

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax



Mark Personius, AICP
Director

Application for Removal of Six-Year Development Moratorium

NOTE: Fees will be assessed in accordance with the Whatcom County Unified Fee Schedule (UFS) in effect at the time of application submittal. Please contact Planning and Development Services to determine project specific fees. Click [here](#) to see the 2019/2020 UFS.

Per UFS 2843 all permits and applications are subject to a Technology fee. The fee is calculated on the permit/application fees due.

For Administration Use

| | |
|--|--|
| Permit#(s) _____ _____ _____ | Date Stamp <div style="border: 1px solid black; height: 100px; width: 100%;"></div> |
| Received by: _____ | |
| Receipt #: _____ Date Paid: _____ Total Fees: _____ | |
| Reviews: <input type="checkbox"/> CA Wetland/HCA <input type="checkbox"/> CA Geo Hazards <input type="checkbox"/> Flood <input type="checkbox"/> Watershed <input type="checkbox"/> Fire | |

Applicant Name: _____

Mailing Address: _____ City _____

State _____ Zip Code _____ Phone # _____

Fax # _____ Email _____

Agent/Contact Name: _____

Mailing Address: _____ City _____

State _____ Zip Code _____ Phone # _____

Fax # _____ Email _____

Property Owner Name _____

Mailing Address: _____ City _____

State _____ Zip Code _____ Phone # _____

Fax # _____ Email _____

Deed attached: Yes No Flood Zone: Yes No

Property interest of the applicant: Purchaser Lessee Other _____

Site address _____

Parcel size: _____ in acres

Legal Description: Lot _____ Block _____ Div _____ Plat _____
_____ 1/4 _____ 1/4 Section _____, T _____ N, R _____ W.M.

Assessor's Parcel Number _____

Zoning: _____ Comp. Plan: _____ Shoreline: _____

Subarea: _____ Fire Dist. _____ School Dist: _____

Water source: Well District/Association: _____

Sewage Disposal: Septic Sewer _____

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Moratorium Removal Submittal Requirements

1. Completed, signed and notarized Master Application
2. Completed and signed Supplemental Application
3. A complete description of the project proposal including background information on the property and future development plans. For the purposes of mitigation planning and critical area protection, if no future development plans are described, buffers will be determined under high intensity use. High intensity land uses assume greater impacts to critical areas and therefore require wider buffers than moderate or low intensity uses.
4. Critical Areas Assessment by a qualified consultant that shows all regulated critical areas within three hundred feet of the harvest area and their associated buffers.
5. A mitigation plan and an associated performance bond valued at 125% of the estimated project cost for projects in which regulated critical areas were impacted by clearing/conversion activity.
6. A tree retention plan for all applicable water resource special management areas including: Point Roberts, Lake Whatcom, Lake Padden, and Lake Samish.
7. The associated Forest Practices Application (FPA) and all relevant correspondence from the Department of Natural Resources (DNR).
8. Letter of authorization from the property owner if different than the applicant, or letter of authorization from the applicant if using an agent (e.g. consultant, engineer or attorney)
9. Completed and signed SEPA checklist.
10. Copy of any easement agreements, if applicable.
11. Six (6) copies of a site plan, (eight [8] copies if within a City Urban Growth Area) containing at a minimum the following:
 - Dimensions of the property and/or scale used
 - Location, setbacks and dimensions of all structures on the site
 - Location of septic tank/drain field, and well or utility lines
 - Location, width and length of driveway (show 35 degree turning radius for emergency vehicles)
 - Location and dimensions of all parking areas
 - Names and locations of all public or private roads
 - North Arrow
 - Distance from any structures to the Ordinary High Water Mark (OHWM) of any creeks, streams, rivers or lakes, if applicable
 - Location of any wetlands, streams, or other water features, if applicable
 - Location of all existing easements
 - Addresses of neighboring properties if the subject parcel does not have an address.

12. Six (6) to eight (8) copies of elevation and topographic drawings.
13. List of names, mailing addresses, and parcel numbers of all persons owning property within 300 feet of the property boundaries (in Urban Growth area) and 1000 feet (outside of the Urban Growth Area) of the subject site, in all directions (Must be obtained from County Assessor's records- See instructions included in application packet).
14. Self-adhesive mailing labels or pre-addressed mailing labels for each of the above property owners.
15. Fees:

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Instructions for Obtaining Names, Addresses and Parcel Numbers of Property Owners within 1,000 (300 in the Urban Growth Areas) feet of your Property for Notice Purposes

It is the applicant's responsibility to obtain a complete, up-to-date list of all owners of property located within 1000 feet of the property boundaries of the subject parcel in this application. Failure to provide a complete list may result in a delay of the processing of the application or a continuance of a scheduled hearing.

The above information **must** be obtained from the Whatcom County Assessor's Office located in the Whatcom County Courthouse. The Assessor's Office staff will assist you in locating the require maps and scaling the 1000-foot distance. There is a public computer available for your use. These instructions will aid you in locating the required information:

- Locate the subject parcel (your property) on the appropriate map using your Assessor's Parcel number from your tax notice.
- **Carefully** measure 1000 feet from the subject property boundaries in all directions (including across and roads). List the complete 12-digit parcel numbers of all properties located within the 300-foot area (In Urban Growth) 1000 feet (outside Urban Growth)
- Use the assessment roll on the computer find the owner of each parcel.
- Record the title owner's name and loan number from the listing if the owner listed is a bank, savings and loan or other financial institution. If there is no name other than the loan number and the financial institution, list the name and address of the financial institution, as they may be able to forward the notice if they are provided with the loan number.
- Make sure you obtain the most up-to-date assessment roll in case a property may have been recently sold.
- Use the name and address master file locate the mailing address of each parcel owner. Those not in the name index may be located through the telephone directory, city directory or other sources. **This address is vitally important and must be complete and legible.**
- Submit this list of property owners, their mailing addresses and parcel numbers with your permit application. County ordinances and due process requirements make the provision of proper notice to property owners within 1000 feet of the subject parcel mandatory. No permit can be granted if the notice is defective. The Hearing Examiner requires strict compliance with the notice provisions of the ordinances.
- Type or print addressed, self-adhesive mailing labels for the property owners. We also accept typed or printed envelopes pre-addressed to property owners.



Request for Removal of a Six Year Development Moratorium Supplemental Application

Removal of a Six-Year Development Moratorium is reviewed by the Hearings Examiner at a public hearing. In preparation for this hearing, the applicant is responsible for paying all appropriate fees and for providing all of the following information. No application or fees will be accepted unless the following checklist is completed and the required information is complete.

The following statements ensure that the applicant understands the requirements entailed in requesting the removal of a moratorium. Several questions are taken directly from WCC20.80.738(2)(b) and (d). These questions provide the format for the staff report. Familiarizing yourself with these points is highly recommended. Please respond to each statement and initial each criterion.

Per WCC 20.80.738(2)(b) Review Criteria:

- i. *The forest practices conducted on site complies with the requirements of WAC 222-24 Road Construction and Maintenance, WAC 222-30 Timber Harvesting and any applicable County codes or regulations. When more than one rule, regulation, or code can be applied to a harvest, then the more stringent requirements shall be adhered to.*

Initials_____

- ii. *Any required mitigation plan has been completed or the performance thereof has been adequately bonded.*

Initials_____

- iii. *Any bonding required as part of a mitigation requirement has been established to County satisfaction.*

Initials_____

- iv. *The site, when required by WCC 20.80.730(5)(d)(iii)(A)(1) or 20.80.730(8), have been reforested in accordance with the requirements set forth in WAC 222-34.*

Initials_____

- v. *Payment has been made of all other fees, penalties, liens, or taxes owed to the County which have been assigned to the subject parcel including reimbursement of any County expenses incurred relating to enforcement and/or preparation for the waiver hearing.*

Initials_____

- vi. *All permit conditions have been addressed.*

Initials_____

vii. *Neither the applicant nor any person who acted in privity with the applicant: A) intended to circumvent any requirement of this ordinance or the Forest Practice Act or Regulations by taking the action for which the moratorium was imposed, or B) has engaged in a pattern or practice of violations of any applicable regulations.*

Initials_____

Per WCC 20.80.738(2)(d) Required Written Findings and Determinations:

i. *The removal of the six-year development moratorium will not be detrimental to the public health, safety, and general welfare;*

Initials_____

ii. *The removal of the six-year development moratorium will not be injurious to the property or improvements adjacent to and in the vicinity of the proposal;*

Initials_____

iii. *The removal of the six-year development moratorium will not result in significant adverse environmental impacts; and*

Initials_____

iv. *The removal of the six-year development moratorium is consistent with the review criteria established in subsections (2)(b) (i) through (vii) of this section.*

Initials_____

v. *The removal of the six-year development moratorium is consistent and compatible with the goals, objectives, and policies of the Comprehensive Plan, appropriate community plan, and the provisions of WCC 20.80.730.*

Initials_____

Additional Requirements:

I understand that county or state staff may find that certain onsite activities do not comply with all pertinent regulations. In that case, I understand that a mitigation plan developed by a qualified professional must be prepared and establishment of a surety of savings will be required.

Initials_____

I understand that I have been requested to supply information about future development and that if I have not explained expected future development, the County will assume a high intensity use for determination of the protective buffer width.

Initials_____

I understand that in the event that the buffer has been impacted such that its protective function has been reduced, per WCC16.660 (A) the County may increase the buffer by 25% to compensate for lost function.

Initials_____

I agree to provide a critical areas assessment that determines impacts to regulated critical areas, as well as additional impacts such as: impacts to pileated woodpecker habitat, wind throw and increased stormwater as allowed through WCC16.16.660.

Initials_____

I agree that I will conform to all regulations pertaining to WCC20.80.735 Water resource special management areas.

Initials_____

I understand that the county will perform a review of the tax and lien history of my parcel, and that all unresolved payments will be required to be made before the case is processed.

Initials_____

I understand that the above requirements specified by Whatcom County Code Title 20.80.738 must be met for consideration of moratorium removal and that the decision to remove the six year development moratorium will be made through the public hearing process.

Signature of Applicant

Date

Landowner Signature

Date