

WHATCOM COUNTY HEARING EXAMINER

Shoreline Substantial Development	)	SHR2014-0003
Shoreline Conditional Use	)	SHC2014-0002
Permit for	)	
<b>Whatcom County Public Works</b>	)	Lead Agency: Whatcom County
<b>Stormwater Division</b>	)	Date Received: January 31, 2014
	)	Date Approved: June 18, 2014

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

Whatcom County Public Works, Stormwater Division

to undertake the following development: stabilization of the lower approximately 150 feet of an unnamed seasonal stream in the Strawberry sub-basin of the Lake Whatcom watershed

Property Location: Undeveloped lot at approximately 1000 block of Coronado Avenue Bellingham, Washington

Legal Description: Within Section 35, Township 38 North, Range 3 East, W.M. Assessor's Parcel No. 380335 119503

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

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

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

SMP 23.20	Goals and Objectives
SMP 23.30.020	Official Shoreline Map
SMP 23.30	Shoreline Designations
SMP 23.60.010	Substantial Development Permit Criteria
SMP 23.60.040	Conditional Use Permit Criteria
SMP 23.90	General Policies & Regulations

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

1. The proposed shoreline developments shall be consistent with the scope and site plan approved by this Shoreline Substantial Development Permit. Any changes to the proposed development may require additional review and

approval by the Whatcom County Shoreline Administrator and/or Whatcom County Hearing Examiner.

2. Best Management Practices (BMPs) for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved Temporary Erosion and Sedimentation Control (TESC) Plan reviewed and approved by the Shoreline Administrator, or administrative conditions associated with the pending building permit application measures.
3. Construction and/or demolition debris shall be removed from the shoreline area upon completion of the project.
4. The Applicant shall comply with the conditions outlined by the Watersheds Technical Administrator, memo dated March 19, 2014 unless modified by the Technical Administrator or appealed to the appropriate agency.
5. The Applicant shall comply with the conditions outlined in the Building Services memo dated February 24, 2014, unless modified by the Technical Administrator or appealed to the appropriate agency.
6. The project shall comply with all applicable Federal, State, and local laws and regulations.
7. 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 (360-676-6907), LNTHPO (360-384-2298), 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 LNTHPO Dept. (360-384-2298) shall be contacted immediately. Compliance with all other applicable laws pertaining to archaeological resources is required.
8. Construction shall commence within two years of the effective date of shoreline variances and substantial development permits as defined by WAC 173-27-090 (3), provided that the Whatcom County Hearing Examiner may authorize a single extension for a period not to exceed one year based on reasonable factors if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the Department of Ecology.

#### **NOTICE**

In addition to incurring civil liability under Shoreline Management Program Section 23.80.20 and RCW 90.58.210, pursuant to RCW 90.58.220 any person found to have willfully engaged in activities on shorelines of the state in violation of the provisions of the act or the Shoreline Management Program or other regulations adopted pursuant thereto shall be guilty of a gross misdemeanor and shall be punished

by a fine of not less than \$25 or more than \$1,000 or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment; provided that the fine for the third and all subsequent violations in any five year period shall not be less than \$500 nor more than \$10,000.

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

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

DATED this 18<sup>th</sup> day of June 2014.



Michael Bobbink, Hearing Examiner

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

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

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

DATED \_\_\_\_\_

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