

WHATCOM COUNTY HEARING EXAMINER

RE: Zoning Conditional Use Permit) CUP2018-0005
Application for)
)
Calmor Cove Mobile Home Park) FINDINGS OF FACT,
) CONCLUSIONS OF LAW,
) AND DECISION

SUMMARY OF APPLICATION AND DECISION

Application: The Applicant is requesting a Zoning Conditional Use Permit to construct a 35,200 gallon potable water tank to serve the Calmor Cove Mobile Home Park, 316 West Lake Samish Drive, Bellingham, Washington.

Decision: The requested Zoning Conditional Use Permit is approved, subject to conditions.

FINDINGS OF FACT

INTRODUCTION

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

I.

Applicant: Calmor Cove Mobile Home Park

Site Location/Address: 316 West Lake Samish Drive
Bellingham, Washington 98229

Assessor's Parcel Number(s): 370335 501223 and 420250

Zoning: R5A

Comprehensive Plan: Rural

Subarea: Chuckanut - LS

Total Acreage: 14 acres

Water Supply: Calmor Cove Water Association

Fire Protection: South Whatcom Fire Authority

Law Enforcement: Whatcom County Sheriff's Office

Adjacent Land Uses: North: Residential / Forest
East: Residential
South: Forest
West: Forest

Authorizing Codes, Policies, Plans, and Programs

Revised Code of Washington [RCW] Chapter 36.70 and Chapter 58.17

Whatcom County Comprehensive Plan

Whatcom County Code, Title 2, Chapter 2.33 – Permit Review Procedures

Whatcom County Code, Title 20, Official Whatcom County Zoning Ordinance

Whatcom County Code, Title 14, Use of Natural Resources

Whatcom County Code, Chapter 12.08, Development Standards

Whatcom County Code Chapter 15, Building Code/Fire Code

State Environmental Policy Act (SEPA); Washington Administrative Code Chapter 197-11,

Whatcom County Environmental Policy Administration Chapter 16.08

Whatcom County Code Chapter 16.16, Critical Areas

Whatcom County Code Title 24, Health Regulations

SEPA Determination of Non-significance [DNS] issued on July 17, 2018 by Whatcom County Planning & Development Service

Legal Notices: Notice of Application, May 29, 2018
Published Notice of Public Hearing, July 12, 2018
Posted Notice of Public Hearing, July 9, 2018
Mailed Notice of Public Hearing, July 3, 2018

Hearing Date: July 25, 2018

Parties of Record

Mark Johnson
316 West Lake Samish Dr., No. 11
Bellingham, WA 98229

Verne and Ellen Barnhill
10254 Waters Avenue South
Seattle, WA 98178-2543

Charles Sullivan, Planner
Planning and Development Services

Exhibits

- 1 Conditional Use Application, with attachments
 - 1-1 Proposed Land Disturbance
 - 1-2 Fee Responsibility
 - 1-3 Agent Authorization
 - 1-4 Preliminary Traffic & Concurrency Information
 - 1-5 Preliminary Stormwater Proposal
 - 1-6 PDS Comment Form Letter, May 29, 2018: Notice of Application
 - 1-7 Property Owners Mailing Labels
- 2 Staff Report, dated July 17, 2018
- 3 Agency Comments
 - Natural Resources, May 30, 2018
 - Plans Examiner- Building Services, May 31, 2018
 - Fire Marshal, May 30, 2018
 - Environmental Health, May 29, 2018
 - Engineering Services, June 14, 2018
- 4 SEPA Determination of Non-significance, issued July 17, 2018, with attached DNS Distribution List, and Environmental Checklist
- 5 Public Comments in favor of proposal
- 6 Certificate of Mailing, Notice of Application, May 29, 2018, with attached Distribution List
- 7 Bellingham Herald Tear-Sheet: Legal Notice of Application, May 29, 2018
- 8 Certificate of Mailing Notice of Public Hearing, July 3, 2018
- 9 Certificate of Posting Notice of Public Hearing, July 9, 2018
- 10 Bellingham Herald Affidavit of Legal Notice of Public Hearing, July 12, 2018
- 11 Site Plan and Key Map, prepared by DCG Civil Structural, May 2, 2018

II.

The Applicant seeks approval for a Zoning Conditional Use Permit to construct a 35,200 gallon potable water tank to serve the Calmor Cove Mobile Home Park.

The Land Use Division of Whatcom County Planning and Development Services

Staff recommended approval of the requested Zoning Conditional Use Permit, subject to conditions. The Findings of Fact and Conclusions of Law of the Division are set forth in a Staff Report, Exhibit No.2, dated July 17, 2018, in the Hearing Examiner's file. The Hearing Examiner finds that the factual findings set forth in the Staff Report, a copy of which is attached hereto, are supported by the record as a whole and are incorporated as Findings of Fact herein by this reference.

The Applicant indicated there were no factual inaccuracies in the Staff Report. The Applicant indicated no objection to any of the Conditions of Approval requested by Staff. There was no public comment on this proposal at the public hearing.

III.

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.

The proposed Application to construct a 35,200 gallon potable water tank can be approved if it is consistent with the Zoning Conditional Use Criteria of WCC 20.84.220 (1 through 9). Subject to the Conditions of Approval attached to the granting of this Permit Decision, the proposal is consistent with the Conditional Use Criteria, as found by the Technical Review Committee in the attached Staff Report. A Zoning Conditional Use Permit should be granted, subject to the Conditions of Approval recommended by the Technical Review Committee.

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 Zoning Conditional Use Permit is hereby granted to construct a 35,200 gallon potable water tank located on Assessor's Parcel No(s). 370335 501223 & 5420250, addressed as 316 West Lake Samish Drive, Bellingham, Washington, subject to the following conditions:

Planning Division

1. The use and location on the site shall not be modified or changed in any way without further approval of the Whatcom County Hearing Examiner.
2. On site construction shall be limited to the hours of 7AM to 6PM between M-F.
3. All equipment shall comply with the State Noise Level Standards under the Washington State Administrative Code (WAC) 173.6.
4. Should archaeological materials (e.g. shell midden, faunal remains, stone tools) or human remains be observed during the scope of operations as approved, all work in the immediate vicinity shall stop, and the area shall be secured. The State Office of Archaeology and Historic Preservation (360-586-3065) and the Lummi Nation Tribal Historic Preservation Office (360-384-2298) shall be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.
5. Pursuant to WCC 20.84.210, Conditional Use Permits shall be nontransferable unless said transfer is further approved by the Hearing Examiner.
6. The Applicant must provide a detailed landscape plan showing adequate screening from W. Lake Samish Drive prior to building permit issuance.

Public Works – Engineering

7. All development shall comply with the Whatcom County Development Standards.
8. The Applicant shall adhere to the conditions set forth in the Revocable Encroachment Permits (ENC2018-00285 & ENC2018-00348).
9. Subject site is located within the Stormwater Special Districts, Lake Samish Watershed, and shall comply with the 2012 Washington State Department of Ecology Stormwater Manual, as amended [WCC 20.80.630 1 (c) & 2].
10. Certified Record Drawings (as-built) for the installation of any new drainage system/facility shall be provided and approved by the PW Engineering Services upon construction completion, and/or prior to issuance of any Certificate of Final Occupancy.

Building Service Division

11. A commercial building permit is required for this project. It will be reviewed under the current adopted edition of the International Building Code (IBC) and must comply with all other applicable codes and ordinances adopted by Whatcom County.
12. A pre-application screen meeting will be required prior to submittal for permit to determine if a Building Services pre-application meeting will be required or waived. If a Conditional Use Permit is required, it must be approved prior to the screening meeting date. Call 360-778-5900 to set up a screening meeting with Nick Smith.
13. When the Applicant has completed your screening and completed any requirements indicated on the screening form or has completed the pre-application meeting and has completed any requirements from that meeting, the Applicant may set up an appointment for permit submittal. Appointments are available Mondays through Friday. To schedule an appointment, contact Planning and Development Services (369-778-5900). Please have the pre-application number and/or contact information and geographic (tax parcel) number available when calling to schedule. The commercial building permit application form is available on-line at: www.whatcomcounty.us/pds under Quick Links > Applications/Forms.

NOTICE

This Approval is subject to all of the above-stated conditions. Failure to comply with them may be cause for its revocation. Complaints regarding a violation of the conditions of this permit should be filed with Whatcom County Planning and Development Services. The Hearing Examiner may not take any action to revoke this approval without further public hearing. Violations of this title shall constitute Class I civil infractions pursuant to RCW 7.80.120. The maximum penalty and the default amount for such violations shall be consistent with Chapter 7.80.RCW.

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

This action of the Hearing Examiner is final.

The applicant, any party of record, or any county department may appeal any final decision of the hearing examiner to Superior Court or other body as specified by WCC 22.05.020. The appellant shall file a written notice of appeal within 21 calendar days of the final decision of the hearing examiner, as provided in RCW 36.70C.040.

More detailed information about appeal procedures is contained in the Whatcom County Code Title 22 and Title 23.60 and which is available at <http://www.codepublishing.com/WA/WhatcomCounty>.

DATED this 1st day of August 2018.



Michael Bobbink, Hearing Examiner

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



Mark Personius, AICP
Director

WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES
STAFF REPORT

July 17, 2018

The application of Calmor Cove for a Zoning Conditional Use Permit	CUP2018-0005 FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS
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I. SUMMARY OF APPLICATION AND RECOMMENDATIONS

Summary: The applicant proposes to construct a 35,200 gallon potable water tank on the Barnhill property across W. Lake Samish Drive from Calmor Cove. The tank will be constructed with associated access and piping to connect to the existing Calmor Cove water system. The proposal includes boring under W. Lake Samish Drive and requires a shoreline exemption for pipe replacement within shoreline jurisdiction.

Recommendation: The Technical Review Committee recommends approval of the proposal

II. PRELIMINARY INFORMATION

A. BACKGROUND INFORMATION

Applicant: Calmor Cove
316 W. Lake Samish Drive
Bellingham, WA 98229

Property Owner: Calmor Cove
316 W. Lake Samish Drive
Bellingham, WA 98229

Verne & Eleanor E Barnhill
10254 Water Ave S
Seattle, WA 98178

Site Location/Address: 316 W. Lake Samish Drive
Bellingham, WA 98229

"0" West Lake Samish Drive
Bellingham WA, 98229

Assessor's Parcel 370335501223 & 370335420250
Number(s):

Zoning: R5A

Comprehensive Plan: Rural

Subarea: Chuckanut - LS

Total Acreage: 14 Acres

Water Supply: Calmor Cove Water Association

Sewage Disposal: N/A

Fire Protection: South Whatcom Fire Authority

Law Enforcement: Whatcom County Sheriff's Office

Adjacent Land Uses: North: Residential / Forest
East: Residential
South: Forest
West: Forest

B. AUTHORIZING CODES, POLICIES, PLANS, AND PROGRAMS:

1. Revised Code of Washington (RCW) Chapter 36.70
2. Whatcom County Comprehensive Plan
3. Whatcom County Code, Title 2, Chapter 2.33 – Permit Review Procedures
4. Whatcom County Code, Title 20, Official Whatcom County Zoning Ordinance
5. Whatcom County Code, Title 14, Use of Natural Resources
6. Whatcom County Code Chapter 12.08, Development Standards
7. Whatcom County Code Chapter 15, Building Code/Fire Code
8. State Environmental Policy Act (SEPA); Washington Administrative Code Chapter 197-11, Whatcom County Environmental Policy Administration Chapter 16.08
9. Whatcom County Code Chapter 16.16, Critical Areas
10. Whatcom County Code Title 24, Health Regulations

III. APPLICATION PROPOSAL

The applicant proposes to construct a 35,200 gallon potable water tank on the Barnhill property across W. Lake Samish Drive from Calmor Cove. The tank will require a 12 " X 20' culvert and a 300 square foot gravel access and parking area off W. Lake Samish Drive.

The Applicant also proposes to connect the water tank to the existing Calmor Cove Water System by boring two 60' passages under W. Lake Samish drive for plumbing and Electrical service. New water lines are to be installed on the Calmor Cove property to get the water to the existing water service building.

The project requires a conditional use permit, a shoreline exemption permit, SEPA checklist, encroachment permit and a building permit. Due to the project being within the Lake Samish watershed, all dirt work for the project must occur between June 1 and September 30.

IV. SITE DESCRIPTION

The project is proposed to take place on two separate properties; The Calmor Cove property located at 316 W. Lake Samish Drive and the Barnhill property directly across W. Lake Samish Drive at "0" W. Lake Samish Drive. The properties are located in Section 33, Township 37, Range 03 East W.M. in Whatcom County, WA. The combined total acreage of the lots is approximately 14 acres in size total.

The Calmor Cove site currently is used as a mobile home park. It presently is developed with 46 mobile homes, a clubhouse, parking and an existing water system. The Barnhill property is wooded and undeveloped. The tank is proposed to be located on the Barnhill property in support of the Calmor Cove Mobile Home Park.

The Calmor Cove property is generally flat. It abuts Lake Samish to the North. The Barnhill property slopes up to the west and provides a prime location for a water tank for Calmor Cove due to its elevation and location.

V. PUBLIC NOTICE AND COMMENT

Requirements for public notice are contained in Chapter 2.33 WCC.

Notice of Application: The Notice of Application and Optional SEPA intent to issue a DNS for this proposal was published on May 29, 2018. The fifteen (15) day comment period ended on June 13, 2018.

Pursuant to WCC 20.84.235(2), Notices were mailed on May 18, 2018 property owners whose property boundaries lie within 1000 feet of the subject property.

Notice of Public Hearing: The Notice of Public Hearing for this application was published in a one-time newspaper publication in the Bellingham Herald.

Public Comments: No public comments were received in opposition to the proposal.

VI. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The State Environmental Policy Act (SEPA) requires applicants to disclose potential impacts to the environment unless the proposal is categorically exempt from SEPA threshold review. The proposed number of units exceeds the categorical exemption threshold in WAC 197-11-800 and SEPA review is required.

The Whatcom County SEPA Official reviewed the completed SEPA checklist submitted by the applicant, and made a determination that with proper mitigation and by compliance with applicable codes and requested conditions, no significant adverse impacts to the environment would be likely to occur as a result of approving the proposed zoning conditional use.

A Determination of Non-significance (DNS) was issued on July 17, 2018 after utilizing the Optional DNS process (WAC 197-11-355). The appeal period for this Optional DNS ended on July 27, 2018. No appeals to this determination were filed.

VII. FINDINGS OF FACT and CONSISTENCY WITH REGULATIONS

A. Roads and Bridges (WCC Chapter 12.08)

WCC Chapter 12.08 adopts and gives authorization for development standards for development within Whatcom County. Whatcom County shall establish uniform, comprehensive and distinct requirements which shall be applied to all developments. These requirements shall be established as "Whatcom County development standards" and shall exist to provide clear development guidelines for all construction activity within the county. These standards shall establish administrative and technical requirements for the implementation of land use regulations and shall provide the basis by which developments are evaluated to ensure compliance with county regulations.

The Whatcom County Public Works Engineering Department reviewed the proposal and submitted a memo dated June 14, 2018 with the following comment and conditions of approval.

Applicant is proposing a water tank with utility borings under the County ROW. Applicant has applied for Revocable Encroachment permits ENC2018-00285 & ENC2018-00348. Based on the site plans provided it appears the applicant will be able to meet WCC 20.80.630 & DOE Stormwater Manual requirements.

The Technical Review Committee has determined that the project meets the requirements of WCC Chapter 12.08.

B. Critical Areas (Title 16)

WCC Chapter 16.16 of the Whatcom County Code contains standards, guidelines, criteria and requirements intended to identify, analyze, preserve and mitigate potential impacts to the County's critical areas and to enhance and restore degraded resources such as wetlands, riparian stream corridors or habitat, where possible.

The critical areas team reviewed the proposal and submitted a memo dated May 30, 2018. Critical area review included investigation for wetlands and habitat conservation areas on GIS mapping, aerial photos, and permits history. Staff had the following comments:

The above referenced case was routed to Natural Resources to review for compliance with WCC 16.16 Articles 6 & 7. The proposal for a new water tank and associated utility line routing was previously reviewed by Natural Resources staff under CA2017-00436 which included a site visit. No wetlands or Habitat Conservation Areas were identified that would be adversely affected by the proposal.

The proposal is approved for compliance with WCC 16.16 Articles 6 & 7.

The Technical Review Committee has determined that, the project meets the requirements of WCC Chapter 16.16.

C. Fire Code (WCC Title 15)

WCC Title 15 adopts and amends the applicable building and fire codes. The Building Official is authorized to promulgate such rules, policies and/or procedures as deemed necessary for the efficient operation of the permit process as administered by the department of building safety, designated in IBC Section 103.1, and hereby referred to as the building services division of the Whatcom County Planning and Development Services department.

The Whatcom County Fire Marshal submitted a memo dated May 30, 2018, with the following comments for this proposal:

I reviewed the purposed application material for the Calmor Cove Water tank and piping.

Whatcom County Fire Marshal's Office has no comments or conditions at this time and is approving it as submitted as it pertains to our jurisdictional authority.

The Technical Review Committee has determined that, as conditioned, the project meets the requirements of WCC Title 15.

D. Building Services (WCC Title 15)

WCC Title 15 adopts and amends the applicable building and fire codes. The Building Official is authorized to promulgate such rules, policies and/or procedures as deemed necessary for the efficient operation of the permit process as administered by the department of building safety, designated in IBC Section 103.1, and hereby referred to as the building services division of the Whatcom County Planning and Development Services Department.

The Whatcom County Plans Examiner submitted a memo, dated May 31, 2018, with the following comments for the proposal:

Project Review Discussion New Water Tank 35000 gallons and associated piping

Plans and Studies Submitted and Reviewed

These conditions are based on review of the following documents that were submitted by the applicant:

- Whatcom County *Conditional Use Application*;
- Project narrative;
- Preliminary Site Plan (dated May 11th).

Discussion of Applicable Codes

The application was submitted on May 11th 2018 and is subject to review under Title 15 (ORD 2010-041).

If there are any questions or comments regarding this memorandum, please do not hesitate to contact me at 778-5924 or by email rbooth@whatcomcounty.us.

The Technical Review Committee has determined that, as conditioned, the project meets the requirements of WCC Chapter 15.

E. Zoning (WCC Title 20)

WCC 20.82 – Public Utilities

Whatcom County Code 20.82.210 states that utility uses are allowed in all zone classifications of the Whatcom County Zoning Ordinance.

WCC 20.36 Rural Zone

The proposal is located within the Rural (R) zone which does not specifically allow a utilities of this type. However, WCC 20.82.030 Conditional Uses does allow the following:

WCC 20.82.030 Conditional uses.

The following uses shall require a conditional use permit or major project permit and shall be subject to a threshold determination in accordance with the Whatcom County SEPA Ordinance:

(6) Water storage reservoirs with volumes exceeding 50,000 gallons, those with height in excess of 12 feet above the ground level measured within 20 feet in all directions of the tank. The following height standards shall apply:

(a) The height limit on the water storage reservoir shall be the minimum necessary to accomplish its intended purpose. The applicant shall provide technical documentation that the height proposed is the minimum necessary.

(b) The height of the water storage reservoir may exceed the height limit of the underlying zone; provided, that all other criteria in WCC 20.84.220 are satisfied.

The proposal is for a water tank that is over 12' in height. Therefore the proposal requires a conditional use permit per WCC20.82.030 (6). The proposed tank is 15' high. The tank height is required to provide adequate head pressure.

20.84.220 Criteria.

Before approving an application, the hearing examiner or zoning administrator shall ensure that any specific standards of the use district defining the use are fulfilled, and shall find adequate evidence showing that the proposed use at the proposed location:

(1) Will be harmonious and in accordance with the general and specific objectives of Whatcom County's Comprehensive Plan and zoning regulations.

Goal 5J: Facilitate maintenance and rehabilitation of existing utility systems and facilities and encourage use of existing utility corridors.

Discussion: The proposal is for development of a water storage tank to improve an existing water system. The use is allowed by zoning with a conditional use.

(2) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.

Discussion: *The proposed water tank will be appropriately screened. It is being built to improve an existing water system. The character of the general area will remain unchanged.*

(3) If located in a rural area (as designated in the Comprehensive Plan), will be consistent with rural land use policies as designated in the rural lands element of the Comprehensive Plan.

Policy 2DD-2: Protect the character of the rural area through the County's development regulations. In addition to the policies of this plan that provide measures governing rural development, the following County's key development regulations are incorporated into this plan by reference.

Discussion: *The proposal has been reviewed by Whatcom County's Technical Review Committee; the proposal has been conditioned for consistency with all applicable Whatcom County development regulations.*

(4) Will not be hazardous or disturbing to existing or future neighboring uses.

Discussion: *There are no activities related to this proposal that will be hazardous or disturbing to existing or future neighboring uses. The proposal is for a water*

storage tank in support of an on-going water system. No change in activities is expected.

(5) Will be serviced adequately by necessary public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

Discussion: The proposal will require little public services. The water storage tank represents an improvement in the water system that serves the general vicinity.

(6) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.

Discussion: There will be no public costs for the facilities or services. The proposal will not be detrimental to the economic welfare of the community.

(7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors.

Discussion: The proposal is for a water tank and associated piping that will improve an existing water system. It does not represent an increase in employees or the intensity of the existing use.

(8) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.

Discussion: The proposal has been reviewed and approved by the Whatcom County Public Works Division of Engineering for access and sight distance requirements.

(9) Will not result in the destruction, loss or damage of any natural, scenic or historic feature of major importance.

Discussion: There are no natural, scenic or historical features of major importance on or near the site.

WCC 20.32.350 Building setbacks.

Building setbacks shall be administered pursuant to WCC 20.80.200 (Setback Requirements).

Rural (R)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	45'	35'	25'	25'	20'	5' ¹	5' ¹

The building, as proposed meets the setbacks outlined above.

WCC 20.32.400 Height limitations.

Maximum height shall be limited to 35 feet. Height of structures shall also conform, where applicable, to the general requirements of WCC 20.80.675.

The tank as proposed will be less than 35 feet in height.

WCC 20.32.450 Lot coverage. (Adopted by reference in WCCP Chapter 2.)

No structure or combination of structures shall occupy or cover more than 5,000 square feet or 20 percent, whichever is greater, of the total area, not to exceed 25,000 square feet. Buildings used for livestock or agricultural products shall be exempt from this lot coverage requirement.

The proposal meets lot coverage requirements.

WCC 20.32.652 Use of natural resources.

All discretionary project permits for land on or within one-half mile of the area designated as Agriculture, Rural, Commercial Forestry or Rural Forestry or within 300 feet of an area designated as Mineral Resource Lands in the Whatcom County Comprehensive Plan, or upon which farm operations are being conducted, shall be subject to the right to farm, right to practice forestry and mineral land disclosure policies contained in WCC Title 14, Use of Natural Resources.

The property is located within the rural zone. A right-to-practice forestry disclosure will be required prior to building permit issuance.

WCC 20.32.653 Landscaping: Refer to WCC 20.80.300 for landscaping requirements.

The applicant must provide a detailed landscape plan showing adequate screening from W. Lake Samish prior to building permit approval.

WCC 20.32.654 Parking requirements. Parking shall conform to the requirements of WCC 20.80.500. However, recreation vehicles, and boat parking and storage shall be limited to side and rear yards.

The proposal provides adequate parking and demonstrates adequate parking spaces for maintenance purposes.

WCC 20.32.656 Drainage. (Adopted by reference in WCCP Chapter 2.)

All development activity within Whatcom County shall be subject to the stormwater management provisions of the Whatcom County Development Standards unless specifically exempted.

No project permit shall be issued prior to meeting submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.

The application has been reviewed by Whatcom County Public works. As conditioned, the project meets the requirements of WCC 20.32.656.

20.84.220 Criteria.

Before approving an application, the hearing examiner or zoning administrator shall ensure that any specific standards of the use district defining the use are fulfilled, and shall find adequate evidence showing that the proposed use at the proposed location.

VIII. RECOMMENDATION

The Technical Review Committee has determined that subject to the following proposed conditions, the Conditional Use complies with applicable Whatcom County regulations.

As stated above, the Technical Review Committee recommends approval of the CUP subject to the following conditions:

IX. CONDITIONS OF APPROVAL

A. Planning Division

1. The use and location on the site shall not be modified or changed in any way without further approval of the Whatcom County Hearing Examiner.
2. On site construction shall be limited to the hours of 7AM to 6PM between M-F.
3. All equipment shall comply with the State Noise Level Standards under the Washington 5 Administrative Code (WAC) 173.6.
4. Should archaeological materials (e.g. shell midden, faunal remains, stone tools) or human remains be observed during the scope of operations as approved, all work in the immediate vicinity shall stop, and the area shall be secured. The State Office of Archaeology and Historic Preservation (360-586-3065) and the Lummi Nation Tribal Historic Preservation Office (360-384-2298) shall be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.
5. Pursuant to WCC 20.84.210, Conditional Use Permits shall be nontransferable unless said transfer is further approved by the Hearing Examiner.
6. The Applicant must provide a detailed landscape plan showing adequate screening from W. Lake Samish Drive prior to building permit issuance.

B. Public Works – Engineering

7. All development shall comply with the Whatcom County Development Standards (WCDS).
8. The Applicant shall adhere to the conditions set forth in the Revocable Encroachment Permits (ENC2018-00285 & ENC2018-00348).
9. Subject site is located within the Stormwater Special Districts, Lake Samish Watershed, and shall comply with the 2012 Washington State Department of Ecology Stormwater Manual, as amended. (WCC 20.80.630 1 (c) & 2).
10. Certified Record Drawings (as-built) for the installation of any new drainage system/facility shall be provided and approved by the PW Engineering Services upon construction completion, and/or prior to issuance of any Certificate of Final Occupancy.

C. Building Service Division

11. A commercial building permit is required for this project. It will be reviewed under the current adopted edition of the International Building Code (IBC) and must comply with all other applicable codes and ordinances adopted by Whatcom County.
12. A pre-application screen meeting will be required prior to submittal for permit to determine if a Building Services pre-application meeting will be required or waived. If a Conditional Use Permit is required, it must be approved prior to the screening meeting date. Call 360-778-5900 to set up a screening meeting with the Nick Smith.
13. When the Applicant has completed your screening and completed any requirements indicated on the screening form or has completed the pre-application meeting and has completed any requirements from that meeting, the Applicant may set up an appointment for permit submittal. Appointments are available Mondays through Friday. To schedule an appointment, contact Planning and Development Services (369-778-5900). Please have the pre-application number and/or contact information and geographic (tax parcel) number available when calling to schedule. The commercial building permit application form is available on-line at: www.whatcomcounty.us/pds under Quick Links > Applications/Forms.

Report prepared for the Technical Review Committee by: Charles Sullivan, Planner II