

WHATCOM COUNTY HEARING EXAMINER

RE: Zoning Conditional Use Permit) CUP2009-0020
Application for)
)
Simon Petree) FINDINGS OF FACT,
) CONCLUSIONS OF LAW,
) AND DECISION

SUMMARY OF APPLICATION AND DECISION

Application: The Applicant is requesting a Zoning Conditional Use Permit to authorize the small scale commercial processing of forest products with up to four employees in an existing 3, 320 square foot building and a proposed 6,000 square foot new building, with outdoor storage and parking on a parcel located at 6773 Guide Meridian, Lynden, Washington.

Decision: The requested Zoning Conditional Use Permit is approved, subject to conditions.

FINDINGS OF FACT

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted and evidence presented at the public hearing.

I.

Applicant: Simon Petree
Property Owner: Elder Properties
PO Box 4453
Nooksack, WA 98276
Site Location/Address: 6773 Guide Meridian
Lynden, Washington

Site is located approximately 3 miles south of the city of Lynden, approximately 4.5 miles northeast of the city of Ferndale, and north of King Tut Road, south of Pole Road, and east of Old Guide Road.

Legal Description: A portion of the south ½ of the northeast ¼ of Section 12, Township 39N, Range 2E of W.M., Situate in Whatcom County, Washington.

Assessor's Parcel Number(s): 390212 458410

Zoning: Split Zoned Parcel - R2A & R5A

Comprehensive Plan: Rural/Transportation Corridors

Subarea: Lynden Nooksack Valley Subarea

Total Acreage: 16.02 acres

Roads: Public

Water Supply: Private Well

Sewage Disposal: On site sewage system

Fire Protection: Whatcom County Fire District No. 21

Law Enforcement: Whatcom County Sheriff's Office

Public Schools: School District # 505

Topography: The site is described as mostly level.

Vegetation: Existing vegetation is scattered and generally sparse on the parcel, with one deciduous tree located to the north of the existing commercial use driveway access, and a short row of deciduous and coniferous trees extending in an east westerly direction on the south side of the driveway access serving the commercial uses on the site. The middle section of the parcel is under cultivation. The most westerly portion of the parcel is wooded with a small stand mixed species timber, and also features wetland.

Adjacent Land Uses: North: Residential and Commercial
East: Residential and Agriculture
South: Residential and Agriculture
West: Residential/Rural

Easements: Proposed 20-foot easement to be recorded upon approval of pending short plat

SEPA Review: SEPA (WAC 197-11) Determination of Non-significance issued May 17, 2010.

AUTHORIZING CODES, POLICIES, PLANS, AND PROGRAMS:

Revised Code of Washington Chapter 36.70

Whatcom County Comprehensive Plan

Whatcom County Code, Title 14, Use of Natural Resources

Whatcom County Code Chapter 15, Building Code State Environmental Policy Act (SEPA)

Washington Administrative Code Chapter, 197-11

Whatcom County Environmental Policy, Administration Chapter 16.08

Whatcom County Code Chapter 16.16, Critical Areas

Whatcom County Code, Title 20, Official Whatcom County Zoning Ordinance

Whatcom County Code, Title 24, Health Regulations

Legal Notices: Posted – September 3, 2010
 Mailed – November 30, 2009 and September 1, 2010
 Published – November 30, 2009 and September 9, 2010

Hearing Date: September 22, 2010

Parties of Record

Simon Petree
PO Box 4453
Nooksack, WA 98276

Heather Wolf
Brownlie Evans Wolf & Lee, LLP
230 East Champion Street
Bellingham, WA 98225

Jaime White
PO Box 30696
Bellingham, WA 98228

Erin Osborn
Planning and Development Services

Exhibits:

- 1 Land Use Application
 - 1-1 Supplemental Application
 - 1-2 Statutory Warranty Deed
 - 1-3 Determination of Completeness, November 23, 2009
 - 1-4 Tech Committee Memo, November 30, 2009
 - 1-5 Property Owner Form Letter, November 30, 2009
 - 1-6 PDS Instructions
 - 1-7 Address Labels

- 1-8 Email Memo dated May 13, 2010 placing application on hold
- 1-9 Preliminary Traffic & Concurrency Information
- 1-10 Preliminary Stormwater Proposal
- 1-11 PDS Project Description Form
- 1-12 Hearing Examiner Application Checklist
- 1-13 Customer Receipt

- 2 Aerial Map
- 3 Zoning Map
- 4 Vicinity Maps
- 5 Site Map
- 6 Floor Plan
- 7 Public Comments
- 8 DNS, dated May 17, 2010, with Checklist attached
- 9 Legal Notice of Application, November 30, 2009
- 10 Certificate of Mailing of Notice of Public Hearing, September 1, 2010
- 11 Legal Notice of Public Hearing, September 9, 2010
- 12 Brief in Support of Conditional Use Application, dated September 17, 2010, submitted by Heather Wolf, with attachments: Exhibit A, Short Plat Map; Exhibit B, Site Map; Exhibit C, Site Photos; Exhibit D, Declaration of Simon Petree
- 13 Staff Report, dated September 17, 2010
- 14 Agency Comments
- 15 Certificate of Mailing of Notice of Application, November 30, 2009
- 16 Staff email correspondence with Applicant
- 17 Fire Marshal email correspondence with Applicant
- 18 Certificate of Posting of Notice of Public Hearing, September 3, 2010
- 19 Site Photos in support of Mr. Petree's Testimony

II.

The Land Use Services Division of Whatcom County Planning and Development Services recommended approval of the requested Zoning Conditional Use Permit, subject to conditions. The Findings of Fact and Conclusions of Law of the Division are set forth in a Staff Report, Exhibit #13, dated September 17, 2010, a copy of which is attached hereto and incorporated herein by this reference.

The Applicant indicated there were no factual inaccuracies in the Staff Report. The Applicant indicated no objection to any of the Conditions of Approval requested by Staff. There was no public comment on this matter at the public hearing.

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 proposed operation of a sawmilling and processing of forestry products business can be approved if it is consistent with the Zoning Conditional Use Criteria of WCC 20.84.220 (1 through 8). Subject to the Conditions of Approval attached to the granting of this permit, the proposal is consistent with the Conditional Use Criteria. A Zoning Conditional Use Permit should be granted, subject to conditions.

II.

Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following

DECISION

A Zoning Conditional Use Permit is hereby granted to Simon Petree for the proposed operation of a sawmilling and commercial processing of forest product business to be located on Assessor's Parcel No.390212 458410, 6773 Guide Meridian, Lynden, Washington, subject to the following conditions:

A. Planning Division – Current Planning

1. Use and location: The use and location on the site shall not be modified or changed in any way without further approval of the Whatcom County Hearing Examiner.

1. Employees: A maximum total of four (4) full time employees may be employed in the operations of the small scale commercial processing of forest products business.
2. Landscaping: Landscaping shall be maintained pursuant to WCC 20.80.300. A scaled landscape site plan detailing the existing and proposed vegetative buffers screening the use from adjacent uses shall be submitted and approved by planning and development services department prior to issuance of the commercial building permit as required in Section IX (C) of these conditions.
3. Drainage: Pursuant to WCC 20.36.656, approval of this application shall be subject to the stormwater management provisions of the Whatcom County Development Standards, unless specifically exempted.
4. Parking: Pursuant to WCC 20.80.500, adequate parking shall be established on an approved customer, employee, and parking plan that shall be submitted prior to issuance of the required commercial building permit [see Section IX (C)].
5. Business Hours: Hours of Operation: between 8 am – 5 pm, Monday through Friday, and on occasional Saturdays.
6. Lighting: Pursuant to WCC 20.80.523, any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property and the public road.
7. Noise: All buildings used in millwork operations shall be insulated to control sound to industry standards, and all millwork operations such as shaping, routing, planer work, sanding, etc. (except for portable band saw milling) are to be confined within the interior walls of the existing and/or proposed structures comprising the forest products processing.
8. Trash and storage areas: Pursuant to WCC 20.80.355, all trash and/or garbage collection and storage areas must be screened from view from adjacent streets and properties using a solid fence or wall a minimum of six feet high.
9. Signage: Directional signage shall comply with WCC 20.80.400.
10. Archaeological Discovery: Should archaeological materials (e.g. shell midden, faunal remains, stone tools) or human remains be observed during the scope of operations as approved, all work in the immediate vicinity shall stop, and the area shall be secured. The State Office of Archaeology and Historic Preservation (360-586-3065) and the Lummi Nation Tribal Historic Preservation Office (360-384-2298) shall be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.
11. Whatcom County Code, Title 14, Right to Farm – Disclosure:

- The owners of the property upon which this conditional use permit approval is granted shall sign a statement of acknowledgment containing a disclosure that pertains to the use of natural resources in Whatcom County. This disclosure shall be made on forms provided by Whatcom County, which shall then be recorded in the Whatcom County Auditor's office.
- The disclosure shall contain the following language:

The subject property is within or near designated agriculture lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. You may be subject to inconveniences or discomforts arising from such operations, including but not limited to noise, odors, flies, fumes, dust, smoke, the operation of machinery of any kind during any 24-hour period (including aircraft), the storage and application of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. Whatcom County has determined that the use of real property for agricultural operations is a high priority and favored use and will not consider to be a nuisance those inconveniences or discomforts arising from farm operations, if such operations are consistent with commonly accepted good management practices and otherwise comply with local, state, and federal laws.

B. Health Department

1. The Applicant shall comply with the conditions of the Whatcom County Health and Human Services Department in the memo dated June 28, 2010, unless modified by that Department or appealed to the appropriate agency.
2. Water: If any employees or the public have access to water then public water is required.
3. Sewage: If water is to be run to any new building, then an approved on-site sewage permit will be required. The expansion of any existing building will trigger Health Department review of the on-site septic system.

C. Building Services Division

The Whatcom County Plans Examiner requires the following condition(s) for the above permit.

1. Due to the scope of this project, these comments do not address any specific requirements. Specific requirements will be discussed at time of application of each individual building pre-application meeting and or submittal when more detailed plans are available. The following are general comments are not intended to be the final comments or requirements for any one project.
2. A building permit is required for this proposal.

3. Due to the scope of the proposed project, the applicant must apply to the Building Official for a pre-application screening prior to building permit application submittal. At the Building Official's discretion a pre-application meeting may be required.
4. The proposed structure would be classified as "F1 or H" occupancy. It was undeterminable with the limited plans that were provided.
5. Applicable code references for this project proposal are the 2006 International Building Code (IBC); the 2006 International Fire Code (IFC); the 2006 International Mechanical Code (IMC); the 2006 International Fuel Gas Code (IFGC); the 2006 Uniform Plumbing Code (UPC); all applicable code referenced manuals and standards; all applicable Washington State Amendments to the above referenced codes; the 2006 Washington State Non-residential Energy Code (NREC) and Ventilation & Indoor Air Quality Code (VIAQ).
6. A Washington State Professional Engineer shall engineer the proposed building. The Engineer shall perform a complete structural analysis for the proposed building(s).
7. The Engineer shall provide analysis for any special loads such as those imposed by an automatic sprinkler system, mechanical equipment, concentrated loads, impact loads, cranes, etc. The Engineer should also include any required anchorage of non-building structures (signs, tanks, storage racks, equipment, etc.) to resist seismic loads.
8. A Washington State registered Architect is required to design and stamp plans for all "non-exempt" structure of 4,000 square feet or greater in size.--- A Washington State licensed Architect will be required by the Building Official to prepare plans and construction documents. (IBC Section 106.1, RCW 18.08.410) Plans prepared by a WA State licensed Architect must be stamped and signed by the Architect. (RCW 18.08.410[9]).
9. **(REQUIRED) Provide a code data summary sheet on the plan drawing submittals.** List all applicable code data specific to the proposed project, including but not limited to types of occupancy, type(s) of construction, allowable height and area justification, occupant loads, egress path and travel distance, required exits and widths, non-separated or separated use, mixed occupancy, incidental and or accessory uses, fire protection systems, building design criteria, plumbing fixture counts, etc..
10. Geotechnical Engineer may be required, per the request of the Engineer of record or the Whatcom County Building Official.
11. A design professional of record (licensed Architect or Engineer of record) shall be designated on the permit submittal documents and drawings where appropriate. The design professional of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building. (IBC Section 106.3.4).

12. All materials and components used in construction of the saw mill shall be approved by the Engineer of record or the design professional of record and upon request may require listings to be provided to the Building Inspector or the Building Official.
13. Exits shall meet the requirements of Chapter 10 of the International Building Code.
14. The proposal shall meet the barrier-free, handicap accessible requirements of the International Building Code, Chapters 10 & 11; IBC Appendix E; ICC/ANSI A117.1-03; applicable sections of the Washington State Amendments, per WAC 51-50. Accessibility design details shall be indicated on the plan drawings and submitted with the building permit.
15. Heating, cooling, ventilation and/or lighting (interior and exterior) of the building shall require compliance with the current adopted edition of the Washington State Nonresidential Energy Code (NREC) and Ventilation and Indoor Air Quality Code (VIAQ).
16. The proposal shall comply with all applicable codes and ordinances adopted by Whatcom County.
17. Sprinkler system and fire alarm system submittals shall be applied for at the same time as the building permit if required, unless otherwise approved by the Fire Marshal.
18. Required plans for this project shall include but not be limited to. (Suggested scales)
 - a. Site plan (1/10th scale)
 - b. Foundation plan (1/4" =1' scale)
 - c. Floor plan (plan views) (1/4" =1' scale)
 - d. Elevation plans (1/4" =1' scale)
 - e. Structural plans (1/4" =1' scale)
 - f. Section views (1/2" =1' scale)
 - g. Details (special construction and or connections) (1/2" =1' scale)
19. Minimum plumbing facilities (restrooms) are required in accordance with Washington State Amendments to the International Building Code, Chapter 29. Accessible facilities must be located in the new structure or conveniently in a building adjacent thereto on the same property.
20. Storage of flammable and combustible materials and/or high piled storage items shall conform to the requirements of the current adopted edition of the International Fire Code (IFC).

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

D. Fire Marshal's Office

1. Fire Flow required with a minimum flow rate of 1500 gpm delivered to a fire hydrant at a minimum of 20 p.s.i... Hydrant shall be located within 600' of the farthest portion of the building.
2. Fire extinguisher size shall be 2A:10BC in the building at locations approved by the Fire Marshal.
3. Sprinkler system required per IFC Section 903.2.3.1 for woodworking operation over 2500 square feet.
4. Automatic fire alarm system required for monitoring of the sprinkler system.
5. The proposal shall comply with all applicable codes and ordinances adopted by Whatcom County.
6. Plans and specifications for the Fire Flow System, fire alarm system, and fire sprinkler system shall be submitted separately to the Fire Marshal's Office for permitting and approval.

E. Public Works – Engineering Division

1. Stormwater Report prepared by the Professional Engineer shall be submitted with the building permit application for the proposed impervious surface and how the runoff will be controlled from the site. An Erosion and Sedimentation Control Plan shall be submitted and approved prior to any clearing or grading on site.
2. The proposed development is exempt from Concurrency Evaluation (WCC 20.78.030) because it will generate 9 or less new p.m. peak hr. trips in one direction, based on submitted Preliminary Traffic & Concurrency Information.
3. The Applicant shall contact Washington State Department of Transportation for any requirements that WSDOT may have regarding access permit for this development. Contact person is **John Tellesbo** at (360) 757-5964 or tellesj@wsdot.wa.gov
4. 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.
5. All development shall comply with Whatcom County Development Standards.

The Applicant shall complete construction or, if no construction is contemplated as a part of this permit, shall demonstrate compliance with all of the conditions of this permit within 24 (twenty-four) months of the date of the issuance of this decision. Failure to complete construction or demonstrate compliance shall result in the expiration of this permit. Substantial progress toward completion may

satisfy the terms of this condition if approved by Whatcom County Planning & Development Services and the Hearing Examiner. The Applicant or permit holder may apply for an extension for a term of up to one year upon a showing that substantial progress has been made toward completion or compliance. An extension shall be granted if the Hearing Examiner finds that the applicant or permit holder will suffer a substantial hardship if the extension is denied. The Hearing Examiner may grant an extension for any other good cause shown, in his discretion, but extraordinary circumstances must be shown to obtain an extension of more than one year. The Hearing Examiner shall obtain the comments of Whatcom County Planning and Development Services before granting any extension.

NOTICE

This approval is subject to all of the above-stated conditions. Failure to comply with them may be cause for its revocation. Complaints regarding a violation of the conditions of this permit should be filed with Whatcom County Planning and Development Services. The Hearing Examiner may not take any action to revoke this approval without further public hearing.

Violations of this title shall constitute Class I civil infractions pursuant to RCW 7.80.120. The maximum penalty and the default amount for such violations shall be consistent with Chapter 7.80.RCW.

NOTICE OF APPEAL PROCEDURES FROM FINAL DECISIONS OF THE WHATCOM COUNTY HEARING EXAMINER

This action of the Hearing Examiner is final. The following review procedure is available from this decision and may be taken by the applicant, any party of record, or any County department.

Appeal to County Council. Within ten business days of the date of the decision a written notice of appeal may be filed with, and all required filing fees paid to, the Whatcom County Council, Courthouse - 1st Floor, 311 Grand Avenue, Bellingham, WA 98225. The appeal notice must state either:

- 1) The specific error of law which is alleged, or
- 2) How the decision is clearly erroneous on the entire record.

More detailed information about appeal procedures is contained in the Official Zoning Ordinance at Section 20.92.600-.830. A copy of this document is available for review at the County Council Office. After an appeal has been filed and the Council office has received the hearing record and transcript of the public hearing, the parties will be notified of the time and date to file written arguments.

DATED this 28th day of September 2010.

Michael Bobbink, Hearing Examiner

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-676-6907, TTY 800-833-6384
360-738-2525 Fax



J.E. "Sam" Ryan
Director

WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

September 17, 2010

The application of Simon Petree for a		CUP2009-00020
Zoning Conditional Use Permit		FINDINGS, CONCLUSIONS, AND
		RECOMMENDATIONS

I. SUMMARY OF APPLICATION AND RECOMMENDATIONS

Summary: The applicant is requesting a zoning conditional use permit to authorize small scale commercial processing of forest products with up to four employees in an existing 3, 320 square foot building and a proposed 6,000 square foot new building, with outdoor storage and parking on a parcel site located at 6773 Guide Meridian.

Recommendation: The Technical Review Committee recommends approval of the application for a conditional use permit, subject to the requested conditions, as attached.

II. PRELIMINARY INFORMATION

A. BACKGROUND INFORMATION

Applicant: Simon Petree
PO Box 4453
Nooksack, WA 98276

Property Owner: Elder Properties
PO Box 4453
Nooksack, WA 98276

Authorized Agents: Heather Wolf, Brownlie Evans Wolf & Lee, LLP
230 E. Champion Street
Bellingham, WA 98225

Jaime White
PO Box 30696
Bellingham, WA 98228

Site Location/Address: Site address: 6773 Guide Meridian. Site is located approximately 3 miles south of the city of Lynden, approximately 4.5 miles northeast of the city of Ferndale, and north of King Tut Road, south of Pole Road, and east of Old Guide Road.

Legal Description: A portion of the South ½ of the Northeast ¼ of Section 12, Township 39N, Range 2E of W.M., Situate in Whatcom County, Washington.

Assessor's Parcel Number(s): 390212458410

Zoning: Split Zoned Parcel - R(2) & R(5)

Comprehensive Plan: Rural/Transportation Corridors

Subarea: Lynden Nooksack Valley Subarea

Total Acreage: 16.02 acres

Roads: Public

Water Supply: Private well

Sewage Disposal: On site sewage system

Fire Protection: Whatcom County Fire District No. 21

Law Enforcement: Whatcom County Sheriff's Office

Public Schools: School District # 505

Topography: The site is described as mostly level.

Vegetation: Existing vegetation is scattered and generally sparse on the parcel, with one deciduous tree located to the north of the existing commercial use driveway access, and a short row of deciduous and coniferous trees extending in an east westerly direction on the south side of the driveway access serving the commercial uses on the site. The middle section of the parcel is under cultivation. The most westerly portion of the parcel is wooded with a small stand mixed species timber, and also features wetland.

Adjacent Land Uses: North: Residential and Commercial
East: Residential and Agriculture
South: Residential and Agriculture
West: Residential/Rural

Easements: Proposed 20' easement to be recorded upon approval of pending short plat

SEPA Review:

SEPA (WAC 197-11) Determination of Non-significance issued on May 17, 2010.

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

1. Revised Code of Washington Chapter 36.70
2. Whatcom County Comprehensive Plan.
3. Whatcom County Code, Title 14, Use of Natural Resources
4. Whatcom County Code Chapter 15, Building Code
5. State Environmental Policy Act (SEPA). Washington Administrative Code Chapter 197-11, Whatcom County Environmental Policy Administration Chapter 16.08
6. Whatcom County Code Chapter 16.16, Critical Areas
7. Whatcom County Code, Title 20, Official Whatcom County Zoning Ordinance
8. Whatcom County Code, Title 24, Health Regulations

III. APPLICATION PROPOSAL

The applicant has applied for a zoning conditional use permit to authorize small scale commercial processing of forest products on a permanent basis on a site located at 6773 Guide Meridian in Whatcom County, Washington. The applicant is proposing to continue operating his existing business known as Green Leaf Forest Products, Inc. on property which is owned by Elder Properties, LLC, a limited liability corporation of which the applicant is named an owner and a member. Although the applicant is currently the only employee of the existing business, it is proposed that up to four full time employees be approved to work in the scope of operations. Proposed hours of operation include the following: 8 am – 5 pm Monday through Friday and occasional Saturdays.

The saw milling and forest products operation as proposed, is to be permanently located on a 47,160 square feet portion of a 16.02 acre parcel currently undergoing a land division that will result in an approximately 5.34 acre parcel. On that future 5.34 acre parcel, the following existing and proposed appurtenances to commercial processing of forest products are proposed to be located: one (1) existing 3,320 square foot shop building, one (1) proposed new 6,000 square foot building, approximately 3,500 square feet of outdoor storage, one (1) approximately 400 square foot dehumidifier and associated electronic monitoring equipment, one (1) portable saw mill (band saw), and a driveway for ingress and egress, and associated parking.

A primary component of the business is portable sawmilling services provided to customers at off site locations. The applicant hauls his portable band saw that is mounted on a trailer to the property of customers throughout the county, and at these off site locations he mills logs from felled trees grown on site into dimensional lumber.

The applicant also proposes that in addition to storing the portable band saw on-site when it is not located on customer's property, to continue to use it to mill recovered old growth fir and cedar and hardwood logs into dimensional lumber on the site. When not in use at remote locations, the portable sawmill is proposed to be set up

for use behind an approximately eight foot high berm of dirt that extends across the westerly 650 feet of the subject parcel. Proposed volume of lumber to be milled from logs on site amounts to about two and one half (2 ½) logging truck loads per month, which equates to approximately 30, 000 board feet of lumber. The applicant proposes that the milled dimensional lumber will then be dried in the on-site dehumidifier. The applicant proposes to further process the dried dimensional lumber into finished wood products such as flooring, trim, and other specialty wood products in the existing 3,320 square foot wood shop located on the site, which houses the following wood working equipment used in the onsite millwork operations:

- WP2510 Planer
- SLR12 Straight Line Rip Saw
- 4-Slide Planer/Moulder
- 15" Wide-Belt Sander
- 3 HP Double Canister Dust Collector
- Finger Joint/End-Matcher
- 3 HP Shaper
- 8" Jointer with Spiral Cutterhead
- 10 HP 3-Phase Cyclone Dust Collector
- 10" Professional Radial Arm Saw
- 10" Sliding Dual Compound Miter Saw
- Twin Blade Edger

In addition to the equipment listed above the following machinery will also be operated on the site:

- Woodmizer LT70 wood mill 62 HP w/muffled exhaust
- 56 HP Tractor

The applicant has stated that the business generates approximately two (2) forty yard containers of saw mill scrap, and that per every 15, 000 board feet of lumber milled, approximately 15 yards of sawdust are produced which is collected and bagged and delivered to a local farmer.

The applicant has stated that water to meet fire flow standards is provided via an existing thirty thousand gallon above ground tank that is owned and maintained by a commercial operation on property abutting the subject parcel's northern property line.

As stated above the proposal includes a staff of up to four (4) full time employees, with proposed hours of operation: 8 am to 5 pm, Monday through Friday with the occasional Saturday. The applicant proposes that there will be no customer traffic expected at the site, and that there will be as many as three (3) daily service deliveries or pick-ups. Employee parking will be located east of the proposed building site as depicted on the site plan submitted as part of the record. Existing signage consists of a very small 1 foot by 2 foot sign located at the driveway entrance to the site. The applicant has not proposed any additional signage. The

existing signage as reported by the applicant will be maintained for directional purposes only.

In summary, the request is for conditional use approval to authorize small scale commercial processing of forestry products on the subject property pursuant to WCC Section 20.36.162 which provides for such uses on a permanent basis when utilizing permanently installed equipment, when the use is compatible and augments the economic viability of the forest community, and when appropriate provision is made for water to meet fire flow standards, and that the use is consistent with applicable local, state and federal standards and regulations.

IV. SITE DESCRIPTION

The subject property is a 16.02 acre site, and is located approximately 3 miles south of the city of Lynden, and as a the crow flies approximately 4.5 miles northeast of the city of Ferndale. The site is located north of King Tut Road, south of Pole Road, and east of Old Guide Road in Whatcom County.

The site is accessible from the west side of Guide Meridian which is classified as a state highway (SR 539). Vehicles travelling south on Guide Meridian may access the site via a right turn into the commercial driveway access off the highway. Vehicles travelling north on Guide Meridian may access the site by travelling a short distance beyond the subject parcel and negotiate a u-turn on the recently installed round-about at Pole Road and Guide Meridian to return heading south and then access the property with a right turn off the highway. The site address is 6773 Guide Meridian.

The existing 16.02 acre subject parcel is currently undergoing a three (3) lot short plat land division that will result in an approximately 5.34 acre parcel upon which the requested conditional use is proposed to be located. The 16.02 parent parcel is split zoned Rural one dwelling unit per two acres (R2) and one dwelling unit per five acres (R5), and is also subject to two different comprehensive plan designations: Rural and Transportation Corridors. The comprehensive plan designation of Transportation Corridors follows the R(2) zoning and the Rural comprehensive plan designation applies to the R(5) zoning.

The entire subject parcel is described as mostly level, with the developed portion occurring on the easterly 1/3rd of the parcel which abuts Guide Meridian. This portion of the parcel is developed with a residence and associated well and on site sewage system, and driveway access that serves only the residence. There are two large buildings in the easterly 1/3rd portion of the site which have been used historically in a variety of commercial uses, both permitted and unpermitted, and are named Building A, and Building B, neither of which are included in the scope of the proposed conditional use.

Existing vegetation is scattered and generally sparse on the front 1/3rd of the subject parcel, with one deciduous tree located to the north of the existing commercial use driveway access, and a short row of deciduous and coniferous trees extending in an east westerly direction on the south side of the driveway access which serves the commercial uses on the site. Where not covered with buildings, pavement or concrete the site is extensively graveled. The middle third portion of the subject

parcel is actively farmed with "cow corn" which is harvested and sold to local dairy farmers. The most westerly portion of the site is wooded with a small stand of mixed species timber, and also features a wetland as identified in a wetland delineation prepared by Northwest Ecological Services submitted as required as part of the Simon Petree Short Plat application (SSS2009-00010).

The zoning is Rural (R2) to the north, south and east of the proposed use, and to the west the zoning is Rural (R5). The property surrounding the site to the north is developed with both residential and commercial uses, and to the northwest there is a large residential subdivision (Dutch Haven) that is located some distance away from the western boundary of the proposed use. Parcels surrounding the site to the south and east are developed with rural homesites, with some agriculture uses, and to the west parcels are developed primarily with rural land uses including residential homesites.

It is noted that the eastern 1/3rd of the subject parcel (abutting Guide Meridian) has been identified as part of a proposal included in updates to the Whatcom County Comprehensive Plan Rural Element that is currently under consideration for adoption by the Whatcom County Council. Specifically, the eastern 1/3rd of the subject parcel has been proposed to be re-designated as a Type 1 Rural Center, in accordance with Limited Areas of More Intensive Rural Development (LAMIRD) criteria, with Rural-General Commercial zoning (RGC). As proposed in the Rural Element updates, Rural – General Commercial uses are consistent with typical uses found in the General Commercial District as currently provided in Chapter 20.62 WCC, with the exception of proposed limitations on intensity of uses or square footage of uses or structures, so as to maintain consistency with rural character and level of service requirements.

As stated above, the subject parcel is undergoing a three lot residential short plat which will result in the entire parcel being roughly divided into three five (+/-) acre lots. The proposed conditional use is to be located on 47, 160 square feet (approximately 1.08 acres) of the proposed 5.01 acre Lot 3 of the proposed Simon Petree Short Plat. The remainder of this report will be limited to the scope of operations that are proposed to take place within the geographic area as surveyed and shown on the site map submitted as part of the file record maintained on this application.

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 November 19, 2009. The fifteen (15) day comment period ended on December 15, 2009. Notice was also mailed to property owners within 1000 feet of the site on November 19, 2009 with the same 15 day comment period ending on December 15, 2009.

Public Comment: During the public comment period for the Notice of Application, the County received four (4) written comments. An additional comment was also received in response to the State Environmental Policy Act (SEPA) threshold determination of non-significance. A summary of the comments received and a brief

response to those comments is listed below:

- Requests for clarification as to scale of proposed operations
- Requests for information regarding purpose of outdoor storage area
- Concerns raised about impacts noise generated by milling equipment
- Concerns raised about potential impacts to wildlife
- Concerns raised about potential impacts to air quality
- Concerns were raised about potential impacts to property values
- Request made through the SEPA comment period that applicant put notice on title to accept Rural level of Service
- Request made through the SEPA comment period that applicant submit pre-response plan to Fire District No. 21
- Request was through the SEPA comment period that road improvements meet Fire District standards

Planning Development Services Department Planning Division staff reviewed the scope of the potential impacts as addressed in public comment, and in response to those comments requested additional information from the applicant to clarify the following: proposed specific location of operations to be conducted on the site; hours of operation; proposed number of employees; whether sound insulation would be provided in existing or proposed building; list of equipment used in the scope of operations conducted on the site, and type of possible noise generated by such systems; the type of signage proposed and the intent of such signage; how noise impacts of the milling operations would be mitigated; the means of handling waste materials; and how any proposed structures would be screened from adjacent uses.

In response to the additional information so provided, staff has proposed conditions agreed to by the applicant that are meant to eliminate potential impacts from the noise of the portable sawmilling operations conducted on the site, and from the millwork operations conducted within the existing building on the site. Staff has proposed that to mitigate any possible impacts from noise generated by mill working equipment housed within buildings, that all buildings existing or proposed that will house such equipment on the site, be insulated to industry standards for the *successful* control of noise impacts to adjacent uses, so that sound generated from the millwork operations are not able to be detected from adjacent properties. In addition to further mitigate for any potential impact to adjacent existing or future uses, an approved landscaping plan will be required that buffers the proposed structures from view of public or private adjacent uses.

In response to comments submitted on behalf of Fire District No. 21; concerns raised will be addressed through strict compliance with building and fire codes required as part of the commercial building permitting process.

Potential impacts to wildlife and habitat have been reviewed through SEPA environmental review, and also through Critical Areas Ordinance (CAO). Staff comments regarding impacts to the environment as regulated by the CAO are included in Section IIV (C) of this report.

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

VI. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The State Environmental Policy Act (SEPA) requires applicants to disclose potential impacts to the environment unless the proposal is categorically exempt from SEPA threshold review. The Whatcom County SEPA Official has reviewed the completed SEPA checklist submitted by the applicant, and has made a determination that with proper mitigation and by compliance with applicable codes and requested conditions, no significant adverse impacts to the environment would be likely to occur as a result of approving the proposed zoning conditional use. A Determination of Non-significance (DNS) was issued May 17, 2010. The comment period for this DNS ended on May 31, 2010. One comment was received. The appeal period for this DNS ended on June 11, 2010. No appeals to this determination were filed.

VII. FINDINGS OF FACT and CONSISTENCY WITH REGULATIONS

A. Whatcom County Comprehensive Plan

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

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

Policy 2FF-1: Support small businesses, cottage industries, home occupations, resource-based and other appropriate light industry in the rural areas of Whatcom County.

Policy 2FF-4: Support resource based industries that require only rural services, conserve the natural resource land base, and help maintain the rural character and lifestyle of the community.

Goal 7A: Promote a healthy economy which provides ample opportunity for family-wage jobs.

Policy 7F-1: Support existing local businesses as the major contributors of job creation and regeneration and afford them every opportunity to continue their success in the community.

Policy 7F-4: Enhance opportunities for increased resource based (agricultural, forest, fisheries and mining products) value added industries.

Policy 7J-1: Support creation of job opportunities for local residents, especially family wage jobs to decrease unemployment and underemployment.

Whatcom County County-Wide Planning Policies:

Goal # 8 – Economic development should be encouraged that: a) does not adversely impact the environment; b) is consistent with community values; c) encourages development that provides jobs to county residents d) addresses industries for a more diversified economic base; e) promotes reinvestment in the local economy; and f) supports retention and expansion of existing businesses.

The Technical Review Committee finds that the application for a conditional use permit to authorize small scale commercial processing of forest products with up to four employees in an existing 3, 320 square foot building and a proposed 6,000 square foot new building, with outdoor storage and parking is consistent with the relevant Whatcom County Comprehensive Plan goals and policies listed above.

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

The subject application consists of a request for approval of a conditional use that is specifically provided for in the applicable zoning district subject to approval and conditions issued by the Whatcom County Hearing Examiner. A description of the specific use that is the subject of application, as provided in the Official Whatcom County Zoning Ordinance is listed below:

Chapter 20.97 – Definitions

20.97.075 Conditional use. “Conditional use” means a use permitted only after public review and approved by the hearing examiner and to which conditions may be attached by the hearing examiner.

Chapter 20.36 - Rural District

20.36.150 Conditional uses.

20.36.162 Small scale commercial processing of forestry products on a permanent basis, utilizing permanently installed equipment, and provided the use is compatible and augments the economic viability of the forest community, appropriate provision is made of water to meet fire flow standards, and is consistent with applicable local, state and federal standards and regulations.

Listed below are specific code requirements pertaining to site development in the Rural zoning district:

20.36.350 Building setbacks.

Building setbacks shall be administered pursuant to WCC [20.80.200](#) (Setback Requirements).

20.36.350 Height limitations.

Maximum height shall be limited to 35 feet. Height of structures shall also conform to the general requirements of WCC 20.80.675 (Ord. 85-70, 1985; Ord. 84-38, 1984).

20.36.450 Lot coverage.

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

20.36.650 Development Criteria.

20.36.652 Use of natural resources. All discretionary project permits for land on or within one-half mile of the area designated as Agriculture, Rural, Commercial Forestry or Rural Forestry or within 300 feet of an area designated as Mineral Resource Lands in the Whatcom County Comprehensive Plan, or upon which farm operations are being conducted, shall be subject to the right to farm, right to practice forestry and mineral land disclosure policies contained in WCC Title [14](#), Use of Natural Resources. (Ord. 98-083 Exh. A § 44, 1998; Ord. 96-056 Att. A § A2, 1996; Ord. 92-015, 1992).

20.36.653 Landscaping.

Landscaping and parking requirements shall be installed pursuant to WCC [20.80.300](#) (Ord. 89-117, 1989).

20.36.654 Parking requirements.

Parking shall conform to the requirements of WCC [20.80.500](#).

20.36.656 Drainage.

Approval of this application shall be subject to the stormwater management provisions of the Whatcom County Development Standards, unless specifically exempted.

Building setbacks, off street parking, lot coverage as proposed all meet current regulations, a detailed approved landscape site plan including any proposed or existing signage and lighting will be required to be submitted and reviewed at the time of the required commercial building permit submittal.

The Technical Review Committee has determined that as conditioned the subject application for a conditional use permit to authorize small scale commercial processing of forest products with up to four employees in an existing 3, 320 square foot building and a proposed 6,000 square foot new building, with outdoor storage meets the requirements of Chapter 20.36 of the Whatcom County Code.

Whatcom County Code, Section 20.84.200 establishes the role of the Whatcom County Hearing Examiner in approving applications for conditional use permits as provided in the Official Whatcom County Zoning Ordinance. When it is determined by the hearing examiner that such uses meet specific criteria, the hearing examiner may approve such uses, subject to conditions as necessary to ensure that any specific standards of the use district defining the conditional use are fulfilled, and that the criteria applicable to conditional uses are met. The approval criteria that applies to conditional uses and a discussion as to how the proposed use is consistent with those criteria is listed below:

20.84.200 Conditional uses.

20.84.220 (1) through (8) Criteria:

(1) Will be harmonious and in accordance with the general and specific objectives of Whatcom County's Comprehensive Plan and zoning regulations.

Discussion: The Whatcom County Comprehensive Plan – Rural Lands Section places emphasis on the importance of providing for uses that preserve rural character, and at the same time provide for business opportunities that support the local economy and are compatible with rural lifestyle. Further, a business that provides small scale commercial processing of forest products with up to four employees is in conformance with the Comprehensive Plan goals and policies and zoning code regulations that provide for natural resource based industries that augment the economic viability of the forestry community. Comprehensive Plan goals and strategies encourage enhanced opportunities for resource based industries that require rural level of services, and also support resource based industries that process locally grown forestry products.

(2) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.

Discussion: The structures that are proposed to house the proposed commercial forest product processing operations have been designed and will be constructed in a manner that is consistent with the appearance of other structures found within the general vicinity. The two buildings proposed to house the proposed use are of a typical pole building style of construction associated with many rural uses.

The structures proposed to house the scope of operations whether existing or proposed will be situated so as to protect views of future or existing adjacent uses. The applicant has proposed to install another dirt berm to help control sound and or visual impacts to neighboring properties to the south.

The applicant has requested that up to four (4) full time employees be permitted in the operations of the proposed use. It is noted that although the business is operated by the applicant as the sole employee, at some time in the future, as forest products markets are more favorable, there may be a need to hire other staff. Staff is recommending that the number of persons employed at the site not exceed a maximum total of up to four (4) full time employees be permitted in the proposed small scale commercial processing of forest products. This recommendation is consistent with the conditional use criteria set forth for the approval of cottage industries which provides for up to four employees employed in home based businesses that are typically found in the rural community.

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

Discussion: The proposed use as conditioned is not considered hazardous by the technical review committee.

There are no customer visits expected at the site. Additional traffic generated by the three (3) proposed deliveries per day does not exceed the type of traffic that is normally associated with rural uses. Proposed hours of operation are 8 am – 5 pm Monday through Friday and on occasional Saturdays. The County received a total of four (4) comments out of the 154 notices sent to property owners within 1000 feet of the proposed use. The property owners in the immediate vicinity submitted comments about a variety of concerns that are discussed in more detail in Section 6. Staff reviewed these concerns, and has proposed that to ensure compatibility with existing and future land uses, and to prevent disturbance to existing or future property owners in the vicinity, that a condition of approval include a requirement that all buildings used to conduct milling operations be insulated to control sound generated by those activities, and to prevent disturbance to existing or neighboring uses.

(4) Will be serviced adequately by necessary public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

Discussion: As conditioned the site will be serviced adequately by necessary public/private facilities. County Health Department comments indicate that the proposed use may require public water. Fire protection is provided by Fire District No. 21 at a Rural Level of Service. Refuse disposal is provided by the private sector. Engineering staff has reviewed the preliminary stormwater application submitted by the applicant and found that the use will be required to submit an Engineered Stormwater Design Report to be submitted and approved prior to issuance of the required commercial building permit as discussed in Section IX (C) of this report.

(5) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.

Discussion: As reported by the applicant, there is a need to provide the County's rural land owners with both off-site and on-site lumber milling operations and associated processing that is proposed to occur on the subject parcel. A small scale commercial forestry processing facility at the proposed location may benefit rural residents who may wish to utilize the services proposed rather than invest in the necessary infrastructure themselves, and/or might otherwise be available on a small scale basis.

The proposed use will not require additional requirements at public cost for public facilities and services beyond what is typically provided at a rural level of service.

(6) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors.

Discussion: The proposed use will not be detrimental to persons, property, or the general welfare, as conditions placed on the operation and use of the property for the business will serve to mitigate potential impacts. Public comment submitted included concerns of potential noise, air quality impacts, concerns about fire protection, traffic, impacts to wildlife, and concerns expressed about a potential decrease in property values if the proposed use were to be approved.

Staff has reviewed the extent of public comment and communicated the essence of these comments to the applicant, the applicant has agreed to the following:

1) Noise from operations associated with the sound of wood working processes applied to the dimensional lumber such as millwork operations that require the use of machinery such as shapers, routers, planers, sanders etc. be confined within the interior walls of the existing and proposed that are to be insulated to industry standards to control sound. The sound of the portable band saw that is used to mill logs into dimensional lumber was found by staff at time of site inspection, not to extend beyond the approximately 8 foot high earth berm when listened for at the property line abutting the Dutch Haven subdivision. Since the band saw mill is portable by design, and may need to be moved around the site, it was agreed by the applicant that if the band saw were to be operated in another location on the site other than noted on the approved site plan that another earth berm be established at the southern property line to control sound impacts to existing or future adjacent uses. In addition, it *appears* that from comments submitted, nearby residents are not aware that the use is already *existing*, and that concerns expressed were focused on potential noise if the use were to be permitted; 2) Impacts to aesthetics will be addressed with adequate landscaping and vegetative screening to be installed per the requirements of a commercial building permit(s) that will be required for the proposed use; 3) Traffic concerns have been addressed by the Public Works Engineering department, and by the Washington State Department of Transportation staff who indicated that the existing access was adequate for the proposed use as described by the applicant; 4) Potential impacts to wildlife and habitat have been reviewed through SEPA environmental review, and also through Critical Areas Ordinance (CAO). Staff comments regarding impacts to the environment as regulated by the CAO are included in Section IIV (C) of this report 5) Fumes or smells and any odors will be dissipated in the air and as proposed will not reach other uses; 6) Glare impacts will be mitigated by conditions that require lighting to be directed away from adjacent uses.

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

Discussion: The Engineering Services Division of the Whatcom County Public Works Department Engineering Division staff has reviewed the proposed use for traffic impacts and found that because the proposed use will generate nine (9) or less new p.m. peak hour trips in one direction it will be exempt from Concurrency Evaluation, and since the access is off of a State Highway, the applicant will be required to contact to obtain an access permit for the proposed use.

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

Discussion: The proposed use will not result in the destruction, loss or damage of natural, scenic or historic feature of major importance.

The Technical Review Committee finds that the application for a conditional use permit to authorize small scale commercial processing of forest products on a permanent basis, with up to four employees in an existing 3, 320 square foot building and a proposed 6,000 square foot new building, with outdoor storage and parking as subject to the requested conditions proposed in Section IX of this report meets the criteria for approving conditional uses as provided in WCC 20.84.220 (1) through (8).

C. Critical Areas (Title 16)

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.

A critical areas technical administrator reviewed the application for a conditional use permit on April 22, 2010, and submitted the following comments: Based on Whatcom County critical area maps, there does not appear to be regulated wetlands or habitat conservation areas within the vicinity of the proposed new development. No further critical area review is required for this application. If expansion is proposed outside the already developed portions of the parcel, a critical areas assessment report may be required.

The Technical Review Committee has determined that as discussed above the proposal meets the requirements of Chapter 16.16, Whatcom County Code.

D. Fire Marshal's Office

The Whatcom County Deputy Fire Marshal submitted a memo dated December 8, 2009 with conditions of approval for this proposal.

The Technical Review Committee has determined that as conditioned, the proposal meets the requirements of Whatcom County Code Section 20.80.212 - Concurrency.

E. Health Code (Title 24)

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

The Whatcom County Health Department submitted a memo dated December 28, 2009 listing conditions of approval for this proposal.

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

F. Building Code (Title 15)

The Whatcom County Chief Plans Examiner submitted a memo dated December 9, 2009 with comments and conditions of approval for this proposal.

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

G. Whatcom County Development Standards

The Whatcom County Public Works, Engineering Division staff submitted a memo dated February 16, 2010 with the following comments: The applicant submitted an application for a Zoning Conditional Use Permit to operate a small scale commercial sawmilling and processing of forestry products business at his property located at the above referenced address. The zoning is Rural 2 Acres (R2A) and Rural 5Acre (R5A). **Guide Meridian** is classified as a State Route SR-539

The Technical Review Committee has determined that as conditioned, the proposal meets the requirements of Whatcom County Development Standards.

VIII. RECOMMENDATION

Based on the findings of fact listed above, the Technical Review Committee has concluded that subject to the following proposed conditions, the proposed use would comply with all applicable Whatcom County regulations.

1. The Technical Review Committee recommends approval of the application for a conditional use permit to authorize small scale commercial processing of forest products on a permanent basis with up to four employees in an existing 3, 320 square foot building and a proposed 6,000 square foot new building, with outdoor storage and parking on a parcel site located at 6773 Guide Meridian subject to the following conditions:

IX. CONDITIONS OF APPROVAL

A. Planning Division – Current Planning

1. Use and location: The use and location on the site shall not be modified or changed in any way without further approval of the Whatcom County Hearing Examiner.
2. Employees: A maximum total of four (4) full time employees may be employed in the operations of the small scale commercial processing of forest products business.

3. Landscaping: Landscaping shall be maintained pursuant to WCC 20.80.300. A scaled landscape site plan detailing the existing and proposed vegetative buffers screening the use from adjacent uses shall be submitted and approved by planning and development services department prior to issuance of the commercial building permit as required in Section IX (C) of these conditions.
4. Drainage: Pursuant to WCC 20.36.656, approval of this application shall be subject to the stormwater management provisions of the Whatcom County Development Standards, unless specifically exempted.
5. Parking: Pursuant to WCC 20.80.500, adequate parking shall be established on an approved customer, employee, and parking plan that shall be submitted prior to issuance of the required commercial building permit [see Section IX (C)].
6. Business Hours: Hours of Operation: between 8 am – 5 pm, Monday through Friday, and on occasional Saturdays.
7. Lighting: Pursuant to WCC 20.80.523; any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property and the public road.
8. Noise: All buildings used in millwork operations shall be insulated to control sound to industry standards, and all millwork operations such as shaping, routing, planer work, sanding, etc. (except for portable band saw milling) are to be confined within the interior walls of the existing and/or proposed structures comprising the forest products processing.
9. Trash and storage areas: Pursuant to WCC 20.80.355; all trash and/or garbage collection and storage areas must be screened from view from adjacent streets and properties using a solid fence or wall a minimum of six feet high.
10. Signage: Directional signage shall comply with WCC 20.80.400.
11. Archaeological Discovery: Should archaeological materials (e.g. shell midden, faunal remains, stone tools) or human remains be observed during the scope of operations as approved, all work in the immediate vicinity shall stop, and the area shall be secured. The State Office of Archaeology and Historic Preservation (360-586-3065) and the Lummi Nation Tribal Historic Preservation Office (360-384-2298) shall be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.
12. Whatcom County Code, Title 14, Right to Farm – Disclosure:
 - The owners of the property upon which this conditional use permit approval is granted shall sign a statement of acknowledgment containing a disclosure that pertains to the use of natural resources in Whatcom County. This disclosure

shall be made on forms provided by Whatcom County, which shall then be recorded in the Whatcom County Auditor's office.

- The disclosure shall contain the following language:

The subject property is within or near designated agriculture lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. You may be subject to inconveniences or discomforts arising from such operations, including but not limited to noise, odors, flies, fumes, dust, smoke, the operation of machinery of any kind during any 24-hour period (including aircraft), the storage and application of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. Whatcom County has determined that the use of real property for agricultural operations is a high priority and favored use and will not consider to be a nuisance those inconveniences or discomforts arising from farm operations, if such operations are consistent with commonly accepted good management practices and otherwise comply with local, state, and federal laws.

B. Health Department

1. The applicant shall comply with the conditions of the Whatcom County Health and Human Services Department in the memo dated June 28, 2010, unless modified by that Department or appealed to the appropriate agency.
2. Water: If any employees or the public have access to water then public water is required.
3. Sewage: If water is to be run to any new building, then an approved on-site sewage permit will be required. The expansion of any existing building will trigger Health Department review of the on-site septic system.

C. Building Services Division

The Whatcom County Plans Examiner requires the following condition(s) for the above permit.

1. Due to the scope of this project, these comments do not address any specific requirements. Specific requirements will be discussed at time of application of each individual building pre-application meeting and or submittal when more detailed plans are available. The following are general comments are not intended to be the final comments or requirements for any one project.
2. A building permit is required for this proposal.
3. Due to the scope of the proposed project, the applicant must apply to the Building Official for a pre-application screening prior to building permit

application submittal. At the Building Official's discretion a pre-application meeting may be required.

4. The proposed structure would be classified as "F1 or H" occupancy. It was undeterminable with the limited plans that were provided.
5. Applicable code references for this project proposal are the 2006 International Building Code (IBC); the 2006 International Fire Code (IFC); the 2006 International Mechanical Code (IMC); the 2006 International Fuel Gas Code (IFGC); the 2006 Uniform Plumbing Code (UPC); all applicable code referenced manuals and standards; all applicable Washington State Amendments to the above referenced codes; the 2006 Washington State Non-residential Energy Code (NREC) and Ventilation & Indoor Air Quality Code (VIAQ).
6. A Washington State Professional Engineer shall engineer the proposed building. The engineer shall perform a complete structural analysis for the proposed building(s).
7. The engineer shall provide analysis for any special loads such as those imposed by an automatic sprinkler system, mechanical equipment, concentrated loads, impact loads, cranes, etc. The engineer should also include any required anchorage of non-building structures (signs, tanks, storage racks, equipment, etc.) to resist seismic loads.
8. A Washington State registered architect is required to design and stamp plans for all "non-exempt" structure of 4,000 square feet or greater in size.--- A Washington State licensed architect will be required by the Building Official to prepare plans and construction documents. (IBC Section 106.1, RCW 18.08.410) Plans prepared by a WA State licensed architect must be stamped and signed by the architect. (RCW 18.08.410[9]).
9. **(REQUIRED) Provide a code data summary sheet on the plan drawing submittals.** List all applicable code data specific to the proposed project, including but not limited to types of occupancy, type(s) of construction, allowable height and area justification, occupant loads, egress path and travel distance, required exits and widths, non-separated or separated use, mixed occupancy, incidental and or accessory uses, fire protection systems, building design criteria, plumbing fixture counts, etc..
10. Geotechnical engineer may be required, per the request of the engineer of record or the building official.
11. A design professional of record (licensed architect or engineer of record) shall be designated on the permit submittal documents and drawings where appropriate. The design professional of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building. (IBC Section 106.3.4).

12. All materials and components used in construction of the saw mill shall be approved by the engineer of record or the design professional of record and upon request may require listings to be provided to the building inspector or the building official.
13. Exits shall meet the requirements of Chapter 10 of the International Building Code.
14. The proposal shall meet the barrier-free, handicap accessible requirements of the International Building Code, Chapters 10 & 11; IBC Appendix E; ICC/ANSI A117.1-03; applicable sections of the Washington State Amendments, per WAC 51-50. Accessibility design details shall be indicated on the plan drawings and submitted with the building permit.
15. Heating, cooling, ventilation and/or lighting (interior and exterior) of the building shall require compliance with the current adopted edition of the Washington State Nonresidential Energy Code (NREC) and Ventilation and Indoor Air Quality Code (VIAQ).
16. The proposal shall comply with all applicable codes and ordinances adopted by Whatcom County.
17. Sprinkler system and fire alarm system submittals shall be applied for at the same time as the building permit if required, unless otherwise approved by the Fire Marshal.
18. Required plans for this project shall include but not be limited to. (Suggested scales)
 - a. Site plan (1/10th scale)
 - b. Foundation plan (1/4" = 1' scale)
 - c. Floor plan (plan views) (1/4" = 1' scale)
 - d. Elevation plans (1/4" = 1' scale)
 - e. Structural plans (1/4" = 1' scale)
 - f. Section views (1/2" = 1' scale)
 - g. Details (special construction and or connections) (1/2" = 1' scale)
19. Minimum plumbing facilities (restrooms) are required in accordance with Washington State Amendments to the International Building Code, Chapter 29. Accessible facilities must be located in the new structure or conveniently in a building adjacent thereto on the same property.
20. Storage of flammable and combustible materials and/or high piled storage items shall conform to the requirements of the current adopted edition of the International Fire Code (IFC).

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

D. Fire Marshal's Office

1. Fire Flow required with a minimum flow rate of 1500 gpm delivered to a fire hydrant at a minimum of 20 p.s.i... Hydrant shall be located within 600' of the farthest portion of the building.
2. Fire extinguisher size shall be 2A:10BC in the building at locations approved by the Fire Marshal.
3. Sprinkler system required per IFC Section 903.2.3.1 for woodworking operation over 2500 square feet.
4. Automatic fire alarm system required for monitoring of the sprinkler system.
5. The proposal shall comply with all applicable codes and ordinances adopted by Whatcom County.
6. Plans and specifications for the Fire Flow System, fire alarm system, and fire sprinkler system shall be submitted separately to the Fire Marshal's Office for permitting and approval.

E. Public Works – Engineering Division

1. Stormwater Report prepared by the Professional Engineer shall be submitted with the building permit application for the proposed impervious surface and how the runoff will be controlled from the site. An Erosion and Sedimentation Control Plan shall be submitted and approved prior to any clearing or grading on site.
2. The proposed development is exempt from Concurrency Evaluation (WCC 20.78.030) because it will generate 9 or less new p.m. peak hr. trips in one direction, based on submitted Preliminary Traffic & Concurrency Information.
3. The applicant shall contact Washington State Department of Transportation for any requirements that WSDOT may have regarding access permit for this development. Contact person is **John Tellesbo** at (360) 757-5964 or tellesj@wsdot.wa.gov
4. 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.
5. All development shall comply with Whatcom County Development Standards.

Report prepared for the Technical Review Committee by:

Erin Osborn,
Planner