

WHATCOM COUNTY HEARING EXAMINER

RE: SHORELINE SUBSTANTIAL DEVELOPMENT)	SHR2009-0014
SHORELINE CONDITIONAL USE)	SHC2009-0028
Application for)	
)	
<i>Heritage Crest Properties, L.L.C.</i>)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
)	AND DECISION

SUMMARY OF APPLICATION AND DECISION

Application: The Applicant requests a Shoreline Substantial Development Permit and Shoreline Conditional Use Permit to construct an approximately 3,000 square foot dental office building with associated site improvements, including utilities, onsite septic system, stormwater facilities, signage, parking and landscaping.

Decision: The requested permits are granted, 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.

PRELIMINARY INFORMATION

Applicant: Heritage Crest Properties, L.L.C.

Applicant Representative Mr. Neil Latta

Property Location/Address: 3739 Mt. Baker Highway
Whatcom County, Washington

Legal Description: Section 27, Township 39N, Range 04E, W.M.
Assessor’s Parcel No. 390427 041378

Adjacent Water Body: Nooksack River

Shoreline Designation: Urban

Shoreline of State-Wide Significance: Yes

Zoning: General Commercial

Comprehensive Plan: Crossroads Commercial

Subarea: Lynden Nooksack Valley

<u>Authorizing Ordinances:</u>	SMP 23.50	Applicability
	SMP 23.70.01	Administration
	SMP 23.70.03	Hearing Examiner

Applicable Shoreline Program Provisions:

SMP 23.20	Goals and Objectives
SMP 23.30.02	Official Shoreline Map
SMP 23.30.03	Urban Shoreline Area Designation
SMP 23.40	Shorelines of Statewide Significance
SMP 23.60.02	Shoreline Substantial Development Permit Criteria
SMP 23.60.04	Conditional Use Permit Criteria
SMP 23.90	General Policies and Regulations
SMP 23.100.05	Commercial Use
SMP 23.100.14	Signs

SEPA Review: Categorically Exempt Pursuant to WAC 197-11-800

Legal Notices: Published – December 31, 2009 and February 25, 2010
Mailed – December 31, 2009 and February 18, 2010

Hearing Date: March 10, 2010

Parties of Record:

Heritage Crest Properties, LLC
Randal Ellis
1944 Discovery Heights Drive
Bellingham, W A98226

Mr. Neil Latta
149 W Kellogg Road
Bellingham, WA 98226

Sam McDaniel
Planning and Development Services

Exhibits:

- 1 Land Use Application
 - 1-1 Supplemental Application for Shoreline Conditional Use Permit
 - 1-2 Fee Responsibility
 - 1-3 Supplemental Application for Shoreline Substantial Development Permit
 - 1-4 Application Narrative, from WEB Engineering, Neil Latta, dated Dec 15, 2009
 - 1-5 Deed History
 - 1-6 Survey
 - 1-7 Assessor's Record
 - 1-8 Property Owners within 1000-feet
 - 1-9 Mailing Labels
 - 1-10 Determination of Complete Application, dated December 23, 2009
 - 1-11 Form letter, Notice of Application sent to Neighbors
- 2 Vicinity Map
- 3 Aerial Photo
- 4 8x11 Site Plan
- 5 Large Site Plan [replaced by Exhibit 12]
- 6 Certificate of Mailing of Notice of Application, dated December 31, 2009
- 7 Legal Notice of Application, dated 12/31/2009 [no affidavit of publication]
- 8 Legal Notice of Public Hearing, Affidavit of Publication, dated February 25, 2010
- 9 Staff Report, dated March 3, 2010
- 10 Agency Comments
- 11 Memo-In Flood, dated January 12, 2010 from Larry Collier regarding property subject to Whatcom County Flood Code, Title 17, with attached review forms
- 12 Revised Shorelines Site Plan

II.

Heritage Crest Properties, L.L.C. requests permits to construct an approximately 3,000 square foot dental office building with associated site improvements.

III.

The Applicant has indicated that the Staff Report is factually correct. The Applicant stated no objection to the Conditions of Approval recommended by Staff. There was no public comment on this matter at the hearing. The Findings of Fact and Conclusions of Law of the Shoreline Planner of the Land Use Services Division of Whatcom County Planning and Development Services, as set forth in the Staff Report, Exhibit #9, dated March 3, 2010, a copy of which is attached hereto, are adopted and incorporated herein by this reference.

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.

Whatcom County Shoreline Planner has recommended approval of the requested Shoreline Permits for the proposed construction of a dental office building.

Findings of Fact and Conclusions of Law are set forth in the Staff Report, Exhibit #9, dated March 3, 2010. Subject to the Conditions of Approval recommended by Staff, the Hearing Examiner also concludes that the proposal is consistent with the Goals, Policies, and Purpose of the Shoreline Management Act, RCW 90.58, and with the Goals and Policies of the Whatcom County Shoreline Management Program. The Conclusions of Law adopted by Staff in the Staff Report are incorporated herein as Conclusions of Law.

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 Shoreline Substantial Development Permit and Shoreline Conditional Use Permit are hereby granted to Heritage Crest Properties, L.L.C., for the construction of an approximately 3,000-square foot dental office building, located on Assessor's Parcel No. 390427 041378 at 3739 Mt. Baker Highway, Whatcom County, Washington. The permits are granted subject to the following conditions:

1. The proposed shoreline development shall be consistent with the scope and site plan approved by this Shoreline Substantial Development Permit and Shoreline Conditional Use 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. The Applicant shall submit a Geohazard Assessment Report, as outlined in the February 16, 2010 letter, prior to any development approvals unless modified by the Whatcom County Geologist or appealed to the appropriate agency.
3. The Applicant shall comply with all of the requirements of Whatcom County Division of Engineering, as outlined in the January 19, 2010 memorandum, prior to any development approvals, unless modified by the Division of Engineering or appealed to the appropriate agency.
4. The Applicant shall comply with all of the requirements outlined in the Whatcom County River & Flood Division comments, as outlined in the March 3, 2010 comments, prior to any development approvals, unless modified by the River & Flood Division or appealed to the appropriate agency.
5. A temporary Erosion and Sedimentation Control (TESC) Plan shall be developed and provided to the Whatcom County Shoreline Administrator prior to starting work.
6. Any proposed use of the existing nonconforming structure on site will need to be reviewed by the Shoreline Administrator for compliance with the Whatcom County Shoreline Management Program.
7. Construction and/or demolition debris shall be wholly removed from water/shoreline. Disposal shall occur in accordance with all applicable agency laws and regulations, including but not limited to Whatcom County Planning and Development Services, DOE and Northwest Air Pollution Authority.
8. Interior and exterior lighting shall be designed and operated to avoid illuminating nearby properties or public areas, prevent glare on adjacent properties, public areas or roadways to avoid infringing on the use and enjoyment of such areas, and to prevent hazards. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, setbacks, buffer areas and screening.
9. Issuance of this shoreline permit does not release the Applicant from any other State, Regional, or Federal statutes or regulations applicable to the proposed development.
10. The Applicant shall make application for a building permit for any signage. The development permit will be reviewed for compliance with all applicable policies and regulations of the SMP.

11. Land clearing, grading, filling, and alteration of natural drainage or other features should be limited to the minimum amount necessary to accommodate the approved development. Surfaces cleared of vegetation should be immediately re-vegetated with native or compatible plants.
12. The proposal must comply with all bulk and dimensional setback requirements as required by the Whatcom County Shoreline Management Program.
13. The Applicant shall adhere to all Washington State water quality and other applicable standards. Water quality of ground and surface waters shall not be significantly degraded.
14. Sign illumination shall be indirect, incorporating exterior lighting shining on the sign, or shadow illumination behind non-transparent materials. Internally illuminated signs are prohibited.
15. Construction shall be commenced within two years, and authorization to conduct the construction shall terminate five years after the effective date of this shoreline permit as defined in 23.60.160.

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.

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 11th day of March 2010.

Michael Bobbink, Hearing Examiner

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
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David Stalheim
Director

J.E. "Sam" Ryan
Assistant Director

March 3, 2010

WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES
STAFF REPORT

The application of
Heritage Crest Properties, LLC.
For a Shoreline Substantial Development Permit &
Shoreline Conditional Use Permit

FINDINGS, CONCLUSIONS
AND RECOMMENDATIONS
SHR2009-00014 & SHC2009-
00028

I. SUMMARY OF APPLICATION AND RECOMMENDATION

Application: Heritage Crest Properties, LLC. has submitted an application to construct an approximately 3,000 square foot dental office building with associated site improvements, including utilities, onsite septic system, stormwater facilities, signage, parking and landscaping.

Recommendation: Staff recommends approval of the proposed project subject to the conditions outlined within this staff report.

II. PRELIMINARY INFORMATION

A. BACKGROUND INFORMATION

Applicant: Heritage Crest Properties, LLC
1944 Discovery Heights Drive
Bellingham, W A98226

Applicant Representative: Mr. Neil Latta
149 W Kellogg Road
Bellingham, WA 98226

Property Location/Address: 3937 Mt. Baker Highway

Legal Description: Section 27, Township 39N, Range 04E, W.M,

Adjacent Water Body: Nooksack River

Shoreline Designation: Urban

Shoreline of State-Wide Significance: Yes

Zoning: General Commercial

Comprehensive Plan: Crossroads Commercial

Subarea: Lynden Nooksack Valley

B. PROCEDURAL INFORMATION

<u>Authorizing Ordinances:</u>	SMP 23.50	Applicability
	SMP 23.70.01	Administration
	SMP 23.70.03	Hearing Examiner

Applicable Shoreline Program Provisions:

SMP 23.20	Goals and Objectives
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SMP 23.60.04	Conditional Use Permit Criteria
SMP 23.90	General Policies and Regulations
SMP 23.100.05	Commercial Use
SMP 23.100.14	Signs

SEPA Review: Categorically Exempt Pursuant to WAC 197-11-800

III. FINDINGS

The subject property is located 3739 Mt. Baker Highway is approximately 2.5 acres in size and located approximately 900 feet from the current edge of the Nooksack River. The site is relatively flat and is vegetated with unmaintained grass and various deciduous trees including walnut, plum, and well established big leaf maples. The site is currently developed with a 1,570 square foot vacant nonconforming structure. The subject developments are proposed to be situated at the most northern portion of the property, furthest distance from the OHWM of the Nooksack River. The property is designated as a Urban Shoreline area pursuant to WCC Title 23, Whatcom County Shoreline Management Program (SMP), is zoned GC (General Commercial) in accordance with Whatcom County Code, Title 20, and is designated Cross Roads Commercial in the Whatcom County Comprehensive Plan.

The applicant is requesting approval of a shoreline substantial development permit and a shoreline conditional use permit to construct a 3,000 square foot dental office building with associated developments. An on-site septic system has been designed to accommodate the proposed use and will be located near the southwest corner of the proposed development. Remaining areas will be professionally landscaped as required by the Whatcom County Zoning Code. According to the applicant, approximately 379-cubic yards of excavation and fill will be required to complete the site redevelopment.

The Nooksack River is a shoreline of the state and thus subject to the provisions of the SMP. According to the Official Shoreline Map (Map) as outlined in 23.30.02.A, the subject lot is located within the urban shoreline area. Pursuant to 23.30.02.B exclusive of associated wetlands, the map identifies the lateral extent of shoreline jurisdiction on the Sumas River and the Mainstem, North Fork, Middle Fork and South Fork of the Nooksack River.

A shoreline substantial development permit is required for the proposed developments within SMP jurisdiction as the project does not fall within any of the listed exemptions from such permit review pursuant to 23.60.02.2.

Pursuant to 23.40.01, development on Shoreline of Statewide Significance the statewide interest should be recognized and protected over local interest, agencies and local interest groups should be consulted and responses solicited. The natural character of the shorelines should be preserved, intensive development should be concentrated in areas already developed and limited in areas of low-density development. The use of Shorelines of Statewide Significance should result in long term benefit to the people of the state, resources and ecological systems should be protected and scarce or rare sites

should be left in their natural state. Public access to publicly owned areas on Shorelines of Statewide Significance should be increased.

According to Section 23.100.05.C.1 Nonwater-oriented commercial use may be permitted as a conditional use subject to the criteria for such uses in SMP 23.100.05.B.1.d. Section 23.100.05.B.1.d states "Nonwater-oriented commercial uses may be permitted as a conditional use where located on a site physically separated from the shoreline by another property in separate ownership or a public right-of-way such that access for water-oriented use is precluded, provided that such conditions were lawfully established prior to the effective date of this Program."

In order for a Shoreline Conditional Use Permit to be approved, the proposal must satisfy the criteria of section 23.60.04 of the SMP. These criteria are set forth and discussed below.

In the granting of all substantial development permits and conditional use permits, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area. For example, if substantial development permits and conditional use permits were granted for other developments in the area where similar circumstances exist, the sum of the conditional uses and their impacts should also remain consistent with the policy of RCW 90.58.020 and should not produce a significant adverse effect to the shoreline ecological functions and processes or other users.

IV. CONCLUSIONS

Shoreline Substantial Development Permit:

In the review of Shoreline Substantial Development Permits, the Administrator or Hearing Examiner, as appropriate, must find that the proposal is consistent with the following criteria:

- 1. All regulations of the SMP appropriate to the shoreline designation and the type of use or development proposed shall be met, except those bulk and dimensional standards that have been modified by approval of a shoreline variance pursuant to 23.60.03.**
- 2. All policies of the SMP appropriate to the shoreline area designation and the type of use or development activity proposed shall be considered and substantial compliance demonstrated.**

General and use-specific policies and regulations associated with commercial use developments are found within Sections 23.90 and 23.100.05, respectively. Applicable policies and regulations associated with the proposed development are listed and discussed below:

Ecological Protection and Critical Areas

23.90.03.A Policies

- Shoreline use and development should be carried out in a manner that prevents or mitigates adverse impacts so that the resulting ecological condition does not become worse than the current condition. This means assuring no net loss of ecological functions and processes and protecting critical areas designated in WCC 16.16, in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property. Permitted uses shall be designed and conducted to minimize, in so far as practical, any resultant damage to the ecology and environment (RCW 90.58.020). Shoreline ecological functions that should be protected include, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance. Shoreline processes that should be protected include, but are not limited to, water flow; littoral drift; erosion and accretion; infiltration; ground water recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.
- In assessing the potential for net loss of ecological functions or processes, project-specific and cumulative impacts should be considered.

- Development standards for density, frontage, setbacks, impervious surface, shoreline stabilization, vegetation conservation, buffers, critical areas, and water quality should protect existing shoreline ecological functions and processes. During permit review, the Administrator should consider the expected impacts associated with proposed shoreline development when assessing compliance with this policy.

23.90.03.B Regulations

- Mitigation Sequencing - To comply with the policies of SMP 23.90.03.A, a shoreline permit applicant or project proponent shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not have significant adverse impacts. Mitigation shall occur in the following prioritized order:
 - Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action.
 - Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.
 - Rectifying the adverse impact by repairing, rehabilitating or restoring the affected environment.
 - Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of action.
 - Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments and monitoring the adverse impact and the mitigation project and taking appropriate corrective measures.
- Because of its incorporation by reference herein under Section 23.10.06.A. above, the provisions of the Whatcom County Critical Areas Ordinance, WCC 16.16, shall apply to any use, alteration or development within shoreline jurisdiction whether or not a shoreline permit or written statement of exemption is required. Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered, or land divided without full compliance with WCC 16.16 and the Program, provided that alteration for a water-oriented use may be allowed in accordance with WCC 16.16.225.B.3. Within shoreline jurisdiction, the regulations of WCC 16.16 shall be liberally construed together with the Program to give full effect to the objectives and purposes of the provisions of the Program and Act.
- Unless otherwise stated, critical area buffers shall be protected and/or enhanced pursuant to this Program and WCC 16.16.
- The cumulative effects of individual development proposals shall be identified and evaluated to assure that no net loss standards are achieved.
- Whenever the administrator issues a determination or recommendation and/or conditions of approval on a proposal, which will result in the denial or substantial alteration of a proposed action, such determinations will be provided in writing stating the relationship(s) between the ecological factors, the proposed action and the condition(s).

Staff Comment:

The proposed project is consistent with the ecological protection and critical areas policies and regulations. The proposal is located approximately 900 feet from the OHWM of the Nooksack River. This

location is well outside of the 150 foot Habitat Conservation Area buffer set forth in WCC 16.16. The bulk of the subject development will be constructed in an area that was the site of a single family residence that was recently demolished. Therefore, minimal conversion of native vegetation will be required. The proposal was reviewed by the Whatcom County Geologist and determined that the proposal may lie within a potential riverine erosion hazard area or buffer as defined by WCC 16.16. This recommendation of approval has been conditioned to comply with the GeoHazard requirements set forth in WCC 16.16.355 prior to the approval of any development permits. The proposal was reviewed by a wetland technical administrator and determined that the proposal will have no wetland or habitat conservation area impacts. The proposal is exempt from SEPA pursuant to WAC 197-11-800. The applicant is proposing onsite stormwater facilities for the infiltration of stormwater and will be constructed as required by the Whatcom County Development Standards. There is no evidence that the project will have long term adverse impacts to shoreline ecological functions or processes.

Water Quality and Quantity

23.90.04.A Policies

- The location, construction, operation, and maintenance of all shoreline uses and developments should maintain or enhance the quantity and quality of surface and ground water over the long term.
- Shoreline use and development should minimize the need for chemical fertilizers, pesticides or other similar chemical treatments to prevent contamination of surface and ground water and/or soils, and adverse effects on shoreline ecological functions and values.
- Appropriate buffers along all wetlands, streams, lakes, and marine water bodies should be provided and maintained in a manner that avoids the need for chemical treatment.

23.90.04.B Regulations

- Shoreline use and development shall incorporate measures to protect and maintain surface and ground water quantity and quality in accordance with all applicable laws.
- New development shall provide stormwater management facilities designed, constructed, and maintained in accordance with the current stormwater management standards. Deviations from these standards may be approved where it can be demonstrated that off-site facilities would provide better treatment, or where common retention, detention and/or water quality facilities meeting such standards have been approved as part of a comprehensive stormwater management plan.
- Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved temporary erosion and sediment control (TESC) plan, or administrative conditions.

Staff Comment:

The proposed project is consistent with the above water quality and quantity policies and regulations. This recommendation of approval has been conditioned to comply with the Whatcom County Department of Engineering Stormwater requirements and submittal of a TESC plan prior to ground disturbing activities. A portion of the development is located within the Floodplain, this recommendation of approval has been conditioned to require compliance with the Whatcom County Flood Damage Prevention Ordinance (Title-17) prior to the approval of any development permits.

Vegetation Conservation

23.90.06.A Policies

- Where new developments and/or uses are proposed, native shoreline vegetation should be conserved to maintain shoreline ecological functions and/or processes and mitigate the direct, indirect and/or cumulative impacts of shoreline development, wherever feasible. Important functions of shoreline vegetation include, but are not limited to:
 - Providing shade necessary to maintain water temperatures required by salmonids, forage fish, and other aquatic biota.
 - Regulating microclimate in riparian and nearshore areas.
 - Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macro invertebrates.
 - Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence/severity of landslides.
 - Reducing fine sediment input into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff.
 - Improving water quality through filtration and vegetative uptake of nutrients and pollutants.
 - Providing a source of large woody debris to moderate flows, create hydraulic roughness, form pools, and increase aquatic diversity for salmonids and other species.
 - Providing habitat for wildlife, including connectivity for travel and migration corridors.

23.90.06.B Regulations

- Shoreline developments shall comply with the vegetation conservation policies of this Program through compliance with the critical area standards of WCC 16.16.335, 16.16.360, 16.16.630 and 16.16.740 for protection and maintenance of critical area and buffer vegetation.
- Where compliance with SMP 23.90.06.B.1 is not feasible or required, new developments shall be required to develop and implement a vegetation management plan. When required, vegetation management plans shall be prepared by a qualified professional and shall be consistent with the requirements in WCC 16.16.260.B and .C, provided that the Administrator may establish prescriptive standards for vegetation conservation and management as an alternative to requiring a specific plan for a development. Vegetation management plans shall describe actions that will be implemented to ensure that buffer areas provide ecological functions equivalent to a dense native vegetation community to the extent possible given the area that is feasibly available. Required vegetation shall be maintained over the life of the use and/or development by means of a conservation easement or similar legal instrument recorded with the Whatcom County Auditor.
- Vegetation clearing shall be limited to the minimum necessary to accommodate approved shoreline development.
- Removal of noxious weeds and/or invasive species shall be incorporated in vegetation management plans, as necessary, to facilitate establishment of a stable community of native plants.

Staff Comment:

The proposed project is consistent with the vegetation conservation policies and regulations. No additional impacts to shoreline ecological functions or processes were identified in association with the permit review. The proposal is located approximately 900 feet from the OHWM of the Nooksack River and therefore is located outside of the 150-foot Habitat Conservation Area buffer set forth in 16.16.740. No conversion of native shoreline vegetation is proposed. The application indicates that the vegetation to be cleared is the minimum necessary to accommodate the development.

Site Planning

23.90.09.A Policies

- Development and use should be designed in a manner that directs land alteration to the least sensitive portions of the site to maximize vegetation conservation; minimize impervious surfaces and runoff; protect riparian, nearshore and wetland habitats; protect wildlife and habitats; protect archaeological, historic and cultural resources; and preserve aesthetic values. This may be accomplished by minimizing the project footprint, the use of clustering and other appropriate design approaches.
- Low impact and sustainable development practices such as rain gardens, and pervious surfacing methods including but not limited to, porous paving blocks, porous concrete and other similar materials, should be incorporated in developments where site conditions allow to maintain shoreline ecological functions and processes. Topographic modification, vegetation clearing, use of impervious surfaces and alteration of natural drainage or other features should be limited to the minimum necessary to accommodate approved uses and development. An engineering geologist should be consulted prior to using infiltration practices on shore bluffs.
- Accessory development or use that does not require a shoreline location should be located outside of shoreline jurisdiction unless such development is required to serve approved water-oriented uses and/or developments. When sited within shoreline jurisdiction, uses and/or developments such as parking, service buildings or areas, access roads, utilities, signs and storage of materials should be located inland away from the land/water interface and landward of water-oriented developments and/or other approved uses.
- Development should be located, designed, and managed so that impacts on shoreline or upland uses are minimized through bulk and scale restrictions, setbacks, buffers, and control of proximity impacts such as noise or light and glare.
- Shoreline uses should not deprive other uses of reasonable access to navigable waters. Public recreation activities such as fishing, clam digging, swimming, boating, and wading, and water-related recreation should be preserved and enhanced. The rights of treaty tribes to resources within their usual and accustomed areas should be accommodated.

23.90.09.B Regulations

- Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading and alteration of topography and natural features. Roadway and driveway alignment shall follow the natural contours of the site and minimize width to the maximum extent feasible.
- Impervious surfacing for parking lot/space areas shall be minimized through the use of alternative surfaces where feasible, consistent with the May 2005 Low Impact Development Technical Guidance Manual for Puget Sound.
- Utilities shall be located within roadway and driveway corridors and right-of-ways wherever feasible.

- Design of structures should conform to natural contours and minimize disturbance to soils and native vegetation. Foundations shall be tiered with earth retention incorporated into the structure.
- Stormwater infiltration systems shall be employed to mimic the natural infiltration and ground water interflow processes where appropriate.
- Interior and exterior lighting shall be designed and operated to avoid illuminating nearby properties or public areas, prevent glare on adjacent properties, public areas or roadways to avoid infringing on the use and enjoyment of such areas, and to prevent hazards. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, setbacks, buffer areas and screening.
- All shoreline use and development shall provide setbacks from adjacent properties in accordance with Table 23.90.13.C. Setbacks shall be of adequate width to attenuate proximity impacts such as noise, light and glare, and may address scale and aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen.

Staff Comment:

The proposed project meets the site planning policies and regulations. The proposal has incorporated rain gardens and bio-swailes for Stormwater infiltration that will be constructed in accordance with the Whatcom County Development Standards. Additionally, the application proposes to utilize Low Impact Development Techniques for a portion of the required parking stalls. This recommendation of approval has been conditioned to ensure compliance with the bulk and dimensional setbacks outlined in 23.90.13.C prior to approving any development permits. This project approval has been conditioned to meet the above lighting design regulations.

Landfill and Excavation

23.90.10.A Policies

- Landfill and excavation should only be permitted to the minimum extent necessary to accommodate an approved shoreline use or development and with assurance of no net loss of shoreline ecological functions and processes. Enhancement and voluntary restoration of landforms and habitat are encouraged.
- Landfills and excavation should be located and developed so that water quality, hydrologic and runoff patterns are not altered.
- The predicted economic benefits of landfills and excavation should be weighed against long term cumulative impacts on ecological processes and functions.

23.90.10.B Regulations

- Landfill and excavation shall be minimized to the maximum extent practicable and allowed only along with approved shoreline use and development activities that are consistent with this Program.
- A temporary erosion and sediment control (TESC) plan shall be provided for all proposed landfill and excavation activities.

Staff Comment:

The proposed project is consistent with the above landfill and excavation policies and regulations. No significant impacts to shoreline ecological functions or processes were identified in association with the permit review. The recommended approval has been conditioned to require the submittal of a Temporary

Erosion and Sediment control plan prior to ground disturbing activities. The applicant has designed to proposal to represent the minimum necessary construct the scope of work.

Signs

23.100.14 Signs - Policies

- Whatcom County recognizes the constitutional right for property owners to communicate using signs on their property. These policies are intended to ensure that signage within shoreline areas is consistent with the purpose and intent of the Act and this Program by addressing impacts to ecological functions, public safety and visual aesthetics
- Signs should be located, designed and maintained to be visually compatible with local shoreline scenery as seen from both land and water, especially on shorelines of statewide significance.
- Signs of a commercial or industrial nature should be limited to those areas or premises to which the sign messages refer.
- Free-standing signs should be located to avoid blocking scenic views and be located on the landward side of public transportation routes which generally parallel the shoreline.
- To minimize negative visual impacts and obstructions to shoreline access and use, low profile, on-premise wall signs are strongly preferred over free-standing signs or off-premises wall signs.
- Signs should be designed mainly to identify the premises and nature of enterprise without unduly distracting uninterested passers-by. Moving or flashing signs should be prohibited on shorelines.

23.100.14.B Signs – Regulations

- Unless otherwise prohibited by zoning regulations or this Program, shoreline developments are permitted to maintain a total of three (3) on-premise signs. Only one (1) may be a free-standing, roof, or projecting sign; provided, that if this sign is double-faced, then only one (1) other wall sign is permitted. This provision does not apply to private informational signs posted on private property by the owner for reasonable purposes such as address, home occupation signs, No Trespass, and temporary signs such as For Sale, Rent and campaign signs; provided, no sign exceeds four (4) square feet in area. All signs proposed for a development requiring a substantial development permit shall be designated on application and approval documents.
- All building signs shall be integrated with building design. Roof signs shall be designed to occupy a design feature of the roof such as a dormer or gable and may not be placed above the peak of a pitched roof or the eve of a flat roof. Projecting signs shall be incorporated in a marquee, canopy, or other architectural feature.
- Applications for substantial development permits shall include a conceptual sign package addressing the size and location of all signs and shall include design standards to assure that all signs in a development are consistent in terms of material, color, height, size, and illumination.
- Free-standing signs shall be entirely self-supporting and structurally sound without permanent use of guy wires or cables.

Staff Comment:

The proposed project is consistent with the above sign policies and regulations. The applicant is proposing one free standing sign to advertise the business along Mt. Baker Highway. This recommendation of approval has been conditioned that any future development applications for signage

will be reviewed for compliance with setback requirements in 23.90.13.C and sign area limits set forth in 23.100.14.B.15. As the proposal is approximately 900 feet from the Nooksack River there is minimal risk that one free standing sign that complies with all applicable policies and regulations of the SMP will pose a significant view hardship for the area.

Commercial Use

23.100.05 Commercial Use – Policies

- In securing shoreline locations for commercial use, preference should be given first to water-dependent commercial uses, then to water-related, and water-enjoyment commercial uses.
- Restoration of impaired shoreline ecological functions and processes should be encouraged as part of commercial development.
- Commercial uses located in the shoreline should provide public access in accordance with constitutional or other legal limitations unless such improvements are demonstrated to be infeasible or present hazards to life and property.

23.100.05 Commercial Use - Regulations

23.100.05.B.1 Allowed Use

Commercial uses that result in no net loss of shoreline ecological functions and processes are allowed subject to the policies and regulations of SMP 23.90.03 and the specific criteria below:

- a. Water-dependent commercial uses shall be given preference over water-related and water-enjoyment commercial uses. Prior to approval of water-dependent uses, the Administrator shall review a proposal for design, layout and operation of the use and shall make specific findings that the use qualifies as a water-dependent use.
- b. Water-related commercial uses may not be approved if they displace existing water-dependent uses. Prior to approval of a water-related commercial use, the Administrator shall review a proposal for design, layout and operation of the use and shall make specific findings that the use qualifies as a water-related use.
- c. Water-enjoyment commercial uses may be not be approved if they displace existing water-dependent or water-related uses or if they occupy space designated for water-dependent or water-related use identified in a substantial development permit or other approval. Prior to approval of water-enjoyment uses, the Administrator shall review a proposal for design, layout and operation of the use and shall make specific findings that the use qualifies as a water-enjoyment use.
- d. Nonwater-oriented commercial uses may be permitted as a conditional use where located on a site physically separated from the shoreline by another property in separate ownership or a public right-of-way such that access for water-oriented use is precluded, provided that such conditions were lawfully established prior to the effective date of this Program. All other nonwater-oriented commercial uses are prohibited in the shoreline unless the use provides significant public benefit with respect to the objectives of the Act and is:
 - (1) part of a mixed use project that includes a water-oriented use; or
 - (2) proposed on a site where navigability is severely limited.
- e. When permitted, nonwater-oriented commercial uses shall provide access and/or restoration as follows:

- (1) Nonwater-oriented commercial uses shall provide public access in the form of unrestricted open space. The Administrator shall determine the amount of access in accordance with the provisions of SMP 23.90.08 on a case-by-case basis.
 - (2) If no water-oriented commercial uses are located on or adjacent to the water as part of a mixed use development, eighty percent (80%) of the shoreline and associated buffers shall be preserved or restored to provide shoreline ecological functions that approximate the functions provided by the site in natural conditions.
 - (3) The requirement in SMP 23.100.05.B.1.e(1) and (2) may be modified when:
 - (a) The site is designated as a public access area by a shoreline public access plan, in which case public access consistent with that plan element shall be provided; or
 - (b) Specific findings are made demonstrating that the size of the parcel and the presence of adjacent uses preclude restoration of shoreline ecological functions. Where on-site restoration is infeasible, equivalent off-site restoration shall be provided consistent with the policies and regulations of this Program.
 - (4) Where restoration is proposed, buffers shall be designed as appropriate to protect shoreline resources based on a specific restoration plan and may differ from the standard critical area buffer dimensions provided in WCC 16.16, provided that the building envelope for the proposed nonwater-oriented use shall be based on current site conditions.
 - (5) The requirements of this section (e) shall not apply to those nonwater-oriented commercial uses located on a site physically separated from the shoreline where access to the land/water interface is precluded.
- f. If water-oriented commercial uses are located on or adjacent to the water, the remaining undeveloped water frontage that is not devoted to water-dependent use shall be preserved in a substantially undeveloped condition until such time that an appropriate water-dependent use has been identified for the area. If the site has been previously altered by past development, the balance of the site may be reserved for future water-related use.

Staff Comment:

The proposed project is consistent with the above-referenced use policies and regulations associated with commercial development. As stated previously within this staff report, the proposal complies with the policies and regulations outlined in 23.90. The proposal is nonwater-oriented and may be approved via a conditional use as it is located on a site that is physically separated from the shoreline by another property in separate ownership that was lawfully established prior to the effective date of the Program. As the subject property is physically separated from the Nooksack River, restoration and public access provisions are not required pursuant to 23.100.05.B.1.e.5. There is no evidence that the project will have long term adverse impacts to shoreline ecological functions or processes.

Access and Utilities

New and expanded commercial development shall install or establish access roads of sufficient capacity and with appropriate improvements to provide vehicular and pedestrian access to the site. Utilities shall be adequate to serve the demands of the proposed uses.

Staff Comment:

The proposal has been reviewed by the Engineering Services Division and this approval recommendation has been conditioned to comply with the requirements of the Whatcom County Engineering Services

Division. The application indicates the proposed utilities will be adequate to serve the proposed development.

Tabular Regulations: Setbacks, Height and Open Space for Commercial Development

Minimum required setbacks from shorelines and side property lines, maximum height limits and open space requirements are contained in SMP 23.90.13 - Setback, Height and Open Space Standards for Shoreline Development.

Staff Comment:

The development permits will be reviewed for compliance with the tabular regulations contained in section 23.90.13 of the SMP.

Shoreline Conditional Use Permit:

In order for a Shoreline Conditional Use Permit to be approved, the proposal must satisfy the criteria of section 23.60.04 of the Program. These criteria are set forth and discussed below.

23.60.04.B.1. That the proposed use will be consistent with the policy of RCW 90.58.020 and this Program.

As described in the previous section of this staff report, the proposed project as conditioned, meets all of the applicable policies and regulations outlined within the SMP. While non-water oriented commercial development is not specifically listed as a preferred use in RCW 90.58.020, nonwater oriented commercial developments may be allowed via the conditional use process as outlined in section 23.100.05.B.1.d of the SMP.

RCW 90.58.020 requires that "Permitted uses in the shorelines of the States shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water" There is no evidence in the record that indicates the proposal will result in a net loss of ecological functions and or processes. Additionally, as outlined in this approval recommendation, this proposal is not required to allow for public access nor will it interfere with the public's use of the water. It has been determined by staff that the proposed project meets this overall policy of the Shoreline Management Act (SMA).

23.60.04.B.2. That the proposed use will not interfere with normal public use of public shorelines.

No impacts to existing public access or use of the shoreline was identified through review of the project proposal. The proposal is located approximately 900 feet from the OHWM of the Nooksack River. The subject property is physically separated from the OHWM of the Nooksack River by property that is in separate ownership. As stated above the proposal is not required to offer public access pursuant to 23.100.05.B.1.e.5. Public access to the Nooksack River is located approximately 500 feet to the west of the subject site. As such the proposal will not interfere with normal public use of the public shorelines.

23.60.04.B.3. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area.

The proposed use and design of the project is compatible with other permitted uses in the area. The subject lot is located approximately 475 feet east of the intersection of Mount Baker Highway and Washington State Route #9 and is located within the Urban Shoreline Designation. The subject lot is zoned General Commercial and designated Crossroads Commercial by the Whatcom County Comprehensive plan. The neighboring lot directly to the west contains a 20,000 square foot grocery store, gas station and tavern with a combined approximately 70 parking spots. Three smaller commercial retail

establishments are located directly across Mt. Baker highway from the subject site. The proposed development appears to be compatible with other permitted uses within the area.

23.60.04.B.2. That the proposed use will not cause adverse effects to the shoreline environment in which it is to be located.

No adverse environmental impacts were identified through review of the project. The proposal is located over 900 feet away from the OHWM of the Nooksack River and is outside of the buffer set forth in WCC 16.16.740. The proposal was reviewed by a wetland technical administrator and found to have no effects on wetlands or Habitat Conservation Areas. The proposal is exempt from SEPA pursuant to WAC 17-11-800. This recommendation of approval has been conditioned to complete a Geohazard assessment report and obtain approval of the Whatcom County Geologist prior to the issuance of development approvals. Future development permits will also be required to obtain compliance with WCC Title-17 prior to any development approvals.

23.60.04.B.2. That the public interest suffers no substantial detrimental effect.

No substantial detrimental effects to the public interest were identified by staff during review of the project.

In the granting of all shoreline substantial development permits and conditional use permits, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area. For example, if shoreline substantial development permits and conditional use permits were granted for other developments in the area where similar circumstances exist, the sum of the conditional uses and their impacts should also remain consistent with the policy of RCW 90.58.020 and should not produce a significant adverse effect to the shoreline ecological functions and processes or other users.

As stated previously within this staff report, as conditioned, staff anticipates no net loss of shoreline ecological functions or processes as a result of the proposed project. As such, additional approvals for additional developments where similar circumstances exist, are not likely to represent a cumulative environmental impact to the shoreline consistent with the above criteria.

In accordance with the criteria of RCW 90.58.030(2)(e), the legislature designated the Mainstem of the Nooksack River as a Shoreline of Statewide Significance. Policies for development on Shorelines of Statewide Significance. Pursuant to 23.40.01, development on Shoreline of Statewide Significance the statewide interest should be recognized and protected over local interest, agencies and local interest groups should be consulted and responses solicited. The natural character of the shorelines should be preserved, intensive development should be concentrated in areas already developed and limited in areas of low-density development. The use of Shorelines of Statewide Significance should result in long term benefit to the people of the state, resources and ecological systems should be protected and scarce or rare sites should be left in their natural state. Public access to publicly owned areas on Shorelines of Statewide Significance should be increased.

Comment: The project proposal will not consume additional shoreline resources nor impact valuable shoreline features. Views and public access will remain unaffected by this development. Whatcom County Critical Areas staff has reviewed the proposal, and found that no wetland and no habitat management areas will be impacted by the proposed development. Other reviews on record demonstrate the project, as conditioned, should satisfy the public safety, health and welfare requirements of applicable Whatcom County regulations.

Based on staff's review, the proposed development appears, subject to the attached conditions of approval, to meet all the current development standards of the Shoreline Program, and concurrently protect the interest of the public on a regional basis.

V. PUBLIC COMMENTS

No adverse public comment was received during the time of this permit review.

VI. AGENCY COMMENTS

The Whatcom County **River and Flood Division** submitted the following comments regarding the proposal on March 3, 2010:

The project will be subject to the flood conditions as outlined in Whatcom County Flood Damage Prevention Ordinance (Title-17). Furthermore, when development is proposed within the regulatory floodplain, the County must assure that all Federal, State and local regulations are being met. Therefore, a Habitat Assessment for this project will be required in order to demonstrate that there are "no-impacts" to Endangered Species in regards to the Endangered Species Act (ESA). The assessment will need to be submitted and approved by the County Flood Division and/or Planning & Development Services prior to issuing any development approvals. Included in this requirement is that any fill brought in (to elevate buildings, roadways, septic drain fields, etc) that will displace flood waters and reduce flood storage will have to be compensated for (compensatory floodplain storage).

The Whatcom County **Geologist** submitted the following comments regarding the proposal on February 16, 2010:

You are being notified of the potential riverine erosion hazards on the subject property.

Lidar imagery illustrates a remnant river or floodplain avulsion channel next to the subject proposed building. This is clear physical evidence that this property is likely within a Critical Areas channel migration zone (CMZ), and could be severely impacted by riverine erosion, and as such is considered a regulated critical area, riverine erosion hazard area (WCC 16.16.310(C)(5)(b)).

By definition, this proposal may lie within a potential riverine erosion hazard area or buffer as defined by our Critical Areas Ordinance (CAO), and is subject to the applicable regulations of WCC 16.16.355 as adopted by the Whatcom County Shoreline Management Program. You are required to obtain a qualified geotechnical engineer or engineering geologist licensed in Washington and qualified to **identify potential riverine erosion channel migration hazards and associated** construction recommendations. Your consultant is required to address each of the reporting requirements of WCC 16.16.255 and WCC 16.16.375, identify the potential hazards and buffers, and propose appropriate design mitigation (if any). The consultant shall also determine if shoreline stabilization is likely or not to be necessary within the expected 100 year life of the structure, WCC 23.100.B.1.

The Whatcom County **Plans Examiner** submitted the following comments regarding the proposal on February 2, 2010:

The following initial conditions are required for this permit. They are subject to change and additional conditions will be included when more detailed plans are submitted.

These findings are based on review of the applicant's *Master Land Use Application, Supplemental Application and Supplemental Application for Shoreline Conditional Use Permit* (all Whatcom County forms). In addition a Project Narrative and Site Plan drawing were also submitted.

Project description:

- New 3,000sf building for use as a dental office.
- Existing adjacent building to remain and will not be a part of this project.

1. A commercial building permit is required for this proposal. It will be reviewed under the 2006 International Building Code (IBC) and comply with all other applicable codes and ordinances adopted by Whatcom County.

2. A pre-application *screening* is required prior to building permit submittal. Contact the Building Services division to schedule and for submittal requirements.
3. If the building structure does not meet IBC requirements for *conventional light-frame wood construction*, a WA State Professional Engineer will be required.
4. The following requirements/findings are from the 2006 IBC.
 - a. Preliminary occupancy classifications:
 - Dental office Business Group B
 - b. Where required, occupancy separation shall be constructed per IBC Table 508.3.3.
 - c. Exits shall meet the requirements of Chapter 10.
 - d. Minimum plumbing facilities (restrooms) are required in accordance with WA State Amendments (WAC) to IBC Chapter 29.
5. The project shall meet the barrier-free, handicap accessible requirements of IBC Chapters 10, 11 and Appendix E; ICC/ANSI A117.1-03; and WAC 51-50. Accessible parking and restrooms are required.
6. Heating, cooling, ventilation and lighting shall comply with the WA State Nonresidential Energy Code (NREC) and Ventilation and Indoor Air Quality Code (VIAQ).
7. A Demolition Permit is required for the removal of any existing buildings, structures or other such existing site improvements.
8. All signage (free-standing and building-mounted) requires a separate permit.

Note: Whatcom County will be adopting the 2009 edition of most applicable Codes on July 1 of this year. All building permit applications submitted after June 30, 2010 will be reviewed under the new Codes.

The Whatcom County **Department of Engineering Services** submitted the following comments regarding the proposal on January 19, 2010:

*****All development shall comply with WC Development Standards.**

1. A scaled Site Plan clearly indicating the location of the existing and proposed buildings and parking area, traffic flow and drainage flow. Any property that will create 5,000 or more sq ft of impervious surface is required to address water quality and quantity.
2. As per Chapter 2, Sec. 218, (B), the applicant shall post a maintenance security with the Division of Engineering for drainage facilities. The security shall be for an amount of 10% of the engineer's construction cost estimate or \$5,000 (whichever is greater). The security shall be in effect for 2 years from the date of provisional acceptance of new drainage facilities.
3. Temporary Erosion and Sedimentation Control Plan shall be submitted and approved prior to any clearing or grading on site.
4. Prior to any Certificate of Occupancy an As-built drawings for the new drainage system/ facility must be provided to the Engineering Services for permanent record.
5. Interior road shall be 24 ft wide for two-way traffic or 14 ft wide for one-way traffic.
6. The applicant shall contact Washington State Department of Transportation for any requirements that WSDOT may have regarding this development. The applicant shall provide a copy of the letter from Washington DOT if any conditions are required.

WSDOT contact: John Tellesbo at (360) 757-5964 or email tellesj@wsdot.wa.gov

****All appropriate permits must be obtained before construction. Obtaining a county permit does not replace or over-ride other state and federal statutes and regulations that may apply to this project.**

VII. RECOMMENDATIONS

Based on the above findings and technical review, **Staff recommends approval** of the request for a shoreline substantial development and shoreline conditional use permit subject to the following conditions of approval:

1. The proposed shoreline developments shall be consistent with the scope and site plan approved by this shoreline substantial development permit and shoreline conditional use 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. The applicant shall submit a Geohazard assessment as outlined in the February 16, 2010 Letter prior to any development approvals unless modified by the Whatcom County Geologist or appealed to the appropriate agency.
3. The applicant shall comply with all of the requirements of the Whatcom County Engineering Department prior to any development approvals as outlined in the January 19, 2010 memorandum unless modified by the Engineering Department or appealed to the appropriate agency.
4. The applicant shall comply with all of the requirements outlined in the Whatcom County River & Flood Division comments prior to any development approvals as outlined in the March 3, 2010 Flood Division comments unless modified by the River & Flood Division or appealed to the appropriate agency.
5. A temporary erosion and sedimentation control (TESC) plan shall be developed and provided to the Whatcom County Shoreline Administrator prior to starting work.
6. Any proposed use of the existing nonconforming structure on site will need to be reviewed by the Shoreline Administrator for compliance with the Whatcom County Shoreline Management Program.
7. Construction and/or demolition debris shall be wholly removed from water/shoreline. Disposal shall occur in accordance with all applicable agency laws and regulations, including but not limited to Whatcom County Planning and Development Services, DOE and Northwest Air Pollution Authority.
8. Interior and exterior lighting shall be designed and operated to avoid illuminating nearby properties or public areas, prevent glare on adjacent properties, public areas or roadways to avoid infringing on the use and enjoyment of such areas, and to prevent hazards. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, setbacks, buffer areas and screening.
9. Issuance of this shoreline permit does not release the applicant from any other State, regional or Federal statutes or regulations applicable to the proposed development.
10. The applicant shall make application for a building permit for any signage. The development permit will be reviewed for compliance with all applicable policies and regulations of the SMP.
11. Land clearing, grading, filling, and alteration of natural drainage or other features should be limited to the minimum amount necessary to accommodate the approved development. Surfaces cleared of vegetation should be immediately re vegetated with native or compatible plants.
12. The proposal must comply with all bulk and dimensional setback requirements as required by the Whatcom County Shoreline Management Program.

13. State water quality and all other applicable standards shall be adhered to. Water quality of ground and surface waters shall not be significantly degraded.
14. Sign illumination shall be indirect incorporating exterior lighting shining on the sign, or shadow illumination behind non-transparent materials. Internally illuminated signs are prohibited.
15. Construction shall be commenced within two years, and authorization to conduct the construction shall terminate five years after the effective date of this shoreline permit as defined in 23.60.160.

Report prepared by:

Sam McDaniel
Whatcom County Shoreline Administrator
Whatcom County Planning and Development Services