

WHATCOM COUNTY HEARING EXAMINER

RE: Zoning Variance	)	VAR2020-0003
Application for	)	
<b>Gary Baxter</b>	)	FINDINGS OF FACT,
<i>[shoreline exemption]</i>	)	CONCLUSIONS OF LAW,
	)	AND DECISION

**SUMMARY OF APPLICATION AND DECISION**

Application: The Applicant is requesting a Zoning Variance Permit to reduce the required side yard setback to 5-feet, as approved by shoreline exemption [SHX2019-0090] for the construction of a two-story single-family residence at 7560 Birch Bay Drive, Blaine, Washington.

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: Gary Baxter

Site Address: 7560 Birch Bay Drive  
Blaine, Washington 98230

Agent: Todd Fuller

Assessor's Parcel Number: 400131-052386

Zoning: Rural Commercial (RC)

Comprehensive Plan: Rural Commercial

Subarea: Birch Bay

Lot Size: 3,500 square feet

Roads: Public

Water & Sewer Supply: Birch Bay Water & Sewer District

Fire Protection: Whatcom County Fire District #21

Law Enforcement: Whatcom County Sheriff's Office

Public Schools: School District #503

Topography: Generally, the site is mostly flat.

Vegetation: The subject site is mostly lawn.

Adjacent Land Uses: North: RC – Residential  
East: RC – Terrell Creek/Residential  
South: RC – Residential  
West: RC - Residential

Authorizing Codes, Policies, Plans, and Programs

Revised Code of Washington [RCW] Chapters 36.70A and 58.17

Whatcom County Comprehensive Plan

Whatcom County Code [WCC] Title 2, Chapter 2.33-Permit Review Procedures

Whatcom County Code Chapter 12.08, Development Standards

Whatcom County Code, Title 14, Use of Natural Resources

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 20, Official Whatcom County Zoning Ordinance

Whatcom County Code Title 22, Land Use and Development Procedures

Whatcom County Code Title 23, Shoreline Management Program

Whatcom County Code Title 24, Health Regulations

Legal Notices: Posted – Notice of Public Hearing, August 20, 2020  
Mailed – Notice of Public Hearing, August 12, 2020  
Published – Notice of Public Hearing, August 20, 2020

Hearing Date: October 14, 2020

Parties of Record

Gary Baxter, Applicant/Owner  
7569 Birch Bay Drive  
Blaine, WA 98230

Todd Fuller, Agent  
1500 I Street  
Bellingham, WA 98225

Charles Sullivan, Planner II  
Whatcom County Planning & Development Services

- Exhibit List  
Folder Link: <https://www.whatcomcounty.us/DocumentCenter/Index/3241>

<a href="#">01. var2020-00003-application-20200422</a>	3315
<a href="#">02. var2020-00003-receipt-20200508</a>	21
<a href="#">03. var2020-00003-Parcel List-20200422</a>	63
<a href="#">04. var2020-00003-neighbor-radius-20200422</a>	2083
<a href="#">05. shx2019-00090-site-plan-20190809 CE and MIT</a>	376
<a href="#">06. Baxter Scanned Revocable Encroachment</a>	950
<a href="#">07. Baxter Scanned Traffic Concurrency</a>	1040
<a href="#">08. Baxter Scanned Storm Water</a>	1084
<a href="#">09. var2020-00003-legal-notice-20200428</a>	35
<a href="#">10. var2020-00003-noa-master-20200428</a>	44
<a href="#">11. var2020-00004-TRC-routing-memo-master-20200428</a>	21
<a href="#">12. var2020-00003 pw eng memo 20200612</a>	38
<a href="#">13. var2020-00003-baxter-pe-memo-2020-00003.dox</a>	73

<u>14. var2020-00003-health-memo-20200602</u>	107
<u>15. var2020-00003-staff-report-20151023</u>	84
<u>16. var2020-00003-he-exhibit-list-20200827</u>	29
17. Certificate of Mailing Notice of Application & Public Hearing, dated August 26, 2020	
18. Certificate of Posting Notice of Public Hearing, dated August 26, 2020	
19. Bellingham Herald Legal Notice of Application & Hearing, dated September 3, 2020	

## II.

The Applicant is requesting a Zoning Variance due to the small size of the lot. Without the Variance, the proposed two-story, 2,050 sq. ft. building footprint becomes a maximum of 27 feet wide, and would have to be significantly reduced in size. The Applicant secured a shoreline exemption permit for the proposed footprint for a 30-foot height, in compliance with Whatcom County Shoreline Management, under SHX2019-00090. After obtaining Shoreline approval for the proposed building permit, building plans were prepared and submitted for building permit approval. At that point, it became apparent that a zoning variance was also required for the proposed footprint, and this application was filed. Approval of the Variance would allow the building footprint allowed by the Shoreline Exemption already approved.

There were six comments opposing the Variance and one comment in support of the Variance. The Technical Review Committee adequately addressed the public comments in the Revised Staff Report.

## III.

The Whatcom County Technical Review Committee has recommended approval of the requested Zoning Variance Permit in the Revised Staff Report, dated September 28, 2020, subject to conditions. The Findings of Fact and Conclusions of Law set forth in the Revised Staff Report, dated September 28, 2020, a copy of which is attached hereto, and 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 grant a Variance can be granted only if the request is consistent with the Zoning Variance Criteria of WCC 20.84.120 (1 through 3). The Technical Review Committee concluded that the requested variance meets the three requirements and the project does satisfy the criteria of WCC 20.84.120 (1) through (3). The Hearing Examiner concurs.

Subject to the Conditions of Approval recommended by Staff, the Hearing Examiner should approve the granting of the Applicant's Zoning Variance.

##### **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 Gary Baxter to allow a reduction in the side*

yard setback to 5-ft for a 30-ft high 2-story home, located on Assessor's Parcel No. 400131 052386, addressed as 7560 Birch Bay Drive, Blaine, Washington, subject to the following conditions:

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. Chapter 5 Development Standards: The development shall comply with the Whatcom County Development Standards.
3. 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.
4. Building Permit: If variance is granted then the project will require a building permit.
5. Health Department: An approved Water Availability Notification Form will be required at the time of building permit application.
6. All permits for this property shall require further critical areas review.
7. Submittal of a building permit application requires a prescreening of the project. Refer to the *Residential Structures and Detached Accessory Structures - Permit Application Packet* for additional information and a description of the submittal documents required to apply for a building permit.
8. The applicant shall obtain a Revocable Encroachment Permit from Engineering prior to creating a new access for the lot. Proposed access shall be paved and meet current sight distance criteria, as per Development Standards.
9. The building shall be in compliance with all conditions outlined in the shoreline exemption permit (SHX2019-00090).

#### 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 15th day of October 2020,



---

Michael Bobbink, Hearing Examiner



**WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES  
STAFF REPORT\***

Date: September 28, 2020  
Hearing Date: October 14, 2020

The application of <b>Gary Baxter</b> for a Zoning Variance	VAR2020-00003   FINDINGS, CONCLUSIONS, AND   RECOMMENDATIONS
---	--

**I. SUMMARY OF APPLICATION AND RECOMMENDATIONS**

Summary: The applicants are requesting a variance to reduce the required side setback to 5 feet as approved by shoreline exemption (SHX2019-00090) for the construction of a two-story single family residence.

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

**II. PRELIMINARY INFORMATION**

**A. BACKGROUND INFORMATION**

Applicant/Agent: Todd Fuller  
1500 I Street  
Bellingham, WA 98225

Owner: Gary Baxter  
7569 Birch Bay Drive  
Blaine, WA 98230

Site Location/Address: 7560 Birch Bay Drive  
Blaine, WA 98230

Legal Description: BIRCH BAY PARK FIRST ADD LOT 12 BLK 22-TOG WI PTN VAC COTTERILL BLVD INCL BTWN NLY-SLY LI OF LOT 12 PROD WLY TO ELY R/W OF CO RD 119-TOG WI NLY 15 FT VAC JAMES WAY ABTG AS VAC CP VOL

\*Revised 9/28/2020 to reflect public comment and updated hearing date.



Assessor's Parcel Number: 400131052386

Zoning: Rural Commercial (RC)

Comprehensive Plan: Rural Commercial

Subarea: Birch Bay

Lot Size: 5086 Square Feet

Roads: Public

Water & Sewer Supply: Birch Bay Water and Sewer District

Fire Protection: Fire District #21

Law Enforcement: Whatcom County Sheriff's Office

Public Schools: School District # 503

Topography: The subject site is generally flat.

Vegetation: The subject site is mostly lawn.

Adjacent Land Uses:

North:	RC - Residential
East:	RC - Terrell Creek/ Residential
South:	RC - Residential
West:	RC - Residential

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

1. Revised Code of Washington (RCW) Chapter 36.70
2. Revised Code of Washington (RCW) Chapter 58.17
3. Whatcom County Comprehensive Plan
4. Whatcom County Code, Title 2, Chapter 2.33 - Permit Review Procedures
5. Whatcom County Code, Title 20, Official Whatcom County Zoning Ordinance
6. Whatcom County Code, Title 14, Use of Natural Resources
7. Whatcom County Code Chapter 12.08, Development Standards
8. Whatcom County Code Chapter 15, Building Code/Fire Code
9. State Environmental Policy Act (SEPA); Washington Administrative Code Chapter 197-11, Whatcom County Environmental Policy Administration Chapter 16.08
10. Whatcom County Code Chapter 16.16, Critical Areas
11. Whatcom County Code, Title 17 - Flood Damage Prevention Code
12. Whatcom County Code, Title 22- Permit Processing Procedures
13. Whatcom County Code, Title 23 - Shoreline Management Program
14. Whatcom County Code Title 24, Health Regulations

### **III. APPLICATION PROPOSAL**

The applicant, Gary Baxter, is requesting a zoning variance to the side property line setback for a single-family residence. The applicant seeks to gain relief from WCC 20.61.353 which states that an additional five feet shall be added to each side yard and rear yard for each 10 feet of building height, or fraction thereof, in excess of 15 feet. The variance is required to fit a 2-story home due to the size of the lot.

The variance is being requested due to the small size of the lot. The lot is 70 feet deep and 57.52 feet at its widest point. Without the variance the applicant's 2-story home could be a maximum of 27.52 feet wide. The applicant has secured a shoreline exemption permit for a home that is 30' in height in compliance with Whatcom Counties Shoreline Management code home under SHX2019-00090.

### **IV. SITE DESCRIPTION**

The subject site is a 83.71 x 57.52 (5086 square foot) parcel located at 7560 Birch Bay Drive, Blaine, WA Section 31, Township 40 North, Range 01 East W.M., Whatcom County, WA.

The site is currently undeveloped. The site is presently covered in lawn. There is a right of way and home to the south and the parcel to the north is undeveloped. Terrell Creek borders the eastern property line. Birch Bay is approximately 130 feet to the west.

The surrounding properties are zoned Rural Commercial (RC) in all directions. The surrounding lots are primarily residential lots with both single and multifamily residential structures.

Water and Sewer is provided by Birch Bay Water and Sewer. The site accesses off of Bay road.

### **V. PUBLIC NOTICE AND COMMENT**

Requirements for public notice are contained in Chapter 22 WCC.

Notice of Application: The Notice of Application for this proposal was published on September 2, 2020. The fifteen (15) day comment period ended on September 17, 2020. A notice of application was sent to 65 owners of property within 1,000 feet on September 2, 2020. The site was posted on September 2, 2020 as well as on September 16, 2020 when a neighbor indicated that the sign was missing.

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 Planning & Development Services Department received 7

comments. Six comments opposed the variance and one comment was in support of the variance.

- Opposition to the proposed variance is summarized by the issues presented below:
- There were concerns over views to Birch Bay from the homes to the Northeast and East of the proposed site.
- The proposal may impact a county right of way due South of the parcel that the proposal is situated on.
- The proposal will cause a decrease in property values for the surrounding properties.
- The applicant owns two lots and could either build on a different lot or combine the lots and would not need the variance.

*Whatcom County does not have a view corridor ordinance. The home directly to the South of the lot is a 2-story home as are many in the area, including the home across Birch Bay Drive. The generally character of the area consists of both one-story and two-story homes. The applicant would not be able to construct a two-story home greater than thirteen feet wide without a variance.*

*The applicant is proposing a building footprint of 2,050 square feet. For comparison, Whatcom County allows for a maximum of 4,000 square feet for a parcel fully encumbered by critical areas through the reasonable use exceptions process provided in WCC 16.16.270. This proposal only asks for roughly half of that building size. View of the water on adjacent lots would be similar with a one-story 15 foot home with the same footprint.*

*The proposed home location will not interfere with the existing Right-of-Way owned by Whatcom County due east of the proposed home. The right of way will be unaffected.*

*The applicant does own multiple lots. There is no code requirement for the property owner to bind the parcels or to build on one or the other. The property owner may build on any legal lot of record.*

The Technical Review Committee finds that public comment submitted during the 15 day public period have been adequately addressed in the above discussion.

## **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 is limited in size. In order for there to be a reasonable footprint for a 2-story home a variance is required.

- 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 83.71 feet deep and 57.52 feet wide. Without granting a variance the maximum house footprint for a 30 foot home would be 27.52 feet wide. The applicant has been granted a shoreline exemption for a 30 foot home in compliance with the Whatcom County Shoreline Management code.

**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.**

The variance is required to build a typical sized home for the area. It 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.

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 June 12, 2020 recommending approval with conditions and the following comments:

Granting 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 7560 Birch Bay Drive is situated as related to access sight distance on public roads, public roads and related infrastructure.

Based on the applicant's submittal and conversation with ROW inspectors, Engineering Services recommends the approval of this variance.

*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 Plans examiner's office submitted a memo dated June 3, 2020 recommending approval with conditions.

*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**

WCC Chapter 16.16 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 Whatcom County **Natural Resources** department has reviewed the original Shoreline exemption application pursuant to WCC Title 16 – Environment. In a memo dated April 8, 2020 Amy Deerborn, Planner II, provided a memo recommending approval with conditions:

Staff recommends approval of the variance.

*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 20.64.350 – Building Setback Criteria:**

Building setbacks shall be administered pursuant to WCC20.64.550 and 20.90.200cept as provided below.

**.353** An additional five feet shall be added to each side yard and rear yard for each 10 feet of building height, or fraction thereof, in excess of 15 feet. (Ord. 2012-032 § 2 Exh. B, 2012; Ord. 96-056 Att. A § O2, 1996).

*Discussion: The subject variance is for a reduction of the the sideyard setback to the standard county setback of 5 feet. Application of WCC20.64.353 would allow for a home of only 27.52 feet in width on the lot for any home in excess of 25 feet. In order to build a 2-story home on the 5,086 square foot lot a variance to WCC20.64.350 is required.*

*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.*

## **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 submitted a memo dated June 2, 2020 recommending approval with conditions and the following discussion:

The applicant has a WCHD approved water and sewer availability form from the Birch Bay Water & Sewer District that expires 3/10/2021.

*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 a reduction in the side yard setback to 5 feet for a 30 foot high 2-story home.

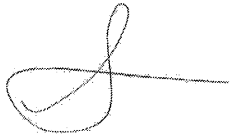
## **IX. CONDITIONS OF APPROVAL**

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. Chapter 5 Development Standards: The development shall comply with the Whatcom County Development Standards.
3. 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.
4. Building Permit: If variance is granted then the project will require a building permit.
5. Health Department: An approved Water Availability Notification Form will be required at the time of building permit application.
6. All permits for this property shall require further critical areas review.



7. Submittal of a building permit application requires a prescreening of the project. Refer to the *Residential Structures and Detached Accessory Structures - Permit Application Packet* for additional information and a description of the submittal documents required to apply for a building permit.
8. The applicant shall obtain a Revocable Encroachment Permit from Engineering prior to creating a new access for the lot. Proposed access shall be paved and meet current sight distance criteria, as per Development Standards.
9. The building must be in compliance with all conditions outlined in the shoreline exemption permit (SHX2019-00090).

Report prepared for the Technical Review Committee by:



Charles Sullivan  
Planner II