

WHATCOM COUNTY HEARING EXAMINER

RE: Zoning Variance) VAR2012-0004
Application for)
Harbor Shores, LLC) FINDINGS OF FACT,
) CONCLUSIONS OF LAW,
) AND DECISION

SUMMARY OF APPLICATION AND DECISION

Application: The Applicant is requesting a Zoning Variance to reduce the front yard setbacks for Lots 12, 13, 14 of Block 3 and Lots 13, 14, 15, 16 of Block 5 of the Plat of Harbor Shores. The subject variance is being requested because of development constraints such as vehicular access and critical areas (wetland and buffers).

The Applicant is requesting a reduction in setbacks along State Road 548 (Blaine Road) to allow for the development of single family homes with attached garages.

Decision: The requested Zoning Variance 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 herein and evidence presented at the public hearing.

I.

Applicant: Harbor Shores, LLC

Property Location: Intersection of Blaine and Hall Roads
Blaine, WA 98230 [*Addressing is not yet assigned]

Assessor's Parcel Numbers: 400107-474195
400107-474187
400107-474179
400107-473166
400107-474159
400107-473153
400107-471133

Zoning: Urban Residential 4 Units/Acre (UR4)

Comprehensive Plan: Urban Growth Area (UGA)

Subarea: Birch Bay - Blaine

Watershed: Drayton Harbor

Roads: Blaine and Hall Roads

Water Supply: Birch Bay Water & Sewer District

Sewage Disposal: On-Site Septic System, STEP System–Harbor Shores Sewer Association

Fire Protection: Whatcom County Fire District No. 21

Law Enforcement: Whatcom County Sheriff's Office

Public Schools: Blaine School District No. 503

Topography: The subject site is generally flat in topography.

Vegetation: The subject site is lightly vegetated with mostly mowed grass and existing wetland areas and buffers.

<u>Adjacent Land Uses:</u>	North:	UR4- Single-family residences
	East:	R10A – Single-family residences
	South:	R10A – Single-family residences
	West:	UR4 – Single-family residences

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

Legal Notices: Posted – February 12, 2013

Mailed – Notice of Application, December 6, 2012
Notice of Public Hearing, February 8, 2013

Published – Notice of Application, December 5, 2012
Notice of Public Hearing, February 14, 2013

Hearing Date: February 27, 2013

Parties of Record

Skip Jansen
Harbor Shores, LLC
4167 Mitchell Way
Bellingham, WA 98226

Craig Parkinson
Cascade Engineering
119 Grand Avenue, Suite D
Bellingham, WA 98225

Alex Cleanhous
Whatcom County Planning and Development Services

Sanja Barisic
Division of Engineering

Exhibits:

- 1 Land Use Application with attachments
 - 1-1 Attachment A: Project Description
 - 1-2 Figures 1 & 2: Lot Setbacks, 11/01/2012
 - 1-3 Fee Responsibility
 - 1-4 Agent Authorization
 - 1-5 Customer Receipt, November 8, 2012
 - 1-6 Determination of Completeness, November 19, 2012
 - 1-7 PDS Tech Committee Form Memo, Dec 5, 2012
 - 1-8 PDS Comment Form Letter
 - 1-9 Mailing Labels
 - 1-10 Staff/Applicant Scheduling Email
 - 1-11 PDS Hearing Examiner Checklist, Jan 24 and Feb 15, 2013
- 2 Staff Report, dated February 14, 2013
- 3 Agency Comments: Engineering, Dec 31, 2012; Plans Examiner, Dec 19, 2012; CAO Review, Dec 6, 2012
- 4 Letter dated February 18, 2013 from Cascade Engineering Group re: Staff Report Review
- 5 Aerial Site Photos [2]

- 6 Zoning Map
- 7 Bellingham Herald Tear Sheet, Dec 5, 2012, Notice of Application
- 8 Certificate of Mailing, Notice of Application, Dec 6, 2012
- 9 Certificate of Mailing, Notice of Public Hearing, February 8, 2013
- 10 Certificate of Posting, Notice of Public Hearing, February 12, 2013
- 11 Legal Notice of Public Hearing, February 14, 2013

II.

The Land Use Services Division of Whatcom County Planning and Development Services, in a Staff Report, dated February 14, 2013, recommended approval of this proposal subject to conditions. The Findings of Fact and Conclusions of Law that the Staff set forth in the Staff Report, Exhibit #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. There are no contested facts in this matter. There was no public testimony on the matter at the public hearing.

The Applicant has indicated no objection to the Conditions of Approval requested by Staff.

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

III.

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following

CONCLUSIONS OF LAW

I.

The request to reduce front yard setbacks for Lots within Harbor Shores, LLC for single-family residential development 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

Harbor Shores, LLC is hereby granted a Zoning Variance to reduce the front yard setbacks for Lots 12, 13, 14 of Block 3 and Lots 13, 14, 15, 16 of Block 5 to allow single-family residential development on property located on Blaine Road, Blaine, Washington, subject to the following conditions:

Planning

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 obtain an address for the proposed single family residences from Whatcom County Public Works - Engineering Services.
4. 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. Pursuant to WCC, Title 14, the owners of the property upon which this variance 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 the building permit issued by Whatcom County Planning & Development Services.

Public Works – Engineering

1. All development shall comply with WC Development Standards.
2. The Applicant shall contact Washington State Department of Transportation for an access permit and set back requirements on Blaine Rd (SR-548). The Applicant shall provide a copy of the letter from WSDOT regarding access approval. This letter can be submitted with building permit application for SFR.
3. Proposed driveway approach (Lot 14, parcel #474179) off of Hall Rd shall be located min. 60 ft from the closest edge of the intersection travel way of Blaine Rd to the center line of the driveway approach, as per Chapter 5, Sec. 508, D (4) Table 10. Proposed driveway approach shall maintain a clear vision area/ sight distance, as per WC Development Standards, Chapter 5. The applicant shall obtain a Revocable Encroachment Permit prior to installation on new driveway approach.

4. Lot 14 (parcel #474179) off of Hall Rd shall have min. 20ft setbacks (from the face of the garage to the property line on Hall Rd) as per Title 20, Sec. 20.80.210 (5) Setback Table.
5. Proposed alley shall have paved apron installed at the intersection with Hall Rd. The Applicant shall obtain a Revocable Encroachment permit prior to installation of said paved apron and for any work in the county right-of-way.

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 ADMINISTRATIVE 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 opponent 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 28th day of February 2013.



Michael Bobbink, Hearing Examiner

#2

RECEIVED Sam Ryan
Director

FEB 22 2013

WHATCOM COUNTY
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



WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES
STAFF REPORT

Date: February 14, 2013
Hearing Date: February 27, 2013

The application of Harbor Shores LLC for a Zoning Variance	VAR2012-00004 FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS
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I. SUMMARY OF APPLICATION AND RECOMMENDATIONS

Summary: The applicant is requesting a variance to reduce the front yard setbacks for Lots 12, 13, 14 of Block 3 and Lots 13, 14, 15, 16 of Block 5 of the Plat of Harbor Shores. The subject variance is being requested because of development constraints such as vehicular access and critical areas (wetland and buffers).

The applicant is requesting a reduction in setbacks, off of State Road 548 (Blaine Road) to allow for the development of single family homes with attached garages.

Recommendation: The Technical Review Committee recommends approval subject to the attached conditions.

II. PRELIMINARY INFORMATION

A. BACKGROUND INFORMATION

Applicant: Harbor Shores LLC
4167 Mitchell Way
Bellingham, WA 98226

Site Location/Address: Intersection of Blaine and Hall Road
Blaine, WA 98230
*Addressing is not yet assigned

Assessor's Parcel Numbers: 400107-474195
400107-474187
400107-474179
400107-473166
400107-474159

400107-473153
400107-471133

Zoning: Urban Residential 4 Units/Acre (UR4)

Comprehensive Plan: Urban Growth Area (UGA)

Subarea: Birch Bay - Blaine

Watershed: Drayton Harbor

Roads: Blaine and Hall Roads

Water Supply: Birch Bay Water & Sewer District

Sewage Disposal: On-Site Septic System, STEP System -Harbor Shores Sewer Association

Fire Protection: Whatcom County Fire District #21

Law Enforcement: Whatcom County Sheriff's Office

Public Schools: Blaine School District # 503

Topography: The subject site is generally flat in topography.

Vegetation: The subject site is lightly vegetated with mostly mowed grass and existing wetland areas and buffers.

Adjacent Land Uses:

North:	UR4- Single-family residences
East:	R10A - Single-family residences
South:	R10A - Single-family residences
West:	UR4 - Single-family residences

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 23 – Shoreline Management Program
13. Whatcom County Code Title 24, Health Regulations

III. APPLICATION PROPOSAL

Craig Parkinson, on behalf of Harbor Shores LLC, has submitted an application requesting a variance to reduce the front yard setbacks on Lots 12, 13, 14 of Block 3 and Lots 13, 14, 15, 16 of Block 5 of the Plat of Harbor Shores. The subject lots are located off of the west side of Blaine Road and are zoned Urban Residential (UR3).

The Plat of Harbor Shores was created in 1965 and consists of 52 lots ranging from 6,930 square feet to 14,000 square feet in size. Nearly all of the lots within the plat front local access streets, which according to WCC 20.80.215, has a minimum prerequisite front yard setback of 25 feet. However, nine (including seven of the subject lots) front Blaine Road. Blaine Road is classified as a state highway, and has, according to WCC 20.80.215, a prerequisite front yard setback of 45 feet. The applicant is requesting a variance to reduce the front setback off of Blaine Road to 25 feet for Lots 12 – 13, Block 3 and 14 – 16, Block 5, as well as reduce the front yard setback to 35 feet for Lot 14, Block 3 and Lot 13, Block 5. The reduction in setback will allow for better flexibility in the placement of new single-family homes, which would be consistent with the surrounding development.

At this time, a development agreement exists between Whatcom County and Harbor Shores LLC; RES2011-020. The development agreement established building envelopes outside of regulated critical areas and their respective buffers. In association with the development agreement, alley access was created for access to lots 13, 14, 15, and 16 of Block 5.

If a strict implementation of the setback requirement from a state road is applied placement of development would occur within the identified critical areas and buffers. The proposed variance from the setbacks requirements would allow for single family homes with garages to be placed outside identified critical areas and buffers. This type of development would be consistent with what already exists in the area.

The applicant through this Variance has proposed a shared driveway for lots 12 and 13 of Block 3. Also proposed for accessing lots 13, 14, 15, and 16 of Block 5 is an alley from Hall Road. The Washington State Department of Transportation prohibits allowing access onto State roads for parcels sharing common ownership. At the time of application the lots are all in common ownership and are not able to obtain access directly onto Blaine Road. With

the approval of the subject variance the number of allowed access points off of Blaine Road will be substantially reduced, and therefore creating a safer environment for the public.

IV. SITE DESCRIPTION

The proposal is for a variance from the setback requirements of WCC 20.80.210, below is a description of each of those lots.

Harbor Shores Block 3 –

Lot 12 – Parcel # 400107-474195

- Lot size – 8,800 square feet
- Proposed Building Envelope – 2,293 square feet
- Maximum Lot coverage per WCC 20.20.450 – 3,080 square feet
- Access – Shared driveway with lot 13 off of Blaine Road

Lot 13 – Parcel # 400107-474187

- Lot size – 8,800 square feet
- Proposed Building Envelope – 2,307 square feet
- Maximum Lot coverage per WCC 20.20.450 – 3,080 square feet
- Access – Shared driveway with lot 12 off of Blaine Road

Lot 14 – Parcel # 400107-474179

- Lot size – 8,800 square feet
- Proposed Building Envelope – 3,364 square feet
- Maximum Lot coverage per WCC 20.20.450 – 3,080 square feet
- Access – Driveway off of Hall Road

Harbor Shores Block 5 –

Lot 13 – Parcel # 400107-473166

- Lot size – 7,920 square feet
- Proposed Building Envelope – 3,621 square feet
- Maximum Lot coverage WCC 20.20.450 – 2,772 square feet
- Access – Alley access from Hall Road

Lot 14 – Parcel # 400107-474159

- Lot size – 7,920 square feet
- Proposed Building Envelope – 3,634 square feet
- Maximum Lot coverage WCC 20.20.450 – 2,772 square feet
- Access - Alley access from Hall Road

Lot 15 – Parcel # 400107-474153

- Lot size – 7,920 square feet
- Proposed Building Envelope – 2,301 square feet
- Maximum Lot coverage WCC 20.20.450 – 2,772 square feet

Access – Driveway off of Blaine Road or access easement off of Lot 14

Lot 16 – Parcel # 400107-474133

- Lot size – 7,920 square feet
- Proposed Building Envelope – 2,561 square feet
- Maximum Lot coverage WCC 20.20.450 – 2,772 square feet
- Access - Alley access from Hall Road

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 December 5, 2012. The fifteen (15) day comment period ended on December 20, 2012.

On December 5, 2012, Notices of Application were mailed to property owners whose boundaries lie within 1,000 feet of the subject property.

No public comment was received regarding this proposal.

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

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 does not believe that granting of the proposed variance will 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.

The subject lots were platted in 1965 as a part of the Plat of Harbor Shores. At the time of platting Blaine Rd was under Whatcom County ownership, now Blaine Rd is considered a State Route and thus is subject to a greater setback. Furthermore, nearly all of the lots within the plat front local access streets, which according to WCC 20.80.215, has a minimum prerequisite front yard setback of 25 feet. As such, the granting of this variance will not constitute a special privilege then what other lots are currently exists in the area.

As stated, Harbor Shores LLC has entered into an approved Developers Agreement (RES2011-020), which established buildable and critical areas within the Plat of Harbor Shores. The proposed variance would allow for greater flexibility in home placement and size and would still work within the framework established within the Developers Agreement.

- 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.

Lots 12, 13, and 14 of Block 3 and lots 15 and 16 of Block 5 of the Plat of Harbor Shores have wetland and associated buffer constraints. If the strict application of the code is implemented, the subject lots would have a "buildable envelope" of less than 2,500 square feet. The Whatcom County Zoning Ordinance does not specifically define "reasonable use" of a property. However, staff has historically viewed a building envelope of 2,500 square feet for a single-family residence as "reasonable use." As such, staff believes that granting a variance, which will increase the subject lots "building envelope" to around 2,500 square feet, is not an action that would not otherwise be allowed in other areas within Whatcom County.

As part of this application, a variance for Lot's 13 and 14 of Block 5 has been requested. These lots do not have critical area and/or buffer constraints. However, the lots are in the same ownership limiting their ability to gain individual access from WA DOT from Blaine Road. The applicant has proposed an access point off from the alley rather than Blaine Road; staff is in support with allowing the reduced front yard setback off of Blaine Road. This will allow for the subject lots, which have the common ownership to all be developed in a similar manner to other lots located in the area.

- 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 proposed 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.

VIII. FINDINGS OF FACT and CONSISTENCY WITH REGULATIONS

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

Show Desktop.scf reviewed the proposal and submitted a memo dated December 17, 2012. The subject plat is currently undeveloped, except for a public road (Hall Rd) that serves Harbor Shores Plat. Hall Rd is county maintained road classified as a Rural Local Access with 112 ADT. (average daily traffic) Blaine Rd is a State Route SR-548.

The Technical Review Committee has determined that as conditioned, the proposed variance would meet 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 Whatcom County Chief Plans Examiner submitted a memo dated December 19, 2012 with no conditions of approval.

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

C. WCC Title 16 – Whatcom County Critical Areas Ordinance

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.

Whatcom County Planning & Development Services Department Natural Resources Division Critical Areas wetlands staff submitted a memo dated December 6, 2012, with no conditions of approval.

The Technical Review Committee has determined that, the variance would meet the requirements of WCC Title 16.

D. WCC Title 20 – Official Whatcom County Zoning Ordinance

WCC 20.20.350 – Building Setback Criteria:

Building setbacks shall be administered pursuant to WCC 20.80.200

Discussion: This proposed variance is for a variance from WCC 20.80.200. If approved this variance would allow for a reduction of the setbacks within 20.80.200.

WCC 20.20.400 – 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: No buildings have proposed at this time, at the time of building permit application the proposal shall meet the requirements of WCC 20.20.400.

WCC 20.20.450 – 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.

WCC 20.20.654 – Parking Requirements:

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

WCC 20.20.656 – Drainage:

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

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

Water & Sewer

Discussion: The application states water services will be provided by Birch Bay Water and Sewer District. The Harbor Shores Sewer Association will provide sewer service to the development, each lot has individual septic pump tanks. The Technical Review Committee finds that no county facilities will be reduced below applicable levels of service as a result of the development.

WCC 20.20.656 – Drainage:

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

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

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Discussion: The application states water services will be provided by Birch Bay Water and Sewer District. The Harbor Shores Sewer Association will provide sewer service to the development, each lot has individual septic pump tanks. The Technical Review Committee finds that no county facilities will be reduced below applicable levels of service as a result of the development.

Fire Protection

Discussion: The Plat of Harbor Shores is currently served by Fire District 21. The proposed variance is exempt from concurrency review under WCC Chapter 20.80.212. The Technical Review Committee finds that no county facilities will be reduced below applicable levels of service as a result of the development.

IX. RECOMMENDATION

The Technical Review Committee recommends that the Whatcom County Hearing Examiner approve the applicant's variance request for reduced setback requirements from Blaine Road for lots within the Plat of Harbor Shores as follows:

- Lot 12, Block 3 – reduced from 45-feet to 25-feet
- Lot 13, Block 3 – reduced from 45-feet to 25-feet
- Lot 14, Block 3 – reduced from 45-feet to 35-feet
- Lot 13, Block 5 – reduced from 45-feet to 35-feet
- Lot 14, Block 5 – reduced from 45-feet to 25-feet
- Lot 15, Block 5 – reduced from 45-feet to 25-feet
- Lot 16, Block 5 – reduced from 45-feet to 25-feet

X. CONDITIONS OF APPROVAL

Planning – Alex Cleanthous

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. Address: The applicant shall obtain an address for the proposed single family residence from Whatcom County Public Works - Engineering Services.
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) LNTPO (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. Right to Farm: Pursuant to WCC, Title 14, the owners of the property upon which this variance 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 the building permit issued by Whatcom County Planning & Development Services.

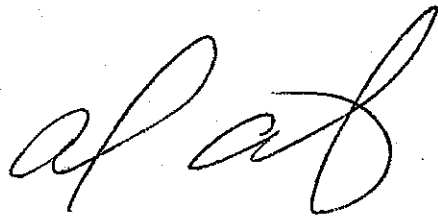
Public Works - Engineering - Sanja Barisic

1. All development shall comply with WC Development Standards.
2. The applicant shall contact Washington State Department of Transportation for an access permit and set back requirements on Blaine Rd (SR-548). The applicant shall provide a copy of the letter from WSDOT regarding access approval. This letter can be submitted with building permit application for SFR.
3. Proposed driveway approach (Lot 14, parcel #474179) off of Hall Rd shall be located min. 60 ft from the closest edge of the intersection travel way of Blaine Rd to the center line of the driveway approach, as per Chapter 5, Sec. 508, D (4) Table 10. Proposed driveway approach shall maintain a clear vision area/ sight distance, as per WC Development Standards, Chapter 5. The applicant shall obtain a

Revocable Encroachment Permit prior to installation on new driveway approach.

4. Lot 14 (parcel #474179) off of Hall Rd shall have min. 20ft setbacks (from the face of the garage to the property line on Hall Rd) as per Title 20, Sec. 20.80.210 (5) Setback Table.
5. Proposed alley shall have paved apron installed at the intersection with Hall Rd. The applicant shall obtain a Revocable Encroachment permit prior to installation of said paved apron and for any work in the county right-of-way.

Report prepared for the Technical Review Committee by:



Alex Cleanthous
Planner II

Attachments:

Exhibit A - Site Plan

Exhibit B- Plat of Harbor Shores

Exhibit C - RES2011-020, Developers Agreement between Whatcom County and Harbor Shores LLC.