

WHATCOM COUNTY HEARING EXAMINER

RE: Zoning Variance) VAR2017-0006
Application for)
Shelley Lee) FINDINGS OF FACT,
) CONCLUSIONS OF LAW,
) AND DECISION

SUMMARY OF APPLICATION AND DECISION

Application: The Applicant is requesting a Zoning Variance Permit to reduce the front yard setback from 20-ft to 2-ft in order to accommodate construction of a carport.

Decision: The requested Zoning Variance 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: Shelley Lee

Property Address: 4716 Park Road
Sedro Woolley, Washington 98284

Legal Description: Section 25, Township 37 North, Range 4 East, W.M.

Assessor's Parcel Number: 370425 345318 0000

Zoning: Rural [R5A]

Comprehensive Plan: Rural [R5A]

Subarea: Lake Whatcom Subarea

Total Acreage: 3.94 acres

Roads: Public

Water and Sewer Supply: Private Well and On-Site Sewage System [OSS]

Fire Protection: Fire District No. 18

Law Enforcement: Whatcom County Sheriff's Office

Public Schools: School District No. 507

Vegetation: Forested

Adjacent Land Uses:
North: Commercial Forestry
East: R5A - Agriculture / Residential
South: R5A – Park Road / Residential
West: R5A - Forested

Authorizing Codes, Policies, Plans, and Programs

Revised Code of Washington [RCW] Chapters 36.70A Growth Management and 58.17
Whatcom County Comprehensive Plan
Whatcom County Code, Title 2, Chapter 2.33-Permit Review Procedures
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, Environment - Critical Areas
Whatcom County Code, Title 14, Use of Natural Resources
Whatcom County Code Title 20, Official Whatcom County Zoning Ordinance
Whatcom County Code, Title 17, Flood Damage Prevention Code
Whatcom County Code, Title 23, Shoreline Management Program
Whatcom County Code Title 24, Health Regulations

Legal Notices: Posted – Notice of Public Hearing, March 1, 2018
Mailed – Notice of Application, January 19, 2018
Notice of Public Hearing, February 22, 2018
Published – Notice of Application, January 16, 2018
Notice of Public Hearing, March 1, 2018

Hearing Date: March 14, 2018

Parties of Record

Shelley Lee
4716 Park Road
Sedro Woolley, WA 98284

Charles Sullivan, Planner
Planning and Development Services

Exhibits

- 1 Zoning Variance Application, with attachments
 - 1-1 Fee Responsibility
 - 1-2 Agent Authorization
 - 1-3 Property Owners' Addresses
 - 1-4 Preliminary Traffic & Concurrency Information
 - 1-5 Preliminary Stormwater Proposal
 - 1-6 Quit Claim Deed, March 8, 2011
 - 1-7 Customer Receipt, October 27, 2017
 - 1-8 Determination of Completeness, November 10, 2017
 - 1-9 VAR Routing Checklist
 - 1-10 Technical Review Committee Routing Memo, November 7, 2017
 - 1-11 Hearing Examiner Checklist, January 1, 2018
- 2 Staff Report, dated March 5, 2018
- 3 Agency Comments:
 - * Watersheds, November 16, 2017
 - * Environmental Health, November 16, 2017
 - * Plans Examiner II – Building Services, November 16, 2017
 - * Fire Marshal, November 17, 2017
 - * Engineering Technician, November 21, 2017
- 4 Lee Garage Site Survey, September 5, 2017
- 5 Certificate of Mailing, Notice of Application, January 19, 2018
- 6 PDS Comment Form Letter Notice of Application, January 16, 2018
- 7 Certificate of Mailing, Notice of Public Hearing, February 22, 2018
- 8 Legal Notice of Public Hearing, March 1, 2018
- 9 Posting Certificate, Notice of Public Hearing, March 1, 2018

II.

The Applicant is seeking a Zoning Variance to reduce the front yard setback from the required 20-feet to 2-feet in order to allow the construction of a new carport, replacing the existing dilapidated carport located in the same general area onsite.

III.

The Land Use Services Division of Whatcom County Planning and Development Services recommended approval of the requested Zoning Variance Permit in the Staff Report, Exhibit 2, dated March 5, 2018, subject to conditions. The Findings of Fact and Conclusions of Law set forth in the Staff Report, Exhibit No. 2, a copy of which is attached hereto, are incorporated herein by this reference. The Applicant has indicated that there are no factual inaccuracies in Staff's factual findings and no objection to the Conditions of Approval requested by Staff. There was no public comment on the application at the public hearing.

The Findings of Fact in the Staff Report are hereby adopted by the Hearing Examiner as the Findings of Fact herein.

IV.

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 request to reduce the front yard setback from 20-feet to 2-feet for the construction of a carport can be granted only if the request is consistent with the Zoning Variance Criteria of WCC 20.84.120 (1 through 3). Subject to Conditions of Approval, this Zoning Variance will be consistent with the applicable Variance Criteria. The requested Variance should be granted subject to conditions.

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 Variance Permit is hereby granted to James and Shelley Lee to reduce the front yard setback from 20-feet to 2-feet to accommodate the construction of a carport, located on Assessor's Parcel No.370425 345318, addressed as 4716 Park Road, Sedro Woolley, Washington, subject to the following conditions:

1. The use and location on site shall not be modified or changed in any way without further approval of the Whatcom County Hearing Examiner.
2. Whatcom County Planning and Development Services must issue a building permit prior to the commencement of construction activities.
3. The Applicant shall ensure that all development complies with Whatcom County Development Standards (WCDS), Chapter 12.08.
4. Inadvertent Discovery: If archaeological materials (bone, shell midden, cobble tools, etc.) are observed during site work, work in the area of discovery shall cease and the Whatcom County SEPA Administrator (676-6907) LNTHPO (384-2280) and Washington State Office of Archaeology and Historic Preservation (360-586-3065) shall be contacted immediately to determine the significance of the discovery. If human remains are observed, the Whatcom County Sheriff (911) and Lummi Sche'lan"en Department (384-2312) shall be contacted immediately. Compliance with all other applicable laws pertaining to archaeological resources is required.
5. Health Department: The proposed garage must maintain the same separation to the drainfield as the existing carport. Water quality and quantity for the well and a Report of System Status for the septic system may be required at the time of building permit application if the proposed project includes plumbing.
6. At the time of building permit review, the Applicant shall provide a revised, scaled site plan that shows the correct and actual location of streams on the property, their OHWM, and associated buffers.

7. Prior to issuance of building permit, the Applicant shall file a Notice on Title for Critical Areas with the Whatcom County Auditor's Office and submit a copy to Whatcom County PDS.
8. Further Critical Areas Review shall be required in the event the Applicant seeks any future Permits for the subject property.

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 following review procedure is available from this Decision and may be taken by the Applicant, any Party 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 15th day of March 2018.



Michael Bobbink, Hearing Examiner

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-676-6907, TTY 800-833-6384
360-738-2525 Fax



J.E. "Sam" Ryan
Director

#2

WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES
STAFF REPORT

Date: March 5, 2018
Hearing Date: March 14, 2018

The application of Shelley Lee for a Zoning Variance	VAR2017-00006 FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS
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I. SUMMARY OF APPLICATION AND RECOMMENDATIONS

Summary: The applicants are requesting a variance to reduce the required 20 foot front yard setback from Park Road to 2 feet for the construction of a carport. The proposed carport would replace a dilapidated non-permitted carport in the same general location.

Recommendation: The Technical Review Committee recommends approval based on the following report.

II. PRELIMINARY INFORMATION

A. BACKGROUND INFORMATION

Applicant/Agent: Shelley Lee
4716 Park road
Sedro Woolley, WA 98284

Owner: James and Shelley Lee
4716 Park road
Sedro Woolley, WA 98284

Site Location/Address: 4716 Park Road
Sedro Woolley, WA 98284

Legal Description: W 5 ACRES OF TR DAF-THAT PTN OF S 1/2 S 1/2 NE LY NLY OF CO RD 64-EXC ELY 1100 FT THEREOF- LESS RD

Assessor's Parcel Number: 370425 345318

Zoning: Rural (R5A)

Comprehensive Plan: Rural (R5A)

Subarea: Lake Whatcom

Lot Size: 3.94

Roads: Public

Water & Sewer Supply: Private well & Septic

Fire Protection: Fire District #18

Law Enforcement: Whatcom County Sheriff's Office

Public Schools: School District # 507

Topography: The subject site slopes downward aggressively to the south towards Park Road.

Vegetation: The subject site is forested.

Adjacent Land Uses:

North:	Commercial Forestry - Forest
East:	R5A - Residential / Agricultural
South:	R5A - Park Road/ Residential
West:	R5A - Forested

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

Revised Code of Washington (RCW) Chapter 36.70
Revised Code of Washington (RCW) 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 17 – Flood Damage Prevention Code
Whatcom County Code, Title 23 – Shoreline Management Program
Whatcom County Code Title 24, Health Regulations

III. APPLICATION PROPOSAL

The applicant, Shelley Lee, is requesting a reduction in setback to Park Road from 20 feet to 2 feet in order to accommodate the replacement of a carport. The proposed structure will be in a similar location to the existing non-permitted carport. It will be smaller in size and will be required to have a building permit.

Site constraints on the property include seasonal drainages on either side of the carport and steep slopes north of the proposed structure. Additionally, the location of the Septic drainfield on the flatter portion of the site further restricts any potential carport location. The applicant is proposing a location that will require no more impervious surface in the form of a driveway.

The existing road is located in the southern most portion of the 60 foot road right of way. The carport is proposed to be within the setback to the northern right of way line. The edge of the exiting pavement will be 32 feet from the carport. Future road expansion of the road closer to the carport is unlikely due to the slope of the land.

IV. SITE DESCRIPTION

The subject site is a 5.0 acre parcel located at 4716 Park Road, Sedro Woolley, WA Section 25, Township 37 North, Range 4 East W.M., Whatcom County, WA.

The site accesses off of Park road from a legally established access point. The site has a home and 2 outbuildings on it in addition to the proposed carport.

The surrounding properties are zoned rural forestry to the North and R5A in all other directions. The surrounding lots are primarily larger lots. The surrounding uses include single family residences and forestry uses.

V. PUBLIC NOTICE AND COMMENT

Requirements for public notice are contained in Chapter 2.33 WCC.

Notice of Application: The Notice of Application for this proposal was published on January 16, 2018. The fifteen (15) day comment period ended on Tuesday, January 31, 2018.

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 Comment: During the public comment period for the Notice of Application, Whatcom County PDS Department received no comments.

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.

Pursuant to WCC 16.08 and WAC 197-11-800 (6)(b), minor land use decisions such as the granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location and/or surrounding are categorically exempt.

VII. CONSISTENCY WITH REGULATIONS, FINDINGS OF FACT

Zoning Variance - Applicable Policies and Regulations

In order for a variance to be approved it must satisfy the criteria of WCC 20.84.120 (1) through (3). In summary, these criteria state that any variance granted shall not constitute a grant of special privilege, be based upon reasons of hardship caused by previous actions of the property owner, nor be granted for pecuniary reasons alone, but be granted because of special circumstances applicable to the subject property, including size, shape, topography, location or surrounding, and when the strict application of the zoning ordinance is found to cause a hardship and deprive the

subject property of a use or improvement otherwise allowed in the identical zoning classification.

Aesthetic considerations or design preferences without reference to restrictions based upon the physical characteristics of the property do not constitute sufficient hardship under this section, and the granting of this variance shall not be materially detrimental to the public welfare, or injurious to the property or improvement in the vicinity and zone in which the subject is situated.

The following circumstances, pursuant to WCC 20.84.120 (1)-(3), shall be found to apply in order to grant a variance:

- 1. That any variance granted shall not constitute a grant of special privilege, be based upon reasons of hardship caused by previous actions of the property owner, nor be granted for pecuniary reasons alone.**

Staff has no reason to believe that this variance has been requested for financial reasons, is based upon reasons of hardship caused by previous actions or is for pecuniary reasons. The subject site has little to no place for a carport.

- 2. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surrounding, the strict application of the zoning ordinance is found to cause a hardship and deprive the subject property of a use or improvement otherwise allowed in the identical zone classification. Aesthetic considerations or design preferences without reference to restrictions based upon the physical characteristics of the property do not constitute sufficient hardship under this section.**

The subject parcel is located on a slope. The site has drainages on either side of the proposed carport location. Additionally, due to the triangular shape of the parcel and location of the home, there are few other feasible locations on the site for a carport. Given the narrow driveway and location of the existing septic drainfield, the proposed location provides the safest mechanism for the applicant to turn a car around and enter Park Road in a safe manner.

The subject property is also located within the Lake Whatcom Watershed. The proposed location allows for the least amount of new hard surfaces as it is already used to park vehicles. Limiting the amount of hard surfaces in the watershed reduces runoff to the Lake and serves the public interest.

- 3. The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the subject is situated.**

Setbacks to roads are required for safety and aesthetic reasons. Given the vegetation within the existing non-conforming setback and the difference in elevation between the road and the proposed structure, neither the aesthetics nor public safety is likely to be impacted by the requested variance.

The variance application was routed to Whatcom County Public Works. The Public Works department has reviewed the proposal and completed sight visit. They support granting the variance.

The Technical Review Committee finds that the requested variance meets all of the three requirements of WCC 20.84.120.

A. WCC Chapter 12.08 – Roads and Bridges

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 Department Division of Engineering reviewed the proposal and submitted a revised memo dated November 21, 2017 with the following comments and recommended conditions:

The proposed variance request to the setback distance for a proposed garage has been reviewed and an onsite evaluation was completed in the beginning of October 2017.

Based on the information presented and reviewed, this new garage location will help correct the fact that a covered parking area currently encroaches into the existing County rights-of-way. Although the new location will not completely meet the required setback in this area, the Whatcom County Division of Engineering has no concerns with the approval of this variance request at this time.

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

B. WCC Title 15 – Buildings & Construction

Building Code: 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 Technical Review Committee has determined that as conditioned, the variance would meet the requirements of WCC Title 15.

C. WCC Title 16 – Whatcom County Critical Areas Ordinance

The above zoning variance application has been routed to Erin Page for review with WCC 16.16.100 – Purpose and Intent, WCC 16.16.200 – Administrative Provisions, WCC 16.16.600 – Wetlands, and WCC 16.16.700 – Habitat Conservation Areas.

According to submitted materials, applicant is proposing to demo and rebuild a new garage where the existing car port exists, close to Park Rd. The new garage is proposed to be within the existing footprint, but reduced in size. The new garage will extend approximately 2 feet to the east of existing footprint, towards the existing driveway.

According to the submitted site plan, three streams/drainages are present on the property. One is larger and located on the west side of the property, which drains into an underground culvert crosses under Park road to discharge into the wetlands to the south, across the street. The second stream is mapped approximately 25 feet northeast of proposed footprint expansion.

Pursuant to WCC 16.16.740 and 16.16.265(D), non-fish bearing streams have a 50 foot critical areas buffer and additional 10 foot building setback that extends landward from the OHWM of both sides of the stream.

One stream is mapped by our database on the property as located approximately 340 feet to the east of proposed garage. LIDAR imagery shows a larger incised drainage approximately 80 feet west of the proposed garage.

A site inspection occurred on November 15, 2017 to determine if impacts to stream buffers would occur. The two streams mapped as adjacent to the proposed expansion were not observed, as they are likely further away from the garage than shown on site plan, or do not meet the regulatory definition of a stream. The stream that is located on the west edge of the parcel (as seen on LIDAR imagery and in the field) is more than 50 feet from proposed work.

According to WCC 16.16.800 – Definitions, for the purposes of regulation, streams are defined as:

"Streams" means those areas where surface waters produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the annual passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water year-round. This definition includes drainage ditches or other artificial water courses where natural streams existed prior to human alteration, and/or the waterway is used by anadromous or resident salmonid or other fish populations or flows directly into shellfish habitat conservation areas.

Pursuant to WCC 16.16.260(A), impacts to regulated critical areas and their buffers shall be avoided if possible.

The Technical Review Committee has determined that the proposed variance will meet the requirements of WCC Chapter 16.16.

D. WCC Title 20 – Official Whatcom County Zoning Ordinance

WCC 20.36.350 – Building Setback Criteria: Building setbacks shall be administered pursuant to WCC 20.80.210 and 20.80.230 (3). WCC 20.80.210 (R) states minimum building setbacks of 20 feet from the front property line and 5 feet from the rear and side property lines. For corner lots, the owner/builder has the option of selecting the front yard setback if both roads are classified as Local Access streets. Yards on the other flanking streets may be considered side yards; pursuant to WCC 20.80.230 (3).

Discussion: The subject variance is for a reduction of the 20 foot setback from the property line fronting Park Road to 5 feet to the property line fronting Park Road. Due to the location of the road within the right of way, the topography of the land and adequate site distance, there is no public interest in enforcing the 20 foot setback.

The Technical Review Committee finds that the proposed development, besides the reduction in the front yard setback, will conform to the applicable building setback requirements.

WCC 20.36.400 – 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.

Discussion: The proposed expansion conforms to this requirement.

WCC 20.36.450 – Lot Coverage: No structure or combination of structures, including accessory buildings, shall occupy or cover more than 5,000 square feet or 20 percent, whichever is greater of the total area.

Discussion: As conditioned, the total structural coverage will be less than the maximum allowable coverage.

WCC Chapter 20.78 Transportation Concurrency

WCC Chapter 20.78 gives authority to ensure adequate transportation facilities are available or provided concurrent with development.

Public Works Engineering Services reviewed the Preliminary Traffic and Concurrency information submitted at the time of application. Based on the information submitted, a determination was made indicating that there are no further requirements for this proposal.

Discussion: The Technical Review Committee has determined that the proposal conforms to the requirements of WCC Chapter 20.78.

Fire Protection

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's Office submitted a memo dated December 19, 2017 recommending approval with no conditions.

The Technical Review Committee has determined that as conditioned, the variance would meet the requirements of WCC Title 15

E. Health Code (Title 24)

The purpose of Title 24 is to provide minimum standards to safeguard public health and welfare.

The Whatcom County Health Department (WCHD) reviewed the application and had the following comments:

The Whatcom County Health Department (WCHD) has reviewed the proposed project referenced above in accordance with WCC 24.05 On-Site Sewage Regulations and WCC 24.11 Drinking Water. The Whatcom County Health Department (WCHD) has reviewed the variance referenced above and has the following comments.

Water Supply and Sewage Disposal

The parcel has an approved on-site sewage system for sewage disposal and an exempt well for water supply.

WCHD has no objections to the variance.

The Technical Review Committee has determined that as conditioned the project meets the requirements of WCC Title 24.

VIII. RECOMMENDATION

The Technical Review Committee recommends that the Whatcom County Hearing Examiner **approve** the applicant's variance request to allow the reduction in the front yard setback from the required 20-ft to 2-ft to construct a carport.

IX. CONDITIONS OF APPROVAL

1. Permit Changes or Modifications: The use and location on site shall not be modified or changed in any way without further approval of the Whatcom County Hearing Examiner.
2. Building Permit: Whatcom County Planning and Development Services must issue a building permit prior to the commencement of construction activities.

3. Chapter 5 Development Standards: The development shall comply with the Whatcom County Development Standards.
4. Inadvertent Discovery: If archaeological materials (bone, shell midden, cobble tools, etc.) are observed during site work, work in the area of discovery shall cease and the Whatcom County SEPA Administrator (676-6907) LNTHPO (384-2280) and Washington State Office of Archaeology and Historic Preservation (360-586-3065) shall be contacted immediately to determine the significance of the discovery. If human remains are observed, the Whatcom County Sheriff (911) and Lummi Sche'lan"en Department (384-2312) shall be contacted immediately. Compliance with all other applicable laws pertaining to archaeological resources is required.
5. Building Permit: If variance is granted then the project will require a building permit.
6. Health Department: The proposed garage must maintain the same separation to the drainfield as the existing carport. Water quality and quantity for the well and a Report of System Status for the septic system may be required at the time of building permit application if the proposed project includes plumbing.
7. At the time of building permit review, a revised, scaled site plan that shows the correct and actual location of streams on the property, their OHWM, and associated buffers.
8. Prior to issuance of building permit, a Notice on Title for Critical Areas shall be filed at the Whatcom County Auditor's office and a copy submitted to Whatcom County PDS.
9. All future permits for this property shall require further critical areas review.

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