

WHATCOM COUNTY HEARING EXAMINER

RE: Zoning Conditional Use Permit) CUP2013-0007
Application for)
)
Truth Tabernacle Church) FINDINGS OF FACT,
) CONCLUSIONS OF LAW,
) AND DECISION

SUMMARY OF APPLICATION AND DECISION

Application: The Applicant is requesting a Zoning Conditional Use Permit to operate a school within classrooms of the existing church building and gymnasium building.

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: Truth Tabernacle Church

Property Address: 901 E. 54th Terrace
Bellingham, Washington 98226

Legal Description: LOT 1 HANNEGAN ROAD ESTATES SHORT PLAT AS REC BOOK 26
SHORT PLATS PG 5

Assessor's Parcel Number(s): 390328 035165

Zoning: Rural (R5A)

Comprehensive Plan: Rural

Subarea: Lynden/Nooksack

Total Acreage: 4.76 Acres

Water Supply: Deer Creek Water Association

Sewage Disposal: On-Site Sewage System (OSS)

Fire Protection: Whatcom County Fire District No. 21

Law Enforcement: Whatcom County Sheriff's Office

Public Schools: Meridian School District No. 505

Topography: The parcel is described as generally flat.

Vegetation: Vegetation on the site consists of pasture grass.

Adjacent Land Uses:
North: R5A, Residential
East: R5A, Residential
South: R5A, Residential
West: R5A, Residential

Authorizing Codes, Policies, Plans, and Programs

Whatcom County Comprehensive Plan

Whatcom County Code Chapter 12,

Whatcom County Code Chapter 15, Building 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 20, Official Whatcom County Zoning Ordinance

Whatcom County Code Title 24, Health Regulations

Legal Notices:
Posted – Notice of Public Hearing, April 2, 2014
Mailed – Notice of Public Hearing, March 28, 2014
Published – Notice of Public Hearing, April 3, 2014

Hearing Date: April 16, 2014

Parties of Record:

Tim Hall
901 East 54th Terrace
Bellingham, WA 98226

Jesse Stoner
541 West Bakerview Road
Bellingham, WA 98226

Sanja Barisic
Division of Engineering

Alex Cleanhous
Planning and Development Services

Exhibits

- 1 Land Use Application
 - 1-1 Narrative
 - 1-2 Fee Responsibility
 - 1-3 Agent Authorizations
 - 1-4 Customer Receipt
 - 1-5 Water Availability Notification
 - 1-6 Preliminary Stormwater Proposal
 - 1-7 Preliminary Traffic and Concurrency Information
 - 1-8 Revocable Encroachment Permit Application
 - 1-9 On-Site Sewage System Construction Permit
 - 1-10 Land Disturbance Permit Application
 - 1-11 Property Owners address labels
 - 1-12 Quit Claim Deed
 - 1-13 Determination of Completeness, November 7, 2013
 - 1-14 PDS Notice of Application & Optional SEPA DNS form comment letter
 - 1-15 PDS Hearing Examiner Checklist, March 19, 2014
- 2 Staff Report, dated March 19, 2014
- 3 Agency Comments and PDS Tech Committee Notice of Application memo: Engineering, Jan 24, 2014; Plans Examiner, Dec 5, 2013; Fire Inspector, Nov 16, 2013; Critical Areas, Nov 25, 2013
- 4 SEPA DNS, February 7, 2014, with Checklist attached
- 5 Aerial Site Photos [2]
- 6 Zoning Map
- 7 Site Plan Drawings
- 8 Certificate of Mailing, Notice of Application, Nov 20, 2013
- 9 Legal Notice of Application, Bellingham Herald Tear Sheet, November 20, 2013
- 10 Certificate of Mailing Notice of Public Hearing, March 28, 2014

- 11 Certificate of Posting, Notice of Public Hearing, April 2, 2014
- 12 Legal Notice of Public Hearing, April 3, 2014

II.

Truth Tabernacle Church is seeking a Zoning Conditional Use Permit for the operation of a school within classrooms of the existing church building and existing gymnasium building.

III.

The Land Use Services Division of Whatcom County Planning and Development Services 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 March 19, 2014, a copy of which is attached hereto and incorporated herein by this reference.

With a modification to Condition of Approval No. 4 under Code Enforcement, Staff and 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 matter either in writing or at the public hearing.

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 proposed operation of a school, utilizing the existing classrooms within the church building and gymnasium 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, the proposal is consistent with the Conditional Use Criteria. A Zoning Conditional Use Permit 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 Conditional Use Permit is hereby granted to Truth Tabernacle Church for the proposed operation of a school utilizing the existing classrooms in the church and gymnasium building to be located on Assessor's Parcel No.390328 035165, 901 East 54th Terrace, Bellingham, Washington, subject to the following conditions:

Planning Division

1. The use and location on the site as approved by this permit shall not be amended or changed in any way without further approval of the Hearing Examiner.
2. Pursuant to WCC 20.84.210, "Conditional Use Permits shall be nontransferable unless said transfer is further approved by the hearing examiner."
3. Right to Farm: Pursuant to WCC, Title 14, the owners of the property upon which this conditional use permit approval is granted shall sign a statement of acknowledgment containing a disclosure that pertains to the use of natural resources in Whatcom County. This disclosure shall be made on forms provided by Whatcom County, which shall then be recorded in the Whatcom County Auditor's Office.

Code Enforcement

1. The Applicant shall submit a complete commercial building permit application for each of the two involved buildings no later than 14 days following CUP approval.
2. The Applicant shall submit to PDS any additional documents or information required for review of the commercial permit applications no later than 14 days following notification of requirement.
3. The Applicant shall pay all pending fees and obtain issuance of the commercial permits no later than 7 days following notification of approval.
4. The Applicant shall complete all required work and/or conditions of the CUP and Commercial Permits prior to commencing in the September 2014 school season for the proposed land-use and building occupancies. .

Building Services Division

1. A commercial building permit is required for each building structure of this proposal. They 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.
2. A pre-application screening is required prior to building permit application to determine submittal requirements. The Applicant shall contact the Building Services Division to schedule the screening.

Fire Marshal

1. Fire flow required: A minimum 1500 GPM @ not less than 20PSI shall be provided for 1 hour per International Fire Code. Hydrants, pumps, water supply, and pipes shall be designed by a Washington State Licensed Engineer. Fire Hydrant must be with 400 feet of the most remote corner of all buildings. Fire Permit is required for the installation of all fire lines.
2. Fire sprinkler system required: Plans and specification shall be submitted to the Fire Marshal's Office for review and permitting. Fire sprinkler system is required because of the reduction in fire flow.
3. Fire alarm system required: Plans and specification shall be submitted to the Fire Marshal's Office for review and permitting.
4. Fire extinguisher size shall be 2A10BC and the locations shall be approved by the Fire Marshal.
5. Fire Department access shall meet the requirements of the Whatcom County Development Standards for Roads.
6. Hazardous Materials safety data sheets and quantities shall be provided to the Fire Marshal's Office.
7. The proposal shall comply with all applicable codes and ordinances adopted by Whatcom County. Any overlooked hazardous condition and/or violation of applicable code does not imply approval of such condition or violation.

Public Works – Engineering Division

1. All development shall comply with the Whatcom County Development Standards.
2. The private driveway shall comply with FM road standards width to accommodate two-way traffic.
3. The proposed development is exempt from transportation concurrency evaluation, based on Preliminary Traffic Information. This determination may need to be revisited

in the future if the Applicants add additional buildings or increase traffic generated from the subject site.

Health Department

1) SEWAGE:

The Applicant must demonstrate adequate sewage disposal capacity for the proposed project. There is an existing on-site sewage system (OSS) serving the facility that has not received final approval. Prior to building permit application, the following items must be provided:

- a) OSS Permit with final approval. Complete all required items to receive final approval of OSS. The necessary items were listed in a WCHD letter dated May 29, 2013. Work with your licensed OSS designer to complete these items.
- b) Current water usage records. Water usage records will be used to evaluate sewage disposal capacity. Technical justification from a licensed OSS designer stating that there is adequate sewage disposal capacity for the proposed project may be required.

2) DRINKING WATER:

If employees or the public have access to water, public water is required. The Applicant has provided an Availability Notification for Public Water signed by Deer Creek Water Association. The original Availability Notification must be submitted to WCHD for approval prior to building permit application.

The Applicant shall complete construction or, if no construction is contemplated as a part of this permit, shall demonstrate compliance with all of the conditions of this permit within 24 (twenty-four) months of the date of the issuance of this Decision. Failure to complete construction or demonstrate compliance shall result in the expiration of this permit. Substantial progress toward completion may satisfy the terms of this condition if approved by Whatcom County Planning and Development Services and the Hearing Examiner. The Applicant or permit holder may apply for an extension for a term of up to one year upon a showing that substantial progress has been made toward completion or compliance. An extension shall be granted if the Hearing Examiner finds that the Applicant or permit holder will suffer a substantial hardship if the extension is denied. The Hearing Examiner may grant an extension for any other good cause shown, in his discretion, but extraordinary circumstances must be shown to obtain an extension of more than one year. The Hearing Examiner shall obtain the comments of Whatcom County Planning and Development Services before granting any extension.

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 22nd day of April 2014.



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

EXHIBIT
2

WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES
STAFF REPORT

March 19, 2014

RECEIVED

MAR 21 2014

WHATCOM COUNTY
HEARING EXAMINER

| | |
|---|--|
| The application of Truth Tabernacle Apostolic Church for a Zoning Conditional Use Permit | CUP2013-00007 FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS |
|---|--|

I. SUMMARY OF APPLICATION AND RECOMMENDATIONS

Summary: Operation of a non-accredited school within classrooms of the existing Truth Tabernacle church building and existing gymnasium building.

Recommendation: The Technical Review Committee recommends approval for the proposed Conditional Use application.

II. PRELIMINARY INFORMATION

A. BACKGROUND INFORMATION

Applicant: Tim Hall
901 E. 54th Terrace
Bellingham, WA 98226

Site Location/Address: 901 E. 54th Terrace

Legal Description: LOT 1 HANNEGAN ROAD ESTATES SHORT PLAT AS
REC BOOK 26 SHORT PLATS PG 5

Assessor's Parcel Number(s): 390328 035165

Zoning: Rural (R5A)

Comprehensive Plan: Rural

Subarea: Lynden/Nooksack

Total Acreage: 4.76 Acres

Water Supply: Deer Creek Water Association

Sewage Disposal: On-Site Sewage System (OSS)

| | |
|----------------------------|--|
| <u>Fire Protection:</u> | Whatcom County Fire District No. 21 |
| <u>Law Enforcement:</u> | Whatcom County Sheriff's Office |
| <u>Public Schools:</u> | Meridian School District # 505 |
| <u>Topography:</u> | The parcel is described as generally flat. |
| <u>Vegetation:</u> | Vegetation on the site consists of pasture grass. |
| <u>Adjacent Land Uses:</u> | North: R5A, Residential East: R5A, Residential South: R5A, Residential West: R5A, Residential |

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

1. Whatcom County Comprehensive Plan
2. Whatcom County Code Chapter 12,
3. Whatcom County Code Chapter 15, Building Code
4. State Environmental Policy Act (SEPA). Washington Administrative Code Chapter 197-11, Whatcom County Environmental Policy Administration Chapter 16.08
5. Whatcom County Code Chapter 16.16, Critical Areas
6. Whatcom County Code Title 20, Official Whatcom County Zoning Ordinance
7. Whatcom County Code Title 24, Health Regulations

III. APPLICATION PROPOSAL

The proposal is to operate a non-accredited (not approved by the state superintended) school within the existing gymnasium building.

All teachers and students are members of the church. The operation of the church and school is overseen by an administrator, principal, and supervisors as required by the Accelerated Christian Education Program.

The school schedule is Tuesday through Friday 8 am to noon for Kindergartners. First graders attend 8am to 2 pm, and grades 2 through 12 attend from 8 am to 3 pm. There are 14 teachers and two administrative personnel at the school Tuesday through Friday. The school current has 71 students attending the school which can increase to 80 students throughout the school year.

IV. SITE DESCRIPTION

The subject property is a 4.76 acre parcel accessed off of Hannegan Road via a private easement/road. The site address is 901 E. 54th Terrace, and is located within Section 28, Township 39, Range 03 East, W.M., Whatcom County, WA.

The property has existing structures which the applicant intends to use for the proposal.

V. PUBLIC NOTICE AND COMMENT

Requirements for public notice are contained in Chapter 2.33 WCC.

Notice of Application and Optional DNS: The notice for this proposal was published and mailed to property owners within 1000 feet on November 20, 2013. The fifteen (15) day comment period ended on December 4, 2013.

The SEPA Determination of Non-Significance was issued on April 2, 2013, the right to appeal the determination ended on February 7, 2014.

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 Whatcom County SEPA Official has reviewed the completed SEPA checklist submitted by the applicant, and has 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.

The Optional DNS process was used and issued a Determination of Non-significance (DNS) was issued on November 20, 2013. The SEPA Determination of Non-Significance was issued on February 7, 2014.

VII. FINDINGS OF FACT and CONSISTENCY WITH REGULATIONS

A. Whatcom County Comprehensive Plan

Zoning regulations of a specific use district are meant to implement the goals and policies of the County's Comprehensive Plan. Conditional uses are those uses that may be approved within a zoning district if it is determined that the specific use requested is consistent with the general and specific objectives of the Whatcom County Comprehensive Plan. The proposed use that is the subject of this report has been reviewed for consistency with the following goals and policies of the Whatcom County Comprehensive Plan:

Goal 2DD: Retain the character and lifestyle of rural Whatcom

Goal 2FF: Provide employment opportunities in the rural parts of Whatcom County.

The Technical Review Committee finds that the proposal as conditioned is consistent with the Rural zone district, along with the goals and policies of the Whatcom County Comprehensive Plan.

B. Official Whatcom County Zoning Ordinance (Title 20, WCC)

The purpose of the Rural zone district is to implement the Rural designation of the Comprehensive Plan, which calls for the maintenance of the rural character and environmentally fragile areas by allowing a variety of low intensity uses that are compatible and complementary with the conservation of agricultural, forestry and related uses.

1. Compliance with WCC 20.83.020 & WCC 20.84.220 Criteria

Before approving an application for a conditional use permit, the hearing examiner shall ensure that any specific standards of the use district defining the conditional use are fulfilled, and shall find adequate evidence showing that the proposed conditional 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.

As conditioned the proposal is consistent with the general and specific objectives of the Whatcom County Comprehensive Plan and zoning regulations.

Goal 2DD: Retain the character and lifestyle of rural Whatcom

Goal 2FF: Provide employment opportunities in the rural parts of Whatcom County.

The proposal is consistent with the above goals of the Whatcom County Comprehensive Plan. Allowing for this use provides an opportunity for the church member's to send their children to a school within the area they live. Additionally the schools will employ teachers which will provide for additional employment opportunities in the rural zone.

(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.

The proposal utilizes existing buildings, the existing structures and use were permitted through previous a Conditional Use Permit. The proposal will create no changes to the essential character of the area.

(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.

Goal 2DD: Retain the character and lifestyle of rural Whatcom

Goal 2FF: Provide employment opportunities in the rural parts of Whatcom County.

The proposal utilizes existing structures that were permitted in a previous CUP. The proposal is consistent with the above goals of the Whatcom County Comprehensive Plan.

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

There are no proposed activities that will be hazardous or disturbing to existing or future uses.

(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.

The property is access from Hannegan Rd via a private easement/road. The property is serviced by the Whatcom County Sheriff and Fire District #21. Water service is currently provided by Deer Creek Water Association and a private septic system is on site.

(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.

No additional public costs will result from this proposal. 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.

There will be no excess traffic, noise, smoke, fumes, glare, dust, or odors as a result of this proposal.

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

The Whatcom County Public Works Department has reviewed and conditioned the proposal for consistency with applicable codes.

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

There are no natural, scenic or historic features of major importance that will be affected by this proposal.

D. WCC Title 20.36 – Rural Use and Site Requirements

20.36.350 - Building Setback Criteria:

Building setbacks shall be administered pursuant to WCC 20.80.200.

The proposal meets the setback requirements.

WCC 20.36.400 - Height Limitations:

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

The proposal meets the height limitations.

WCC 20.36.450 - Lot Coverage:

No structure or combination of structures, including accessory buildings, shall occupy or cover more than 2,500 square feet or 35 percent, whichever is greater of the total area.

No new structures are proposed.

WCC 20.36.652 - Use of Natural Resources:

All discretionary project permits for land on or within one-half mile of an 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.

20.36.654 - Parking Requirements:

Parking shall conform to the requirements of WCC 20.80.500. The parking spaces shall comply with the standards specified in WCC 20.80.

The proposal will utilize existing parking.

WCC 20.36.653 – Landscaping:

Landscaping requirements for this proposal shall comply with WCC 20.80.300.

No additional landscaping is required.

WCC 20.36.656 - Drainage:

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

WCC Chapter 20.78 - Transportation Concurrency:

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

The proposed development is exempt from transportation concurrency evaluation, based on Preliminary Traffic Information. This determination may need to be revisited in the future if the applicant adds additional building or increased traffic generated from the subject site.

E. Project Proposal Requirements by Staff

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, Division of Engineering, reviewed the proposal and a memo with conditions of approval dated January 24, 2014.

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

WCC Title 15 – Fire Code

WCC Title 15 adopts and amends the applicable building, mechanical, plumbing 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 November 16, 2013 with conditions of approval.

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

WCC Title 16 – Critical Areas

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.

Staff received comments from the Whatcom County Natural Resources Planner on November 25, 2013. There are no critical areas on site and no conditions of approval.

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

WCC Title 24 – Health Code

The purpose of Title 24 is to provide minimum standards to safeguard public health and welfare by regulating and controlling the activities considered in this title and any related work.

The Whatcom County Health Department submitted a memo dated November 27, 2013.

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

Title 15 - 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 Whatcom County Plans Examiner submitted a memo dated December 5, 2013 with conditions of approval.

The Technical Review Committee has determined that as conditioned, the proposal meets the requirements of Title 15, Whatcom County Code.

VIII. RECOMMENDATION

The Technical Review Committee recommends approval for the proposed conditional use permit subject to the following conditions:

IX. CONDITIONS OF APPROVAL

A. Planning Division – Alex Cleanthous

1. Permit Changes or Modifications: 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. CUP Nontransferable: Pursuant to WCC 20.84.210, "Conditional Use Permits shall be nontransferable unless said transfer is further approved by the hearing examiner".
3. Right to Farm: Pursuant to WCC, Title 14, the owners of the property upon which this conditional use permit approval is granted shall sign a statement of acknowledgment containing a disclosure that pertains to the use of natural resources in Whatcom County. This disclosure shall be made on forms provided by Whatcom County, which shall then be recorded in the Whatcom County Auditor's office.

B. Code Enforcement – Suzanne Bosman

1. Submit a complete commercial building permit application for each of the two involved buildings no later than 14 days following CUP approval.
2. Submit to PDS any additional documents or information required for review of the commercial permit applications no later than 14 days following notification of requirement.
3. Pay all pending fees and obtain issuance of the commercial permits no later than 7 days following notification of approval.
4. Complete all required work and/or conditions of the CUP and Commercial Permits prior to commencing the ~~2013 season~~ *in Fall of 2014.* of the proposed land-use and building occupancies.

C. Building Services Division – Ron Booth

1. A commercial building permit is required for each building structure of this proposal. They 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.

2. A pre-application screening is required prior to building permit application to determine submittal requirements. Contact the Building Services division to schedule the screening.

D. Fire Marshal – Will Anderson

1. Fire flow required. A minimum 1500 GPM @ not less than 20PSI shall be provided for 1 hour per International Fire Code. Hydrants, pumps, water supply, and pipes shall be designed by a Washington State Licensed Engineer. Fire Hydrant must be with 400' feet of the most remote corner of all buildings. Fire Permit is required for the installation of all fire lines.
2. Fire sprinkler system required. Plans and specification shall be submitted to the Fire Marshal's Office for review and permitting. Fire sprinkler system is required because of the reduction in fire flow.
3. Fire alarm system required. Plans and specification shall be submitted to the Fire Marshal's Office for review and permitting.
4. Fire extinguisher size shall be 2A10BC and the locations shall be approved by the Fire Marshal.
5. Fire department access shall meet the requirements of the Whatcom County Development standards for roads.
6. Hazardous Materials safety data sheets and quantities shall be provided to the Fire Marshal's Office.
7. The proposal shall comply with all applicable codes and ordinances adopted by Whatcom County. Any overlooked hazardous condition and/or violation of applicable code does not imply approval of such condition or violation.

E. Public Works – Engineering Division – Sanja Barisic

1. All development shall comply with the Whatcom County Development Standards.
2. Private driveway shall comply with FM road standards width to accommodate two-way traffic.
3. The proposed development is exempt from transportation concurrency evaluation, based on Preliminary Traffic Information. This determination may need to be revisited in the future if the applicants add additional buildings or increase traffic generated from the subject site.

F. Health Department – Mike Kim

1) **SEWAGE:**

The applicant must demonstrate adequate sewage disposal capacity for the proposed project. There is an existing on-site sewage system (OSS) serving the facility that has not received final approval. Prior to building permit application, the following items must be provided:

- a) OSS permit with final approval. Complete all required items to receive final approval of OSS. The necessary items were listed in a WCHD letter dated May 29, 2013. Work with your licensed OSS designer to complete these items.
- b) Current water usage records. Water usage records will be used to evaluate sewage disposal capacity. Technical justification from a licensed OSS designer stating that there is adequate sewage disposal capacity for the proposed project may be required.

2) **DRINKING WATER:**

If employees or the public have access to water, public water is required. The applicant has provided an Availability Notification for Public Water signed by Deer Creek Water Association. The original Availability Notification must be submitted to WCHD for approval prior to building permit application.

Report prepared for the Technical Review Committee by:

Alex Cleanthous,
Planner II