Notice of Application & Optional DNS Distribution List
Date of Issuance: February 6, 2013

Please review this Notice of Application and Optional SEPA Determination. If you have further comments, questions or would like a copy of the SEPA environmental checklist, phone the responsible official at (360) 676-6907. Please submit your response by the comment date noted on the attached notice.

SEPA Unit, WA State Department of Ecology, Olympia via email sepaunit@ecy.wa.gov
WA State Department of Archaeological and Historic Preservation
WA State Department of Ecology – Shoreline Management
WA State Department of Fish and Wildlife
Whatcom County Natural Resources
   Lyn Morgan-Hill
Whatcom County Engineering
   Sandy Petersen
Whatcom County Health Department
   Charles Sullivan
Whatcom County Building Services
   Nick Smith
   Wain Harrison
Whatcom County Fire Marshal
   Will Anderson
Whatcom County River and Flood Department
   Travis Bouma
Lummi Nation
   Attn: Natural Resources Department
   Attn: Cultural Resources Department
Nooksack Indian Tribe
   Attn: Natural Resources Department
   Attn: Cultural Resources Department

Applicant
   Tanja & Joel Mortyn

Other and/or Parties of Record
February 6, 2013

Subject: Proposed Private Recreational Developments located at 1777 Emerald Lake Way

Dear Whatcom County Property Owner:

Whatcom County has accepted an application to develop land that is within 1,000 feet of your property. Since the proposal is close to your property and the proposal may affect you, your property, or your neighborhood, the County is sending you this notice for you to review. Please see the reverse side of this letter to read details of the proposal.

Environmental Review: Whatcom County Planning and Development Services has reviewed the proposed project for probable adverse impacts and expects to issue a Determination of Non-Significance (DNS) for this project. The Optional DNS process described in WAC 197-11-355 is being used. **This may be your only opportunity to comment on the environmental impacts of the proposed project.** The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether and EIS is prepared. A copy of the subsequent threshold determination for the specific proposal may be obtained upon request.

Development regulations that will be used for project mitigation and consistency: The Whatcom County Shoreline Program, Zoning and Critical Areas Ordinances.

Required Permits: Shoreline Substantial Development Permit
Shoreline Variance Approval
Zoning Conditional Use Permit
Building Permit

Existing Environmental Documents: SEPA Checklist

The file and supporting documents may be reviewed at Whatcom County Planning and Development Services, 5280 Northwest Drive, Bellingham, WA, 98226. The County invites you to comment on this proposal. **Written comments must be received by March 8, 2013.** You may also ask any questions that you have regarding the proposal or review process, or if you have difficulty reading the notice, you may contact the project planner, Sam McDaniel at (360) 676-6907 or Smcdanie@co.whatcom.wa.us. You have the right to receive notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law.
File Number(s): SHR2013-00001/SHV2013-00001/CUP2013-00001
Parcel Number(s): 380311204147
Project Name: Mortyn private recreational developments
Applicant: Joel & Tanja Mortyn
Date Submitted: January 17, 2013
Notice of Completeness Date: January 23, 2013
Notice of Application Date: February 6, 2013
Comments Due Date: March 8, 2013
Project Description: Relocate & Repair existing RV, construct dock, construct parking area & stairs
Zone(s): Residential Rural
Comprehensive Plan: Rural Community
Shoreline Jurisdiction(s): Shoreline Residential & Aquatic
Site Address: 1777 Emerald Lake Way

If you wish to receive notice of any hearings must notify the Hearings Examiner’s office in writing at 1000 Forest St., Bellingham, WA 98225, within 30 days of the notice of application.

Sincerely,
Sam McDaniel

Shorelines Program Administrator

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**Comment Form**

Project Name: Mortyn Developments  
File Numbers: SHR2013-00001  
SHV2013-00001  
CUP2013-00001

Name and Address: ________________________________________________________________

______________________________________________________________________________

Comments (attach additional sheets if necessary):

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________
Legal Notice

To be published one time only on: **February 6, 2013**

**CHARGE TO:** Whatcom County Planning & Development Services
5280 Northwest Drive
Bellingham, Washington 98226
**Acct #048867**

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**WHATCOM COUNTY NOTICE OF APPLICATION**
**FOR A SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT, SHORELINE VARIANCE, & ZONING CONDITIONAL USE PERMIT AND INTENT TO ISSUE A SEPA DETERMINATION OF NON-SIGNIFICANCE**

Notice is hereby given that Tanja & Joel Mortyn have submitted an application for a Shoreline Substantial Development, Shoreline Variance, & Zoning Conditional Use Permit (SHR2013-00001, SHV2013-00001, SEP2013-00001 & CUP2013-00001) on January 17, 2013. The applications are to Relocate & Repair existing RV, construct dock, construct parking area & stairs. A determination that all submitted requirements were met was issued on January 23, 2013. The project site is located at 1777 Emerald Lake Way, within Section 11, Township 38N, Range 3E W.M.; Assessor’s Parcel No: 380311204147. The project will be reviewed under the Official Whatcom County Zoning Ordinance and Shoreline Management Program. Mitigation may be required pursuant to these ordinances. Whatcom County Planning and Development Services has reviewed the proposal for probable adverse impacts and expects to issue a Determination of Non-Significance (DNS) for the project pursuant to the Optional DNS process per WAC 197-11-355. The file and supporting documents may be viewed at the Whatcom County Planning and Development Services office at 5280 Northwest Drive, Bellingham, WA. Any person may submit written comments to Sam McDaniel, Technical Administrator, Whatcom County Planning and Development Services, 5280 Northwest Drive, Bellingham, WA 98226 within 30-days of the publication of this notice. Any person has the right to receive notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law. Any person wishing to receive personal notice of any hearings must notify the Hearings Examiner’s office, 1000 N. Forest St., Bellingham, WA 98225, within 30 days of the notice of application.
SEPA Environmental Checklist

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of Checklist for Non-Project Proposals:

Complete this checklist for non-project proposals, even though questions may be answered "does not apply." In addition, complete the supplemental sheet for non-project actions (part C).

For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.
A Background

1 Name of proposed project, if applicable:
   1777 Emerald Lake Way

2 Name of applicant: Joel Mortyn
   Applicant phone number: 778 709 2212
   Applicant address: 666 East 12th Ave
   Vancouver BC V5T 2H8 Canada

3 Contact name: Same as above
   Contact phone number: Same as above
   Contact address: Same as above

4 Date checklist prepared:

5 Agency requesting checklist:
   Whatcom County Planning and Development Services

6 Proposed timing or schedule (including phasing, if applicable):
   July 2013

7 Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? Yes □ No □
   If yes, explain:

8 List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:
   We independently hired a Wetland Consultant to review a critical area wetland on the neighboring property

9 Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? Yes □ No □
   If yes, explain.

10 List any government approvals or permits that will be needed for your proposal, if known.
    Shoreline Variance
    Conditional Use Permit
    Shoreline Substantial Development
11 Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. *There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.* (Lead agencies may modify this form to include additional specific information on project description.)

Construction of a T-shaped fixed pier, 4' x 26' long including a 4' x 16' tee. Relocation of travel trailer to comply with side yard setback and repair to a habitable condition. Removal of wooden deck. Construction of two sets of 20' x 3' wood and gravel stairs. Removal of four dying hardwood trees. Creation of 20' x 20' gravel pad on easement.

12 Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

1777 Emerald Lake Way Bellingham
Lot 77 of Emerald Lake Plat in Section 11
Township T38N, Range 20E

B Environmental Elements

1 Earth

a. General description of the site:
   - [ ] Flat
   - [ ] Rolling
   - [ ] Hilly
   - [ ] Steep Slopes
   - [ ] Mountainous
   - [ ] Other

b. What is the steepest slope on the site (approximate percent slope)?

   60

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

   Clay, gravel
d. Are there surface indications or history of unstable soils in the immediate vicinity?  
   Yes □   No □
   If so, describe.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. 
   3 cubic yards of gravel to improve driveability of easement. It is currently boggy. 0.89 cubic yards of gravel for stairs to enable access to trailers and lake from easement.
   Indicate source of fill.
   Local rock supplier

f. Could erosion occur as a result of clearing, construction, or use? 
   Yes □   No □
   If so, generally describe.
   It is possible that erosion could occur from construction of stairs.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? 
   5% travel trailers, stairs, gravel on easement and stairs.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: 
   Will install silt fences along lakefront during construction of stairs.

2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, or industrial wood smoke) during construction and when the project is completed? 
   If any, generally describe and give approximate quantities if known.
   None
b. Are there any off-site sources of emissions or odor that may affect your proposal? Yes [ ] No [ ]

If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None

3. Water

a. Surface:

(1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? Yes [ ] No [ ]

If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Toad Lake, Toad Creek

(2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? Yes [ ] No [ ]

If yes, please describe and attach available plans.

A fixed pier will be built over lake. Two sets of wood and gravel stairs will be constructed.

(3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. None

Indicate the source of fill material.

(4) Will the proposal require surface water withdrawals or diversions? Yes [ ] No [ ]
Give general description, purpose, and approximate quantities if known.

Does the proposal lie within a 100-year floodplain?
Yes [ ] No [x]  
If so, note location on the site plan.

(5) Does the proposal involve any discharges of waste materials to surface waters?
Yes [ ] No [x]  
If so, describe the type of waste and anticipated volume of discharge

b. Ground

Will ground water be withdrawn, or will water be discharged to ground water?
Yes [ ] No [x]  
Give general description, purpose, and approximate quantities if known.

(1) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals.....; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None. Black and grey water will be contained in RV tanks and disposed at RV dump stations.

c. Water runoff (including stormwater):

(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known).

Water run-off from travel trailer roof will run on to surrounding soil
Where will this water flow? Into Tatoosh Lake

Will this water flow into other waters? Yes ☑ No ☐

If so, describe.
Squalicum Creek and then Bellingham Bay

(2) Could waste materials enter ground or surface waters?
Yes ☐ No ☑

If so, generally describe.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:
None

4 Plants

a. Check types of vegetation found on the site:
☑ Deciduous tree: alder, maple, aspen, other
☐ Evergreen tree: fir, cedar, pine, other
☐ Shrubs
☐ Grass
☐ Pasture
☐ Crop or grain
☐ Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
☑ Water plants: water lily, eelgrass, milfoil, other
☐ Other types of vegetation

b. What kind and amount of vegetation will be removed or altered?
Four dying deciduous trees will be removed

c. List threatened or endangered species known to be on or near the site.
d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

No

5. Animals

a. Check any birds and animals, which have been observed on or near the site or are known to be on or near the site:

<table>
<thead>
<tr>
<th>Birds</th>
<th>Mammals</th>
<th>Fish</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawk,</td>
<td>Bear,</td>
<td>Bass,</td>
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<td>Eagle,</td>
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<td>Other:</td>
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<td>Herring,</td>
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<td>Other:</td>
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</tbody>
</table>

b. List any threatened or endangered species known to be on or near the site.

c. Is the site part of a migration route? Yes □  No √

If so, explain.
d. Proposed measures to preserve or enhance wildlife, if any:

   None

6. Energy and Natural Resources

   a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

   Electricity will be used for lighting, heating, and cooking in the RV. Propane cylinders will provide outdoor cooking.

   b. Would your project affect the potential use of solar energy by adjacent properties?  Yes ☐  No ☑

   If so, generally describe.

   c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

      None

7. Environmental Health

   a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal?  Yes ☐  No ☑

      If so, describe.

   (1) Describe special emergency services that might be required.

   (2) Proposed measures to reduce or control environmental health hazards, if any:
b. Noise

(1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None

(2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Power saws would be operating from 8 am until 7 pm during construction. An air compressor and nail guns would also be heard during construction.

(3) Proposed measures to reduce or control noise impacts, if any:

None

8 Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

Recreational use currently. Nearby properties contain houses and are used for residential as well as recreational purposes.

b. Has the site been used for agriculture? Yes ☐ No ☑

If so, describe.

c. Describe any structures on the site.

A travel trailer (8 x 25 ft). A wooden deck (8 x 16 ft)
A storage shed (4 x 7 ft)

d. Will any structures be demolished? Yes ☑ No ☐

If so, what?

The wooden deck and parts of the travel trailer will be removed.

e. What is the current zoning classification of the site?

Residential Rural 2 acre

f. What is the current comprehensive plan designation of the site?

Urban growth area
g. If applicable, what is the current shoreline master program designation of the site?
   Shoreline = developed

h. Has any part of the site been classified as an "environmentally sensitive" area? Yes ☐ No ☑
   If so, specify.

i. Approximately how many people would reside or work in the completed project?
   Four people (2 adults + 2 children) would use the property recreationally in summer, including overnight stays.

j. Approximately how many people would the completed project displace?
   None

k. Proposed measures to avoid or reduce displacement impacts, if any:
   N/A

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
   The Whatcom County Code states that "facilities for... water-related recreation such as fishing... should be located near the shoreline." The proposal is compatible with this.

Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
   None

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
   None
   ☐ High
   ☐ Middle
   ☐ Low-income
c. Proposed measures to reduce or control housing Impacts, if any:

None

10 Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Fourteen feet high. Wooden siding with a metal roof.

b. What views in the immediate vicinity would be altered or obstructed?

None

c. Proposed measures to reduce or control aesthetic impacts, if any:

None

11 Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Windows in the RV would reflect sunlight between the hours of 9 am and 2 pm in summer months.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No

c. What existing off-site sources of light or glare may affect your proposal?

None

d. Proposed measures to reduce or control light and glare impacts, if any:

None

12 Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Fishing, walking, bird watching, swimming, picnicking, boating
b. Would the proposed project displace any existing recreational uses? If so, describe.
   \[\text{No}\]

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
   The dock will increase the recreational opportunities by promoting swimming and fishing.

13 Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
   \[\text{No}\]

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
   \[\text{None}\]

c. Proposed measures to reduce or control impacts, if any:
   \[\text{None}\]

14 Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
   \[\text{Emerald Lake Way}\]

b. Is site currently served by public transit? Yes \[\square\] No \[\checkmark\]
   If not, what is the approximate distance to the nearest transit stop?
   1.5 miles

c. How many parking spaces would the completed project have? How many would the project eliminate?
   \[\text{None would and none}\]
d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways?  Yes ☐ No ☑
If so, generally describe (indicate whether public or private).

e. Will the project use (or occur in the immediate vicinity of)
☐ Water,
☐ Rail, or
☐ Air transportation?
If so, generally describe.

No

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
Less than one per day. Property will be used in summer months predominantly on weekends.

15 Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)?
Yes ☐ No ☑
If so, generally describe.
The project will maintain the existing needs for public services and won’t require new ones.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None

16 Utilities

a. Check utilities currently available at the site:
☑ Electricity,
☐ Water,
☐ Telephone,
☐ Septic system,
☐ Natural gas,
☐ Refuse service,
☐ Sanitary sewer,
☐ Other.
b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

- Water District No. 7 will provide water
- Puget Sound Energy will provide electricity

**SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Date Submitted: Jan 17, 2013