

WHATCOM COUNTY HEARING EXAMINER

RE: Zoning Conditional Use Permit ) CUP2008-0022  
Application for )  
)  
*Gurdwara Gurnanak Parkash* ) FINDINGS OF FACT,  
) CONCLUSIONS OF LAW,  
Originally filed by Jagraj Singh ) AND DECISION

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**SUMMARY OF APPLICATION AND DECISION**

Application: The Applicant is requesting a Zoning Conditional Use Permit to construct an approximately 15,000 square foot assembly and fellowship facility with associated parking.

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: Gurdwara Gurnanak Parkash [originally filed by Jagraj Singh]

Applicant's Representative: Tony Freeland, P.E. – Freeland Engineering

Property Address: 777 West Smith Road  
Bellingham, WA 98226

Legal Description: NW ¼ of Section 35, Township 39, Range 2E, W.M.

Assessor's Parcel Number: 390235 180503

Zone: R (5) Rural-1 Unit/5 Acres

Subarea: Cherry Point/ Ferndale

Comprehensive Plan: Rural

SEPA Review: Determination of Non-significance, issued on 10/02/2009

Shoreline Designation: N/A

Fire District: No.7

School District: Ferndale – No. 502

Water District: Deer Creek Water Association

Sewage Disposal: On Site Sewage System

Neighboring Uses: North: Residential  
South: Residential  
East: Residential  
West: Residential

AUTHORIZING ORDINANCES AND POLICY:

Whatcom County Comprehensive Land Use Plan  
Whatcom County Code Chapter 15, Building Code  
State Environmental Policy Act (SEPA). Washington Administrative Code Chapter 197-11  
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 – October 7, 2009  
Mailed – October 5, 2009  
Published – October 8, 2009

Hearing Date: October 21, 2009

Parties of Record:

Gurdwara Gurnanak Parkash  
777 West Smith Road  
Bellingham, WA 98226

Tony Freeland, P.E.  
220 West Champion Street  
Bellingham, WA 98225

Sandra Lankhaar  
751 West Smith Road  
Bellingham, WA 98226

Marcy Plattner  
The Garden Spot Nursery  
900 Alabama Street  
Bellingham, WA 98225

Sanja Barisic  
Division of Engineering

Brenda Wilson  
Planning and Development Services

Exhibits:

- 1 Land Use Application
  - 1-1 Supplemental Application
  - 1-2 Tech Committee form letter, dated October 24, 2008
  - 1-3 Quit Claim Deed
  - 1-4 Notice of Application form letter to property owners, dated October 24, 2008
  - 1-5 Permit Processing Tracking Form
  - 1-6 Letter of Complete Application, dated October 22, 2008
  - 1-7 Mail Labels to Property Owners
  - 1-8 Preliminary Traffic Information Form
  - 1-9 Receipt
  - 1-10 Letter, dated April 28, 2008 from Environmental Health to Freeland & Associates
  - 1-11 Letter dated September 19, 2008 from Deer Creek Water Assoc re: Additional Authorized Connection
  - 1-12 Land Disturbance Application
  - 1-13 Preliminary Stormwater Proposal
- 2 Staff Report, dated October 13, 2009
- 3 Email dated 10/16/2009 from Brenda Wilson to Carole Magner re: Engineering Plans:
  - 3-1 Existing Conditions – Sheet C2
  - 3-2 Parking Lot Layout Plan – Sheet C5
  - 3-3 Paving, Grading & Drainage Plan – Sheet C6
- 4 Site Plans
  - 4-1 Elevations – Sheet A2
  - 4-2 Elevations – Sheet A2.1
  - 4-3 Floor Plan – Sheet A3

- 4-4 Second Floor Plan – Sheet A3.1
- 4-5 Topographic and Wetland Exhibit Map
  
- 5 Letters of Concern
  
- 6 DNS, dated October 2, 2009
  
- 7 Water Service Agreement
  
- 8 On-Site Sewage System Permit
  
- 9 Auditors/Surveyors Certificate
  
- 10 Plat Map
  
- 11 Zoning Map
  
- 12 Small Sheet – Topographic and Wetland Exhibit Map
  
- 13 Aerial Map
  
- 14 Legal Notices, dated October 24, 2008 and SEPA dated October 1, 2009
  
- 15 Certificate of Mailing, dated October 5, 2009
  
- 16 Certificate of Posting, dated October 7, 2009
  
- 17 Legal Affidavit, dated October 8, 2009
  
- 18 Email correspondence between Staff and the Applicant
  
- 19 Letter of Concern from Sandra Lankhaar, dated October 19, 2009
  
- 20 Large site plan, showing property owner to the south of site
  
- 21 Wetland Delineation, dated November 2007, Northwest Ecological Service

## **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 #2, dated October 13, 2009, 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. The Hearing Examiner adopts the Findings of Fact set forth in the Staff Report by this reference.

### III.

Concern was expressed regarding the proposed development from the adjacent property owners to the south and to the west. The main concern raised was in reference to stormwater drainage and water related problems in the vicinity. There is a large wetland found on the southern portion of the property which borders or crosses into the parcel adjacent to the south. The property to the west has also experienced water-related problems.

The County's Engineer and the Applicant's Engineer explained at the hearing that the proposed parking lot construction was of a low-impact design using pervious pavement and that underneath the proposed entry road and parking lot would be layers of sand and gravel which would act both as a filter and as stormwater storage. Current stormwater regulations require that run-off from the parcel be no greater than that which would occur if the parcel were in its natural, forested state. Since the parcel is currently an open field, the current standards will require a significant reduction in the amount of stormwater allowed to leave the site and will improve the situation for adjacent property owners.

The property owner to the south objected to the building indicating that she felt it would be too big for the area as well as indicating concern about the stormwater runoff, wildlife habitat, etc. She did indicate that there had not been any problems with the existing assembly facility on site.

The new facility is proposed at this time to have a footprint of 10,216 square feet. The application was for an approximately 15,000 square foot assembly building and associated parking. The Applicants have used the site as an assembly facility for many years. The larger size will clearly be visible to the property owners adjacent to the parcel. However, large buildings are a common occurrence in the rural area. Numerous churches and similar facilities of a size like that proposed here have been approved throughout the rural area. The building has been designed to appear architecturally like a single-family residence. The construction of the larger facility on this site will not substantially change the surrounding area and will be compatible with the area and with general kinds of development in the Rural zone.

Concern was expressed about sewage disposal. The Health Department has already approved a septic design, built to current, strict septic field standards.

A habitat study was prepared by the Applicants as part of this application and was reviewed and taken into account by Planning and Development Services in their recommended approval and in the conditions proposed.

#### **IV.**

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

#### **CONCLUSIONS OF LAW**

##### **I.**

The Conclusions of Law reached by Staff are supported by the record as a whole. The Conclusions set forth in the Staff Report are adopted by the Hearing Examiner by this reference.

##### **II.**

The proposed use is an expansion of an existing use on this site. The old building will be removed and a new larger building and parking area will be built. The proposed development requires a Zoning Conditional Use Permit. Churches, education, and religious training institutions are conditionally permitted in the Rural zone.

Subject to the Conditions of Approval recommended by Staff in the Staff Report and other local State and Federal regulations applicable to this development, the Hearing Examiner concludes that the development will be consistent with the Conditional Use Criteria and should be approved.

##### **III.**

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 Gurdwara Gurnanak Parkash for the proposed construction of an approximately 10,216 square foot assembly and fellowship facility with associated parking, to be located on Assessor's Parcel No.390234 180503, 777 West Smith Road, Bellingham,, Washington, subject to the following conditions:*

- 1) The use and location on the site shall not be modified or changed in any significant way without further approval of the Whatcom County Hearing Examiner.
- 2) The Applicant shall comply with the conditions of the Division of Engineering, memorandum, dated September 23, 2009; unless modified by the Division of Engineering or appealed to the appropriate agency.
- 3) The Applicant shall comply with the conditions of the Whatcom County Plans Examiner, memorandum, dated February 27, 2009; unless modified by the Plans Examiner or appealed to the appropriate agency.

- 4) The Applicant shall comply with the conditions of the Whatcom County Health Department memorandum, dated November 5, 2008; unless modified by the Health Department or appealed to the appropriate agency.
- 5) The Applicant shall comply with the conditions of the Whatcom County Fire Marshal's Office, memorandum, dated October 24, 2009; unless modified by the Fire Marshal's Office or appealed to the appropriate agency.
- 6) The Applicant shall obtain and complete the requirements for a Commercial Building Permit.
- 7) The Applicant shall provide a final parking plan which meets the requirements of WCC20.80.500 at the time of building permit application.
- 8) The Applicant shall obtain a demolition permit for the removal of the existing assembly and fellowship facility.
- 9) The Applicant shall provide a landscape plan which meets the requirements of WCC20.80.300.
- 10) The wetland buffer shall be staked prior to any construction or related land disturbance.
- 11) Any lights used to illuminate the parking lot shall be so arranged as to direct the light away from the adjoining property and the public road.
- 12) 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.
- 13) Should archaeological materials (e.g. shell midden, faunal remains, stone tools) or human remains be observed during project activities, 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.
- 14) The Applicant shall comply with the conditions of the Whatcom County Critical Areas Review, memorandum dated May 18, 2009; unless modified by Critical Areas Staff or appealed to the appropriate agency.
- 15) 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 applic-

ant 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 & 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 2<sup>nd</sup> day of November 2009.

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Michael Bobbink, Hearing Examiner

October 13, 2009

WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES

STAFF REPORT

|   |  |
|---|--|
| The application of<br><b>Gurdwara Gurnanak Parkash</b><br>for a Zoning Conditional Use Permit | <b>CUP2008-00022</b><br>  FINDINGS, CONCLUSIONS,<br>  <u>AND RECOMMENDATIONS</u> |
|---|--|

**I. SUMMARY OF APPLICATION AND RECOMMENDATIONS**

Application: The applicant is requesting a zoning conditional use permit to construct an approximately 15,000 square foot assembly and fellowship facility with associated parking.

Recommendation: Staff recommends approval of the request, subject to the attached conditions.

**II. PRELIMINARY INFORMATION**

Applicant: Gurdwara Gurnanak Parkash

Applicant's Representative: Tony Freeland, P.E. – Freeland Engineering

Property Address: 777 W. Smith road  
Bellingham, WA. 98226

Legal Description: NW ¼ of Section 35, Township 39, Range 2E., W.M.

Assessor's Parcel Number: 390235180503

Zone: R(5) Rural-1 Unit/5 Acres

Subarea: Cherry Point/ Ferndale

Comprehensive Plan: Rural

SEPA Review: Determination of Nonsignificance issued on 10/02/09

Shoreline Designation: N/A

Fire District: #7

School District: Ferndale - #502  
Water District: Deer Creek Water Association  
Sewage Disposal: On Site Sewage System  
Neighboring uses: North: Residential  
South: Residential  
East: Residential  
West: Residential

AUTHORIZING ORDINANCES AND POLICY:

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

**III. FINDINGS**

In order for the Conditional Use permit to be approved, the proposal must satisfy the criteria of WCC 20.84.220 (1 through 8). In summary, these criteria state that the proposal must: be harmonious and in accordance with the general and specific goals and policies of Whatcom County's Comprehensive Plan and zoning regulations, 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, will not be hazardous or disturbing to existing or future neighboring uses, be serviced adequately by essential 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, 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, not involve uses, activities, processes, materials, equipment and property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors, have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets, and not result in destruction, loss or damage of any natural, scenic or historic feature of major importance.

**Applicable Codes and Policies:**

Churches, educational, and religious training institutions, summer camps and cemeteries are conditionally permitted in the Rural zone pursuant to WCC20.36.153.

The Whatcom County Comprehensive Plan makes no reference to religious facilities.

WCC20.84.220(1) through (8) sets forth the criteria that must be satisfied in order for the request for a conditional use permit is granted.

If applicable, conditions are established in order to ensure the criteria are satisfied and potential impacts are mitigated. These conditions are set forth in the Conditions of Approval Section of this report.

### **Zoning Review:**

#### **Conditional Use Criteria (WCC 20.84.220):**

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

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

### **Discussion:**

The proposed construction of an approximately 15,000 square foot assembly and fellowship facility with associated parking are an allowed use with a Conditional Use Permit pursuant to WCC20.36.153. The conditions set forth in the "Conditions of Approval" section of this report establish compliance, harmony and accordance with the parking, landscaping, screening and buffering provisions in the Whatcom County Zoning Code. Compliance with these requirements as well as the standard setback, building height and lot coverage provisions will provide compatibility with existing surrounding land uses; thereby establishing harmony and accordance with the general and specific objectives of the Whatcom County Zoning Ordinance and the conditional use at the proposed location. The Whatcom County Comprehensive Plan makes no reference to religious facilities.

**Conditions are established to mitigate potential impacts and provide compatibility with existing, surrounding land uses in order to provide harmony and accordance with the general and specific objectives and requirements of zoning regulations.**

**(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:**

**Design and construction:** The proposed assembly and fellowship facility is designed and constructed in a manner that is harmonious and appropriate in appearance with the existing and intended character of the general vicinity because the proposed design has the appearance of a ranch style rambler common in the rural areas of Whatcom County. Construction will be "standard construction".

**Operation and maintenance:** The owners will provide regular maintenance in order to maintain the essential character of the area. Landscaping conditions to ensure compatibility with the existing and intended character of the general vicinity are established in the Conditions section of this report.

**Essential character:** The proposed assembly and fellowship facility will not change the essential character of the area. An assembly and fellowship facility currently exists on the property and the new facility will improve the appearance of the site due to the fact that the proposed location is set back farther from the road and new landscaping will be installed. Landscaping, signage and lighting conditions are established in the Conditions section of this report.

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

**Discussion:**

The proposed use is not hazardous and is replacing the existing use with a new building and parking with associated landscaping, screening, buffering and lighting requirements. Whatcom County Engineering Services has required the two existing driveway approaches to be removed and replaced with one driveway approach that meets sight distance and ingress and egress requirements.

**(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:**

The site is serviced adequately by necessary public facilities. Police protection is provided by the Whatcom County Sheriff's Office. Fire protection is provided by Fire District #7. Refuse disposal is provided by the private sector. Potable water is provided by the Deer Creek Water Association and the Whatcom County Health Department has required a new on-site sewage permit for the parcel at the time of building permit application. In addition, certified As-Built drawings for the drainage system installed on the site is required for review by Engineering Services prior to the issuance of the Certificate of Occupancy.

(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:**

The proposed improvements will not create excessive additional requirements at public cost. The proposed project is a replacement to the existing private facility and will be a benefit to the economic welfare of the community as a result of private sector investment.

(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 activities associated with the new fellowship and assembly facility will involve normal long term uses however will not be detrimental to persons, property, or the general welfare due to the conditions placed on the proposed use of the property which will serve to mitigate potential impact. Building lights will be placed to avoid the glare produced by such lights. No fumes or odors are anticipated as a result of this proposal. Traffic, noise and glare impacts will be mitigated by the imposition of conditions on the use of the land for the new facility.

(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:**

Whatcom County Engineering Services has required the two existing driveway approaches to be removed and replaced with one driveway approach that meets sight distance and ingress and egress requirements. In addition, Engineering Services has required a commercial paved apron per WC Development Standards and the applicant shall obtain a Revocable Encroachment Permit

The requirements that must be met in order for the access permit to be issued address the design criteria that must be satisfied in order to mitigate interference with traffic on surrounding public streets.

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

**Discussion:**

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

#### **IV. PUBLIC NOTICE AND COMMENT**

Requirements for public notice are contained in WCC 2.33.

Notice of Application: The Notice of Application for this proposal was published on October 24, 2008. Notice was also mailed to property owners within 1000 feet of the site.

- Public Input: During the public comment period for the Notice of Application, the County received three written comments. These comments and staff response are summarized as follows:
- Traffic/Ingress and Egress: Whatcom County Engineering Services has required the two existing driveway approaches to be removed and replaced with one driveway approach that meets sight distance and ingress and egress requirements. In addition, Engineering Services has required a commercial paved apron per WC Development Standards and the applicant shall obtain a Revocable Encroachment Permit

The requirements that must be met in order for the access permit to be issued address the design criteria that must be met in order to mitigate interference with traffic on surrounding public streets. In addition, Engineering Services has determined the development is exempt from Concurrency Evaluation because it will generate 9 or less new p.m. peak hour trips in one direction.

- Flooding/Wetland: Critical Areas staff required a wet season check for hydrology to confirm the wetland boundaries. In addition, a review of the wetland rating due to the function and contribution of the wetland to flood storage in the watershed was conducted per Critical Areas staff requirements. Flood storage concerns and rating concerns were addressed through a winter site visit and discussion with the consultant.
- Obstruction of view: The proposed building is one story and measures 24.5 feet tall at its tallest point and is a replacement of an existing building. The maximum building height in the Rural zone district is 35 feet.
- "Properly sized" On-site sewage system: The Whatcom County Health Department has required a new on-site sewage permit for the parcel at the time of building application.
- Fire Sprinkler System: The Whatcom County Fire Marshal's Office has required a fire sprinkler system and a fire alarm system.

Notice of Public Hearing: The Notice of Public Hearing for this project was posted on the site. The notice was included in a one-time newspaper publication.

## **V. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

A Determination of Nonsignificance was issued on October 2, 2009.

## **VI. AGENCY COMMENTS**

### **Traffic, Drainage, and other Engineering Comments**

Sanja Barisic of Whatcom County Public Works Department, Engineering Services provided comment on September 23, 2009. See attached memo for entry into the Hearing Examiner File as an exhibit and condition of approval.

### **Safety and Fire Comments**

Police and fire protection for the site is provided by the Whatcom County Sheriff's Office and Fire District #7. No comments or concerns regarding this proposal were received from either agency.

Bill Hewett, Fire Inspector of the Whatcom County Fire Marshal's Office provided comment on October 24, 2008. See attached memo for entry into the Hearing Examiner File as an exhibit and condition of approval.

### **Health Department Comments**

Charles Sullivan, Environmental Health Specialist for the Whatcom County Health Department provided comment on December 12, 2008. See attached memo for entry into the Hearing Examiner File as an exhibit and condition of approval.

### **Building Services Comments**

Larry Kwiatkowski, Whatcom County Plans Examiner provided comment on November 5, 2009. See attached memo for entry into the hearing Examiner File as an exhibit and condition of approval.

## **VII. RECOMMENDATION**

Planning and Development Services recommends approval of the Zoning Conditional Use Permit application subject to the following conditions:

## **VII. CONDITIONS OF APPROVAL**

- 1) 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) The applicant shall comply with the attached conditions of the Division of Engineering's memo dated September 23, 2009; unless modified by the Division of Engineering or appealed to the appropriate agency.
- 3) The applicant shall comply with the conditions of the attached Whatcom County Plans Examiner's memo dated February 27, 2009; unless modified by the Plans Examiner or appealed to the appropriate agency.
- 4) The applicant shall comply with the attached conditions of the Whatcom County Health Department memo dated November 5, 2008; unless modified by the Health Department or appealed to the appropriate agency.
- 5) The applicant shall comply with the attached conditions of the Whatcom County Fire Marshal's Office memo dated October 24, 2009; unless modified by the Fire Marshal's Office or appealed to the appropriate agency.
- 6) The applicant shall obtain and complete the requirements for a commercial building Permit.
- 7) The applicant shall provide a final parking plan which meets the requirements of WCC20.80.500 at the time of building permit application.
- 8) The applicant shall obtain a demolition permit for the removal of the existing assembly and fellowship facility.
- 9) The applicant shall provide a landscape plan which meets the requirements of WCC20.80.300.
- 10) The wetland buffer shall be staked prior to any construction or related land disturbance.
- 11) Any lights used to illuminate the parking lot shall be so arranged as to direct the light away from the adjoining property and the public road.
- 12) 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.
- 13) Should archaeological materials (e.g. shell midden, faunal remains, stone tools) or human remains be observed during project activities, 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.

- 14) The applicant shall comply with the attached conditions of the Whatcom County Critical Area review memo dated May 18, 2009; unless modified by Critical Areas Staff or appealed to the appropriate agency.

Report prepared in coordination with the Technical Review Committee by:  
Brenda Wilson  
Senior Planner