E, W.M.  
Assessor’s Parcel No: 370420-440088.

Adjacent Water Body: Lake Whatcom

Shoreline Designation: Rural/Aquatic

Shoreline of Statewide Significance: Yes

Zoning: Rural (R5A)

Comprehensive Plan: Rural

Subarea: Lake Whatcom

Authorizing Ordinances

SMP 23.70.40	Hearing Examiner
SMP 23.50	Applicability
WCC 20.92	Hearing Examiner
WCC 20.36	Rural
WCC 20.83.020	Expansion of Nonconforming Uses

Applicable Program Provisions

SMP 23.20	Goals and Objectives
SMP 23.30.43	Rural Shoreline Area
SMP 23.40	Shorelines of Statewide Significance
SMP 23.90	General Policies & Regulations
SMP 23.100.80	Marinas and Launch Ramps
WCC 20.84.220	Zoning Conditional Use Permits
WCC 20.83.020	Expansion of Nonconforming Uses

SEPA Review: Determination of Non-significance (DNS), issued February 11, 2009 and Re-issued Mitigated Determination of Non-significance (MDNS), July 2, 2009

Legal Notices: Published – March 21, 2007 and February 12, 2009  
Posted – February 9, 2009  
Mailed – February 6, 2009

Hearing Date: February 25, 2009

Parties of Record:

Lake Whatcom Resort Partnership  
Rick Faber, Agent  
131 East Grover Street  
Lynden, WA 98264

Tony Freeland  
Freeland & Associates  
1408 North Garden Street  
Bellingham, WA 98225

Sanja Barisic  
Division of Engineering

Chad Yunge and Tyler Schroeder  
Planning and Development Services

Exhibits:

- 1 Land Use Application, Shoreline
  - 1-1 Supplemental Application
  - 1-2 Proposal
  - 1-3 Receipt
  - 1-4 Letter of Completeness, dated March 8, 2007
  - 1-5 Tracking Process
  - 1-6 Mailing Labels
  - 1-7 Public Water Availability Notification
  
- 2 Land Use Application, Conditional Use
  - 2-1 Supplemental Application
  - 2-2 Distribution List
  - 2-3 Mailing Labels
  - 2-4 Letter of Completeness, dated April 25, 2008
  - 2-5 Postage Receipt
  - 2-6 CUP Receipt
  - 2-7 Narrative
  - 2-8 Scope of Work
  - 2-9 Certification of Mailing
  
- 3 Staff Report, dated February 11, 2009
  
- 4 Agency Comments

- 5 Non-conforming Verification letter dated May 18, 2007
- 6 SEPA, DNS, dated February 11, 2009
- 7 Stopping Site Distance Exhibit
- 8 Intersection Site Distance Exhibit
- 9 Vicinity Map
- 10 Aerial Map
- 11 Zoning Map
- 12 Topo Map
- 13 Preliminary Site Plan – Shoreline Exhibit
- 14 Site Plan – CUP
- 15 Cultural Resources Survey, letter dated February 2, 2008 Drayton Archaeological Research
  - 15-1 Alluvial Fan Hazard Assessment, dated March 9, 2007
  - 15-2 Archaeological Investigation at Lake Whatcom Wildwood Resort, dated February 1, 2008
- 16 Public Water Availability
- 17 On-Site Sewage System, Construction Permit
- 18 Building Plans
- 19 Deeds
- 20 Email correspondence – staff
- 21 Legal Notice, dated March 21, 2007
- 22 Certification of Mailing, dated February 6, 2009
- 23 Legal Notice, dated February 12, 2009
- 24 Certificate of Posting, dated February 9, 2009
- 25 Memo, dated February 23, 2009 from Michael Kershner to Tyler Schroeder, re: Wetlands

- 26 Critical Area Reconnaissance, Impact Assessment and Mitigation Plan for Lake Whatcom Resort, dated revised February 2008, prepared by Northwest Ecological Services, LLC
- 27 Withdrawn DNS, dated March 5, 2009
- 28 Memorandum, dated March 5, 2009, from Tyler Schroeder to Bobbink requesting keeping the hearing record open while SEPA Determination is re-issued, and until close of comment period.
- 29 Email Correspondence between Staff and Applicant, dated March 5, 2009, including email to Parties of Record indicating Hearing Examiner keeping record open for the re-issuing of SEPA Determination
- 30 Memorandum, dated August 5, 2009, from Schroeder to Bobbink re: re-issued SEPA Determination, with MDNS attached

## II.

The Applicant is requesting approval of a Shoreline Substantial Development Permit and a Zoning Conditional Use Permit to renovate an existing non-conforming resort and marina on Lake Whatcom. The application originally requested approval of a Shoreline Conditional Use Permit, which was withdrawn once Staff's review determined this permit was not needed.

## III.

The Applicant has indicated that the Staff Report is factually correct. The Applicant stated no objection to the Conditions of Approval recommended by Staff. There was no public comment on this matter at the hearing. The Findings of Fact and Conclusions of Law of the Shoreline Planner of the Land Use Services Division of Whatcom County Planning and Development Services, as set forth in the Staff Report, Exhibit #3, dated February 11, 2009, a copy of which is attached hereto, are adopted and incorporated herein by this reference.

## IV.

The Whatcom County SEPA Official issued a SEPA Determination of Non-significance on February 11, 2009. Agency comments were received from Washington State Department of Ecology and the City of Bellingham. On March 5, 2009, Whatcom County SEPA Official withdrew the SEPA DNS and requested that the Hearing Examiner keep the hearing record open until such time as the SEPA Determination associated with the project was finalized. On August 5, 2009, the County's SEPA Official informed the Hearing Examiner that Planning and Development Services had re-issued a Mitigated Determination of Non-significance on July 2, 2009, that the comment period and appeal period had passed and that no affected party or jurisdiction had appealed the SEPA MDNS. Staff requested that the record be closed and the

MDNS be incorporated into a Condition of Approval in the Hearing Examiner's Decision.

**V.**

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following:

**CONCLUSIONS OF LAW**

**I.**

Whatcom County Shoreline and Zoning Planners have recommended approval of the requested Shoreline Substantial Development Permit and Zoning Conditional Use Permit for the renovation and remodel of an existing non-conforming resort and marina on Lake Whatcom.

Findings of Fact and Conclusions of Law are set forth in the Staff Report, Exhibit #3, dated February 11, 2009. Subject to the Conditions of Approval recommended by Staff, the Hearing Examiner also concludes that the proposal is consistent with the Goals, Policies, and Purpose of the Shoreline Management Act, RCW 90.58, and with the Goals and Policies of the Whatcom County Shoreline Management Program. The Conclusions of Law adopted by Staff in the Staff Report are incorporated herein as Conclusions of Law.

**II.**

Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following:

**DECISION**

A Shoreline Substantial Development Permit and Zoning Conditional Use Permit are hereby granted to Lake Whatcom Resort Partnership for the renovation and remodel of the existing non-conforming Lake Whatcom Resort and Marina, located at 990 South Lake Whatcom Boulevard, Bellingham, Washington. The permits are granted subject to the following conditions:

1. The use, location and size of the improvements on the subject property within the jurisdiction of the Whatcom County Shoreline Management Program (SMP), shall not be modified or changed in any manner without further review and approval by the Whatcom County Shoreline Administrator and/or Hearing Examiner as appropriate.
2. Prior to issuing any building permits or the commencement of development activity, including ground disturbance, a final comprehensive site plan shall be provided to, and approved by, Whatcom County Planning and Development Services (PDS) Staff in accordance with this approval.

3. The Applicant shall obtain building permits from Whatcom County PDS – Building Services Division for all structures requiring such permits pursuant to the International Residential Code (IRC) and International Building Code (IBC). Such determinations shall be made by Building Services Staff.
4. The Applicant shall obtain a demolition permit from Whatcom County PDS – Building Services Division for all structures to be removed from the subject property.
5. The Applicant shall fulfill all the Conditions of Approval enumerated in the Mitigated Determination of Non-significance, SEPA 2008-00039, issued by Whatcom County Planning and Development Services, July 2, 2009, a copy of which is attached hereto to this Decision.
6. The Applicant shall contact the Washington State Department of Fish and Wildlife (WDFW) to obtain a Hydraulics Project Approval (HPA) or any other required approvals as determined by WDFW for the proposed work within or near Lake Whatcom or the streams located on the subject property. A copy of the issued HPA shall be provided to the Shoreline Administrator prior to obtaining a Building Permit and/or start of any development activity including grading.
7. The removal and replacement of the existing bulkheads and the enhancement and rehabilitation measures shall be completed in accordance with the report prepared by Northwest Ecological Services (NES) dated November 2007, Revised February 2008. This work shall be completed prior to any sale or lease of new camping sites and cabins to ensure consistency with this approval.
8. Annual monitoring and maintenance of the enhancement and rehabilitation areas shall be done in accordance with the NES report dated November 2007, Revised February 2008. Prior to issuance of any building permits or start of other development activity, including land disturbance, a permanent protective easement of the mitigation area shall be executed and recorded. In addition, all financial assurances shall be completed and filed with the Shoreline Administrator.
9. Camping sites located partially within the 100-foot setback from the ordinary high water mark (OHWM) of Lake Whatcom, the proposed optional covered patio structures and storage shed shall be located a minimum of 100-feet from the OHWM of Lake Whatcom.
10. Repair and replacement activities including re-surfacing of existing roads, replacement of the concrete sections of the existing bulkhead, replacement of boom pilings, repair of the existing launch ramp, and all dock repairs as indicated on the site plan, shall be done in the same location and configuration as the existing structures.
11. The Applicant shall comply with all of the requirements of the Whatcom County Chief Plans Examiner unless modified by the Whatcom County Chief Plans Examiner or

appealed to the appropriate agency.

12. The Applicant shall comply with all of the requirements of the Whatcom County Fire Marshal unless modified by the Whatcom County Fire Marshal or appealed to the appropriate agency.
13. The Applicant shall comply with all of the requirements of the Whatcom County Geologist unless modified by the Whatcom County Geologist or appealed to the appropriate agency.
14. The Applicant shall comply with all of the requirements of the Whatcom County Engineering Division unless modified by the Whatcom County Engineering Division or appealed to the appropriate agency.
15. The Applicant shall comply with all of the requirements of the Whatcom County Health Department unless modified by the Whatcom County Health Department or appealed to the appropriate agency.
16. The Applicant shall comply with all of the requirements of the Whatcom County Watershed Office unless modified by the Whatcom County Watershed Office or appealed to the appropriate agency.
17. Maximum length of stay in recreational vehicle parks shall not exceed 180 days for any one-year time period.
18. A 30-foot landscaped buffer area composed of suitable native vegetation shall be placed around all common storage areas and at all perimeters of the recreational vehicle park. The existing vegetation is consistent with this condition, no further structures, development or other activities shall occur within any buffer areas.
19. Open areas and landscaped areas shall be continually and properly maintained.
20. Wood or pilings treated with creosote, pentachlorophenol or other similarly toxic substances shall not be used below the OHWM of streams, lakes or wetlands.
21. Sewage and garbage facilities shall be provided as required by the local Health Department and zoning regulations.
22. Storm drainage facilities for upland development shall be provided as required by the County Engineer consistent with applicable drainage and development standards.
23. All display and floodlighting shall be designed and operated so as not to emit unreasonable or unnecessary glare, to illuminate nearby properties or to create hazards to traffic.



24. Within 100-feet of the OHWM or Lake Whatcom and the shoreline associated wetlands, new distribution and on-site electrical and communication wiring shall be placed underground.
25. Discharge of solid waste or sewage into a water body is prohibited.
26. Garbage and litter receptacles shall be provided and maintained at several locations convenient to users.
27. Disposal or discarding of fish cleaning wastes, scrap fish, viscera, or unused bait, in or near the marina area or launch ramp is prohibited.
28. Fail safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as recovery of spilled products are required to hold water pollution to an acceptable minimum. The applicant shall submit an updated plan demonstrating compliance with the above requirement. The plan shall be reviewed and approved by the Whatcom County Fire Marshal prior to commencement of work on the marina facilities.
29. Use of motor vehicles including unlicensed off-road vehicles is prohibited on shore lands and wetlands.
30. The project shall comply with all applicable Federal, State, and local laws and regulations.
31. Ground disturbing activity greater than 500 square feet is prohibited within the Lake Whatcom Watershed during the wet season (September 1 – May 1). If ground disturbance resulting in exposed soils is proposed, including soils disturbed by use of heavy equipment, a Temporary Erosion and Sediment Control (TESC) plan shall be submitted for review at the time of application of the building permit to ensure the quality of surface waters are not significantly degraded. The project shall adhere to Washington State Department of Ecology (DOE) water quality and all other applicable water quality standards.
32. Existing vegetation shall be preserved to the maximum extent feasible. Only those trees identified for removal on the final approved site plan per condition 2 shall be removed from the subject property.
33. Construction and demolition debris shall be wholly removed from water/shoreline. Disposal shall occur in accordance with all applicable agencies' laws and regulations, including Whatcom County Planning and Development Services, DOE and Northwest Air Pollution Authority.

34. All pier and dock development shall be marked with reflectors, or otherwise identified so as to prevent unnecessarily hazardous conditions for water surface users during day or night. Exterior finish shall be generally non-reflective.
35. Pier and dock development shall be constructed and maintained so that no part of such development creates hazardous conditions nor damages other shore property or natural features during predictable flood conditions. Floats shall be securely anchored.
36. No pier, dock, or watercraft or houseboat moored thereto, may be used for a residence.
37. Piers and docks shall be constructed of materials, which will not adversely affect water quality or aquatic plants and animals over the long term. Wood or pilings treated with creosote, pentachlorophenol or other similarly toxic materials shall not be used below the OHWM of streams, lakes or natural wetlands.
38. Storage of fuel, oils, and other toxic materials is prohibited on docks with the exception of the existing fueling facilities associated with the gas dock.
39. Construction shall commence within two years of the effective date of the Shoreline Substantial Development Permit, as defined by WAC 173-27-090 (3), provided that the Whatcom County Hearing Examiner may authorize a single extension for a period not to exceed one year based on reasonable factors if a request for extension has been filed before the expiration date and notice of the proposed extension is given to Parties of Record and the Department of Ecology. Permit authorization to construct the dock shall terminate five years after the effective date of the Shoreline Substantial Development Permit, as defined by WAC 173-27-090 (3), provided that the Whatcom County Hearing Examiner may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to Parties of Record and the Department of Ecology.

### NOTICE

In addition to incurring civil liability under Shoreline Management Program Section 23.80.20 and RCW 90.58.210, pursuant to RCW 90.58.220 any person found to have willfully engaged in activities on shorelines of the state in violation of the provisions of the act or the Shoreline Management Program or other regulations adopted pursuant thereto shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than \$25 or more than \$1,000 or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment; provided that the fine for the third and all subsequent violations in any five year period shall not be less than \$500 nor more than \$10,000. Any person who willfully violates any court order, regulatory order or injunction issued pursuant to the Shoreline Management Program shall be subject to a fine of not more than \$5,000, imprisonment in the county jail for not more than 90 days, or both.


NOTICE OF ADMINISTRATIVE APPEAL PROCEDURES  
FROM FINAL DECISIONS OF  
THE WHATCOM COUNTY HEARING EXAMINER

This action of the Hearing Examiner is final. The following review procedure is available from this decision and may be taken by the applicant, any opponent of record, or any County department. Appeal to County Council. Within ten business days of the date of the decision a written notice of appeal may be filed with, and all required filing fees paid to, the Whatcom County Council, Courthouse - 1st Floor, 311 Grand Avenue, Bellingham, WA 98225. The appeal notice must state either:

- 1) The specific error of law which is alleged, or
- 2) How the decision is clearly erroneous on the entire record.

More detailed information about appeal procedures is contained in the Official Zoning Ordinance at Section 20.92.600-.830. A copy of this document is available for review at the County Council Office. After an appeal has been filed and the Council Office has received the hearing record and transcript of the public hearing, the parties will be notified of the time and date to file written arguments.

DATED this 20<sup>th</sup> day of August 2009.

  
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Michael Bobbink, Hearing Examiner

WHATCOM COUNTY HEARING EXAMINER

Shoreline Substantial Development ) SHR2007-0008  
Zoning Conditional Use ) CUP2008-0006  
Permit for )  
) Lead Agency: Whatcom County  
*Lake Whatcom Resort Partners* )  
) Date Received: March 8, 2007  
) Date Approved: August 20, 2009

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Pursuant to WCC Chapter 90.58, a permit is hereby granted to

Lake Whatcom Resort Partners

to undertake the following development:

renovate the existing non-conforming Lake Whatcom Resort and Marina, including reducing the number of RV pads from 130 to 83, replacement or remodel of existing structures, installation of a new septic system, and up-grade of potable water storage tank.

Property Description: 990 South Lake Whatcom Boulevard  
Bellingham, Washington

Legal Description: Within the SE ¼ of the SE ¼ of Section 20, Township 37N, Range 4E, W.M.  
Assessor's Parcel No: 370420-440088.

within the shoreline area of Lake Whatcom and/or its associated wetlands.

The project will be located within a Shoreline of Statewide Significance.

The following Shoreline Master Program provisions are applicable to the development:

SMP 23.20	Goals and Objectives
SMP 23.30.43	Rural Shoreline Area
SMP 23.40	Shorelines of Statewide Significance
SMP 23.90	General Policies & Regulations
SMP 23.100.80	Marinas and Launch Ramps
WCC 20.84.220	Zoning Conditional Use Permits
WCC 20.83.020	Expansion of Nonconforming Uses

Development undertaken through this permit shall be subject to the following conditions:

1. The use, location and size of the improvements on the subject property within the jurisdiction of the Whatcom County Shoreline Management Program (SMP), shall not be modified or changed in any manner without further review and approval by the Whatcom County Shoreline Administrator and/or Hearing Examiner as appropriate.
2. Prior to issuing any building permits or the commencement of development activity, including ground disturbance, a final comprehensive site plan shall be provided to, and approved by, Whatcom County Planning and Development Services (PDS) Staff in accordance with this approval.
3. The Applicant shall obtain building permits from Whatcom County PDS – Building Services Division for all structures requiring such permits pursuant to the International Residential Code (IRC) and International Building Code (IBC). Such determinations shall be made by Building Services Staff.
4. The Applicant shall obtain a demolition permit from Whatcom County PDS – Building Services Division for all structures to be removed from the subject property.
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11. The Applicant shall comply with all of the requirements of the Whatcom County Chief Plans Examiner unless modified by the Whatcom County Chief Plans Examiner or appealed to the appropriate agency.
12. The Applicant shall comply with all of the requirements of the Whatcom County Fire Marshal unless modified by the Whatcom County Fire Marshal or appealed to the appropriate agency.
13. The Applicant shall comply with all of the requirements of the Whatcom County Geologist unless modified by the Whatcom County Geologist or appealed to the appropriate agency.
14. The Applicant shall comply with all of the requirements of the Whatcom County Engineering Division unless modified by the Whatcom County Engineering Division or appealed to the appropriate agency.
15. The Applicant shall comply with all of the requirements of the Whatcom County Health Department unless modified by the Whatcom County Health Department or appealed to the appropriate agency
16. The Applicant shall comply with all of the requirements of the Whatcom County Watershed Office unless modified by the Whatcom County Watershed Office or appealed to the appropriate agency.
17. Maximum length of stay in recreational vehicle parks shall not exceed 180 days for any one-year time period.
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20. Wood or pilings treated with creosote, pentachlorophenol or other similarly toxic substances shall not be used below the OHWM of streams, lakes or wetlands.
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25. Discharge of solid waste or sewage into a water body is prohibited.
26. Garbage and litter receptacles shall be provided and maintained at several locations convenient to users.
27. Disposal or discarding of fish cleaning wastes, scrap fish, viscera, or unused bait, in or near the marina area or launch ramp is prohibited.
28. Fail safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as recovery of spilled products are required to hold water pollution to an acceptable minimum. The applicant shall submit an updated plan demonstrating compliance with the above requirement. The plan shall be reviewed and approved by the Whatcom County Fire Marshal prior to commencement of work on the marina facilities.
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Washington State Department of Ecology (DOE) water quality and all other applicable water quality standards.

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35. Pier and dock development shall be constructed and maintained so that no part of such development creates hazardous conditions nor damages other shore property or natural features during predictable flood conditions. Floats shall be securely anchored.
36. No pier, dock, or watercraft or houseboat moored thereto, may be used for a residence.
37. Piers and docks shall be constructed of materials, which will not adversely affect water quality or aquatic plants and animals over the long term. Wood or pilings treated with creosote, pentachlorophenol or other similarly toxic materials shall not be used below the OHWM of streams, lakes or natural wetlands.
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39. Construction shall commence within two years of the effective date of the Shoreline Substantial Development Permit, as defined by WAC 173-27-090 (3), provided that the Whatcom County Hearing Examiner may authorize a single extension for a period not to exceed one year based on reasonable factors if a request for extension has been filed before the expiration date and notice of the proposed extension is given to Parties of Record and the Department of Ecology. Permit authorization to construct the dock shall terminate five years after the effective date of the Shoreline Substantial Development Permit, as defined by WAC 173-27-090 (3), provided that the Whatcom County Hearing Examiner may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to Parties of Record and the Department of Ecology.



NOTICE

In addition to incurring civil liability under Shoreline Management Program Section 23.80.20 and RCW 90.58.210, pursuant to RCW 90.58.220 any person found to have willfully engaged in activities on shorelines of the state in violation of the provisions of the act or the Shoreline Management Program or other regulations adopted pursuant thereto shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than \$25 or more than \$1,000 or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment; provided that the fine for the third and all subsequent violations in any five year period shall not be less than \$500 nor more than \$10,000.

Any person who willfully violates any court order, regulatory order or injunction issued pursuant to the Shoreline Management Program shall be subject to a fine of not more than \$5,000, imprisonment in the county jail for not more than 90 days, or both. This approval does not release the applicant from any regulations and procedures required of any other public agency, or any County requirements other than the requirement to obtain a Shoreline Substantial Development Permit and Shoreline Conditional Use Permit. This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms or conditions thereof. Pursuant to Whatcom County Shoreline Management Program Section 23.60.151 this permit shall expire within two years of the date of its approval and a new permit will be required, if the permittee fails to make substantial progress toward completion of the project for which it was approved. Pursuant to Section 23.60.152 it shall expire if the project is not completed within five years of the date of the approval, unless the permittee has requested a review, and upon good cause shown, been granted an extension of the permit.

THIS PERMIT IS NOT VALID (AND NO CONSTRUCTION NOR OPERATION AUTHORIZED BY THIS PERMIT SHALL BEGIN) UNTIL THIRTY (30) DAYS AFTER THE DATE OF FILING AS DEFINED BY RCW 90.58.140(6) AND WAC 197-14-090, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN THIRTY DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(A)(B)(C).

DATED this 20<sup>th</sup> day of August 2009.

  
\_\_\_\_\_  
Michael Bobbink, Hearing Examiner

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THIS SECTION FOR DEPARTMENT USE ONLY IN REGARD TO A SHORELINE  
CONDITIONAL USE AND/OR SHORELINE VARIANCE.

Date received by Department \_\_\_\_\_

Approved \_\_\_\_\_ Denied \_\_\_\_\_

This Shoreline Variance/Conditional Use is approved/denied by the Department pursuant to Chapter 90.58 RCW. Development shall be undertaken pursuant to the following additional terms and conditions:

\_\_\_\_\_  
\_\_\_\_\_

DATED \_\_\_\_\_

\_\_\_\_\_  
Signature of Authorized Department Official