

WHATCOM COUNTY HEARING EXAMINER

RE: Zoning Conditional Use Permit) CUP2011-0008
Application for)
)
Meridian School District No. 505) FINDINGS OF FACT,
"Irene Reither Primary School") CONCLUSIONS OF LAW,
) AND DECISION

SUMMARY OF APPLICATION AND DECISION

Application: The Applicant is requesting a Zoning Conditional Use Permit to construct a new approximately 65,000 square foot, two-story Irene Reither Primary School. New construction includes additional classrooms, administrative offices, gymnasiums, kitchen/cafeteria, locker rooms, music room and stage, and various support spaces such as restrooms, custodial closets, and mechanical/electrical rooms. The Applicant also proposes the demolition of the existing 40,500 square foot primary school after new construction is completed.

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: Meridian School District No. 505

Site Location/Address: 954 Hemmi Road, Everson, WA

Assessor's Parcel Number(s): 390316 074095

Zoning: Rural Five Acres (R5A) and Rural Ten Acres (R10A)

Comprehensive Plan: Rural

Subarea: Lyndnen Nooksack

Total Acreage: 18.51 acre site (+/-)

Roads: Access to property is from East Hemmi Road

Water Supply: Hemmi Road Water Association

Sewage Disposal: On-site Septic System

Fire Protection: Whatcom County Fire District No. 21

Law Enforcement: Whatcom County Sheriff's Office

Public Schools: Meridian School District # 505

Topography: Site is mostly level, with a lower area of wetlands on southeast portion of property.

Vegetation: Eastern portion of site is heavily treed with creek running north to south through vegetated area.

Adjacent Land Uses: North: Rural (R10A)
East: Rural (R10A)
South: Rural (R5A and R10A)
West: Rural (R5A)

SEPA Review: Determination of Non-Significance, issued August 19, 2011

Authorizing Codes, Policies, Plans, and Programs

Revised Code of Washington (RCW) Chapter 36.70

Revised Code of Washington (RCW) Chapter 58.17

Whatcom County Comprehensive Plan

Whatcom County Code, Title 2, Chapter 2.33 – Permit Review Procedures

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

Whatcom County Code, Title 14, Use of Natural Resources

Whatcom County Code Chapter 12.08, Development Standards

Whatcom County Code Chapter 15, Building Code/Fire 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 17 – Flood Damage Prevention Code

Whatcom County Code Title 24, Health Regulations

Legal Notices: Mailed – June 29 and October 11, 2011
Published – June 30 and October 20, 2011
Posted - October 14, 2011

Hearing Date: November 1, 2011

Parties of Record:

Meridian School District No. 505
214 West Laurel Road
Bellingham, WA 98226

Freeland and Associates, Inc. / Tony Freeland
220 West Champion Street, Ste 290
Bellingham, WA 98225

Sanja Barisic
Division of Engineering

Alex Cleanthous
Planning and Development Services

Exhibits:

- 1 Land Use Application with attachments
 - 1-1 Supplemental CUP Application
 - 1-2 Fee Responsibility
 - 1-3 Agent Authorization
 - 1-4 Determination of Completeness, June 23, 2011
 - 1-5 Tech Review Staff Memo, July 5, 2011 re: revision
 - 1-6 Statutory Warranty Deed
 - 1-7 PDS Address Instructions, with addresses attached
 - 1-8 Land Disturbance and Clearing Application Info
 - 1-9 Preliminary Traffic and Concurrency Info
 - 1-10 Preliminary Stormwater Proposal
 - 1-11 Public Water Availability Notification
 - 1-12 Construction Permit: On-Site Sewage Disposal System
 - 1-13 Revocable Encroachment Permit Application
 - 1-14 Customer Receipt
- 2 Revised Staff Report, dated October 31, 2011
- 3 Agency Comments
- 4 DOE SEPA Comments, letter from Kasey Ignac, not dated
- 5 Site Plans – large set
- 6 DNS, dated August 19, 2011

- 7 Site Aerial Photos
- 8 Zoning Map
- 9 Certificate of Mailing, Notice of Application, June 29, 2011
- 10 Bellingham Herald Tear-Sheet, June 30, 2011, with Notice of Application attached
- 11 Certificate of Posting, Notice of Public Hearing, October 14, 2011
- 12 Legal Notice, Public Hearing, October 20, 2011
- 13 Hearing Examiner Checklist, September 20, 2011
- 14 Email dated October 28, 2011 from Alex Cleanthous
- 15 Current Site Plan

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 31, 2011, 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 proposal.

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 construction of a new Irene Reither Primary School and demolition of the existing school after construction is completed can be approved if it is consistent with the Zoning Conditional Use Criteria of WCC 20.84.220 (2 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 Meridian School District No. 505 for the construction of a new Irene Reither Primary School and demolition of the existing primary school when construction is completed, to be located on Assessor's Parcel No.390316 074095, 954 Hemmi Road, Everson, Washington, subject to the following conditions:

A. Planning Division

1. Permit Changes or Modifications: The use and location on the site as approved by this permit shall not be amended or changed in any way without further approval of the Whatcom County Hearing Examiner.
2. Building Setbacks: Pursuant to WCC 20.80.200, setback requirements for the front yard shall be 45-feet off of Hannegan Rd and 5-feet off of the side and rear property lines.
3. Landscaping: Shall be implemented pursuant to WCC 20.80.300. Landscaped parking strips shall be provided pursuant to WCC 20.80.350.
4. Parking: Parking space dimensions shall comply with WCC 20.80.510. The parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access of driveways and parking areas shall comply with WCC 20.80.565. Parking shall also be installed in accordance with federal and state regulations for ADA accessibility as specified in WCC 20.80.585.
5. Trash & Storage: 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.
6. Signage: No signs were formally requested for this proposal. However, one is shown on the site plan overview for the project, the sign is proposed to be located at the entrance way to the school on East Hemmi Road. One sign shall be approved as a condition of this CUP. A separate permit for the sign is required pursuant to the International Building Code.
7. Lighting: 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. Archaeological Findings: 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.

9. Demolition Permit: A demolition permit is required for the removal of all existing structures. Approval by the Northwest Clean Air Agency (NWCAA) is required prior to issuance of the permit by Whatcom County. NWCAA can be contacted at 800.622.4627 – ext. 212 or by email at <info@nwccleanair.org>. A building inspection is required after the demolition has occurred.
10. Noise Levels: All equipment shall comply with the State Noise Level Standards under the Washington 5 Administrative Code (WAC) 173.6.
11. Right to Farm: Pursuant to WCC, Title 14, 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.

12. CUP Nontransferable: Pursuant to WCC 20.84.210, Conditional Use Permits shall be nontransferable unless said transfer is further approved by the Hearing Examiner.

B. Critical Areas

1. A separate land disturbance permit and SEPA permit will be required if the land disturbance activities occur prior to the issuance of a building permit.

C. Division of Engineering

1. All development shall comply with Whatcom County Development Standards.

2. An Engineered Stormwater Design Report with TESC Plan shall be submitted for review and approval with the building permit application. Stormwater Report shall address water quality and quantity.
3. As per Chapter 2, Sec. 218, (B), the applicant shall post a maintenance security with the Division of Engineering for any proposed drainage facilities. The security shall be for an amount of 10% of the engineer's construction cost estimate or \$5,000 (whichever is greater). The security shall be in effect for 2 years from the date of provisional acceptance of new drainage facilities.
4. Prior to any Certificate of Occupancy the applicant shall submit certified as-built drawings (Record Drawings) for new road/ stormwater facilities to the Engineering Services for permanent file record.
5. All road, access, and grading plans shall be designed and stamped by a Washington State licensed civil engineer and submitted for county engineering approval prior to construction.
6. Proposed new access on Hannegan Rd shall accommodate school busses emergency vehicles one (1) food service vehicle per day. Access shall have a min. 50 ft radiuses. The applicant shall obtain a Revocable Encroachment Permit prior to any work in the county right-of-way and prior to installation of commercial paved apron that is required for this new access. Any additional traffic via bus/ fire lane may require traffic mitigation such as design and construction of left turn lane on Hannegan Rd.
7. Sight distance shall meet current WC Development Standards, Chapter 5.
8. All signing and striping shall be installed per MUTCD standards at the developer's expense.
9. The proposed development may require a transportation concurrency evaluation that will be reviewed during building permit process. Submitted Preliminary Traffic & Concurrency Information indicated no change or increase in number of staff/employees and students.

D. Building Services Department

The Applicant shall comply with all the conditions set forth by the Plans Examiner's memorandum dated July 12, 2011, unless modified by the Plan's Examiner, or appealed to the appropriate agency. Specifically those conditions include:

1. A commercial building permit is required for this proposal. It will be reviewed under the 2009 International Building Code (IBC) and must comply with all other applicable codes and ordinances adopted by Whatcom County.
2. A pre-application screening is required prior to building permit submittal. Contact the Building Services division to schedule and from submittal requirements.

3. A Washington State registered architect is required to prepare the construction documents and act as the design professional in responsible charge (Section 106.3.4).
4. A WA State Professional Engineer shall engineer the proposed building.
5. A separate Demolition Permit is required for the removal of any existing buildings, structures or other such site improvements.
6. All signage (free-standing and building-mounted) required a separate permit.
7. Refer to the attached General Conditions for Commercial Buildings for additional building permit requirements.
8. This project is subject to compliance with the following codes as adopted by Whatcom County:
 - a. Chapter 19.27 RCW State Building Code Act;
 - b. 2009 International Building Code, WAC 51-50;
 - c. 2009 International Mechanical Code (IMC);
 - d. 2009 International Fire code, WAC 51-54;
 - e. 2009 Uniform Plumbing Code (UPC);
 - f. 2009 International Fuel Gas Code (IFGC);
 - g. 2009 Uniform Abatement for Dangerous Buildings;
 - h. 2003 ICC/ANSI A117.1 - Accessible and Usable Buildings and Facilities;
 - i. 2009 Washington State Energy Code (WSEC), WAC 51-11;
 - j. 2009 Washington State Ventilation and Indoor Air Quality Code (VIAQC), WAC 51-13;
 - k. all applicable Washington State Amendments to the above referenced codes;
 - l. all applicable code referenced manuals and standards
9. A Washington State licensed architect may be required by the Building Official to prepare construction documents and act as the registered design professional in responsible charge (IBC Sections 107.1 and 107.3.4, RCW 18.08.410). All construction documents prepared by the architect must be stamped and signed (RCW 18.08.410[9])
10. Full engineering by a WA State licensed engineer is required. The engineer shall perform a complete structural analysis for the proposed building(s) per IBC Chapter 16. Calculations must be submitted along with structural plans and shall state all design criteria utilized (wind, seismic, snow, roof & floor loads, soil bearing). The calculations and all drawings prepared by the engineer shall be stamped and signed.
11. The engineer shall provide analysis for any special loads such as those imposed by an automatic sprinkler system, mechanical equipment, concentrated loads, impact loads, etc. The engineer should also include any required anchorage of non-building structures (signs, tanks, storage racks, equipment, etc.) to resist seismic loads.

12. The architect and/or engineer of record shall be designated on the permit submittal documents and drawings where appropriate. The architect/engineer 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 107.3.4)
13. Deferred submittals those portions of the design which are not submitted at the time of application (i.e. – design-bid mechanical systems, NREC lighting/mechanical compliance documentation, pre-fabricated building components, plumbing schematics and fixture load calculations, certain tenant improvements, etc.). Deferral of any submittal items must have prior approval of the Building Official and shall be listed on the plans. The architect/engineer of record must provide a schedule indicating time frames for intended submittal of deferred items. Deferred submittal items shall not be installed until they have been reviewed and approved by the Building Official.
14. When special inspections are required by an engineer or by IBC Section 1704, the engineer of record shall prepare an inspection program, which shall be submitted to the Building Official for approval prior to permit issuance. The special inspection program shall designate the portions of work requiring special inspections, the name of the individual or firm performing the inspections and the duties of the special inspectors.
15. A *Code Data Summary Sheet* is required for all projects and should be located on the cover sheet. The following specific Code design criteria shall be included as applicable:
 - a. **Use and Occupancy Classification** (*single or mixed occupancy, incidental use and accessory use areas; occupancy group*)
 - b. **Occupancy separations or non-separated use**
 - c. Special use and occupancy requirements (*i.e. assisted living*)
 - d. General building heights and areas, (*that meet allowable limits*)
 - e. **Height and area modifications** (*increases for frontage and/or fire sprinklers*)
 - f. **Construction type** (*V-B*)
 - g. **Fire-resistance construction** (*requirements for walls, penetrations, opening protective*)
 - h. **Fire protection systems** (*fire sprinklers and alarms, smoke control*)
 - i. **Means of egress analysis including occupant load calculation and exit system requirements** (*a separate Floor Plan may be required to illustrate compliance*)(*egress path, travel distance, requires exits and widths*)
 - j. **Plumbing fixture calculations and counts**
16. When applicable, sprinkler system and fire alarm system submittals shall be applied for at the same time as the building permit, unless otherwise approved by the Fire Marshall.
17. Listed/tested assembly numbers, specifications and details shall be submitted for all required and/or proposed fire-resistant construction and systems (walls, floor-ceilings, roof-ceilings,

penetrations, openings, etc.), no exceptions. Fire-resistance information and data **will not be accepted as a deferred submittal**.

18. When applicable, the architect of record shall provide a detailed, complete fire-stop plan for review and approval, which is specific to the proposed project. All installed fire-stopping systems shall be inspected by an approved, certified fire-stopping inspector or inspection agency. All systems shall remain accessible until approved for cover.
19. All occupancies shall comply with IBC Chapter 8 – Interior Finishes including Table 803.9 – Interior Wall and Ceiling Finish Requirements by Occupancy. Documentation verifying classification (flame spread and smoke-developed indexes) of interior finish materials may be required, at the Public Service Inspector’s discretion, prior to final inspection.
20. Fully heated, semi-heated and/or colled buildings or portions of buildings shall comply with the 2009 WA State Non-residential Energy Code (NREC) for the building heated envelope and HVAC systems. All buildings must comply with NREC lighting requirements. Submittals for all projects are to include the following NREC compliance forms; Envelope (Zone 1) Mechanical and Lighting. Only semi-heated, warehouse/storage type buildings with prescriptive lighting will be reviewed in-house by Whatcom County Building Services. All other buildings require NREC review and/or inspection by a third party WA state certified NREC plans examiner or inspector. All submittals including compliance forms and plans shall be stamped & signed. Commissioning of all mechanical and lighting systems is required to ensure compliance with the approved plans and specifications. A complete report of test procedures and results shall be prepared and filed with the owner prior to issuance of a Certificate of Occupancy.
21. All occupancies shall comply with IBC Chapter 12, Interior Environment. Provide complete information indicating how ventilation requirements will be met, including ventilation system plan drawings, system sizing calculations, etc. All mechanical ventilation equipment shall be listed on the NREC summary forms and plans and shall be part of the required NREC submittals.
22. All centralized, HVAC systems shall be designed by a licensed mechanical engineer. The required engineer system design and plan drawings shall include listed/tested assembly numbers, specifications, details and locations for all required fire dampers. See IBC Section 716. All submittals shall be stamped and signed by the mechanical engineer.
23. Storage of flammable or combustible materials and/or high-pile storage items shall be in accordance with the International Fire Code (IFC). Where conflicts exist between different applicable codes, such as the IBC & IFC, the most restrictive shall govern.
24. Minimum plumbing fixtures shall be provided in accordance with IBC Chapter 29 – Table 2902.1 and applicable WA State Amendments. The architect shall provide calculations verifying compliance with the required minimum number of plumbing fixtures, per the table. Provide plumbing schematics, which include fixture calculations, water distribution and waste discharge system sizing calculations.

25. The proposed project is required to meeting handicap accessibility requirements per all applicable sections of IBC Chapter 10 & 11, Appendix Chapter E, Sections E101 thru E107, ICC/ANSI A 117.1-2003 Accessible and Usable Buildings and Facilities and applicable WA State Amendments. An Accessibility Analysis should be provided addressing the following elements; exterior and interior routes of travel, parking, entrances/exits, restrooms, furnishings and equipment. Refer to the "Code Analysis – Specific Findings" section for any additional information.
26. Roof assemblies and roof structures are per IBC Chapter 15. Minimum roof covering classification according to type of construction is per Table 1505.1. Documentation will be required verifying the classification.
27. Washington State Amendments to the International Building Code, WAC Section 51-50-009, requires that space be provided for the storage of recycled materials and solid waste for all new buildings (except Group R-3 and Group U occupancies). The storage area shall be designed to meet the needs of the occupancy, efficiency of pickup, and shall be available to the occupants and haulers (service providers). See the Whatcom County Recommended Solid Waste & Recycling Enclosure Guidelines for additional information.
28. Demolition permit is required for the removal of all existing structures. **Approval by the Northwest Clean Air Agency (NWCAA) is required prior to** issuance of the permit by Whatcom County. NWCAA can be contacted at 800.622.4627 – ext. 212 or by email at <info@nwcleanair.org>. Building inspection is required after the demolition has occurred.

E. Fire Marshal

The Applicant shall comply with all the conditions set forth by the Fire Marshal's memorandum dated September 20, 2011, unless modified by the Fire Marshal, or appealed to the appropriate agency. Specifically those conditions include:

1. Fire flow required. A minimum 750 GPM @ not less than 20PSI shall be provided for 1 hour per International Fire Code. Hydrants, pumps, water supply, and pipes shall be designed by a Washington State Licensed Engineer.
2. Fire sprinkler system required. Plans and specification shall be submitted to the Fire Marshal's Office for review and permitting. Fire sprinkler system is required because of the reduction in fire flow.
3. Fire alarm system required. Plans and specification shall be submitted to the Fire Marshal's Office for review and permitting.
4. Fire extinguisher size shall be 2A10BC and the locations shall be approved by the Fire Marshal.

5. Fire department access shall meet the requirements of the Whatcom County Development standards for roads.
6. Hazardous Materials Safety Data Sheets and quantities shall be provided to the Fire Marshal's Office.
7. The proposal shall comply with all applicable codes and ordinances adopted by Whatcom County. Any overlooked hazardous condition and/or violation of applicable code does not imply approval of such condition or violation.

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 & 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 2nd day of November 2011.



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

EXHIBIT
#2

**WHATCOM COUNTY PLANNING AND DEVELOPMENT SERVICES
STAFF REPORT**

October 31, 2011

Hearing Date: November 1, 2011

The application of Irene Reither Primary School for a Zoning Conditional Use Permit	CUP2011-00008 FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS
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I. SUMMARY OF APPLICATION AND RECOMMENDATIONS

Summary: The construction of a new approximately 65,000 square foot two story Irene Reither Primary School. The new construction will include space for new classrooms, administration offices, gymnasiums, kitchen/cafeteria, locker rooms, music room and stage and various support spaces such as restrooms, custodial closets and mechanical/electrical rooms. The proposed application also includes the demolition of the 40,500 SF Irene Reither Primary School once the new construction has been completed.

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

II. PRELIMINARY INFORMATION

A. BACKGROUND INFORMATION

Applicant: Meridian School District No. 505
214 W. Laurel Road
Bellingham, WA 98226

Property Owner: Meridian School District No. 505

Site Location/Address: 954 Hemmi Road, Everson, WA 98247

Legal Description: TR IN SW SW DAF-BEG AT SW SEC COR-TH N ALG WLY SEC LI 639.12 FT-TH E 30 FT TO ELY R/W LI OF HANNEGAN RD-TPOB-TH N ALG SD R/W LI 390.82 FT TO S LI OF TRACT 2 ACRES IN SQ FORM IN NW COR OF SW SW-TH N

Assessor's Parcel Number(s): 390316 074095

Zoning: Rural(5)A and Rural(10)A

<u>Comprehensive Plan:</u>	Rural
<u>Subarea:</u>	Lynden Nooksack
<u>Total Acreage:</u>	Approximately 18.51
<u>Roads:</u>	Access to the property is from East Hemmi Rd.
<u>Water Supply:</u>	Hemmi Road Water Association
<u>Sewage Disposal:</u>	Onsite septic system
<u>Fire Protection:</u>	Whatcom County Fire District No. 21
<u>Law Enforcement:</u>	Whatcom County Sheriff's Office
<u>Public Schools:</u>	Meridian School District #505
<u>Topography:</u>	The site is described as mostly level with a lower area of wetlands on the south eastern portion of the property.
<u>Vegetation:</u>	The eastern portion of the site is heavily treed with a creek running north to south through the vegetated area.
<u>Adjacent Land Uses:</u>	<i>North:</i> Rural R(10)A <i>East:</i> Rural R(10)A <i>South:</i> Rural R(5)A and R(10)A <i>West:</i> Rural R(5)A
<u>SEPA Review:</u>	Determination of Non-significance issued August 19, 2011.

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 2, Chapter 2.33 – Permit Review Procedures
4. Whatcom County Code, Title 14, Use of Natural Resources
5. Whatcom County Code Chapter 15, Building Code
6. State Environmental Policy Act (SEPA). Washington Administrative Code Chapter 197-11, Whatcom County Environmental Policy Administration Chapter 16.08
7. Whatcom County Code Chapter 16.16, Critical Areas
8. Whatcom County Code, Title 17 – Flood Damage Prevention Code
9. Whatcom County Code, Title 20, Official Whatcom County Zoning Ordinance
10. Whatcom County Code, Title 24, Health Regulations

III. APPLICATION PROPOSAL

Construction of a new approximately 65,000 square foot two story addition to the existing 10 Mile Intermediate School structure towards the West. The work also includes the demolition of the 40,500 SF

Irene Reither Primary School when the new construction is complete. The new construction is for the continued use as an elementary school for approximately 600 students. Spaces include new classrooms, administration offices, gymnasiums, kitchen/cafeteria, locker rooms, music room and stage and various support spaces such as restrooms, custodial closets and mechanical/electrical rooms.

IV. SITE DESCRIPTION

The subject property is located at 954 East Hemmi Road in Everson, WA, which is in Section 16, Township 39, Range 3 East W.M. in Whatcom County, WA. The site is accessed from East Hemmi Road.

The site has the current Irene Reither Primary school which through this CUP is proposed to be removed and replaced with new construction. Parking for the current school is located to the south of the school, accessed by East Hemmi Way. On the East side of the site is Ten Mile Creek including a riparian buffer of the creek. The creek and buffer runs north to south through the parcel.

The surrounding uses are all of rural nature, single family homes and land used for agriculture. A number of the lots surrounding the school are ten acres or greater.

Neighboring properties zoning:

North: R(10)A

East: R(10)A

South: R(5)A and R(10)A

West: R(5)A

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 June 30, 2011. The fifteen (15) day comment period ended on July 15, 2011.

Pursuant to WCC 20.84.235(2), Notices were mailed on June 30, 2011 property owners whose property boundaries lie within 1000 feet of the subject property.

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

Public Comments:

During the public comment period the County did not receive any written and verbal comments in opposition of the proposal.

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 the 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 likely to occur as a result of approving the proposed zoning conditional use. Through the Optional Determination of Non-significance (DNS)

process (WAC 197-11-355), an anticipated DNS and the notice of application was sent out jointly for public comment on June 30, 2011. The comment period for the Optional DNS ended on July 15, 2011. Staff received (1) comment from the Washington State Department of Ecology (see below). A formal Determination of Non-significance was issued on August 19, 2011. The appeal period for this DNS ended on August 29, 2011. No appeals to this determination were filed.

Public Comment: During the public comment period for the Optional DNS, Whatcom County received one (1) written comment. The following is a brief summary of that party's comments:

1. The Washington State Department of Ecology (see document of record) has commented that if the water is from a permitted source such as a water association, then the water purveyor is responsible for ensuring that the proposed uses are within the limitations of its water rights. If the proposal's actions are different than the existing water right, then the use is subject to approval from the Department of Ecology, pursuant to RCW 90.44.050

Response: The water source for the proposed development is from the Hemmi Road Water Association. As such, the Whatcom County Health Department has reviewed and further determined that the additional water right given is well within the capacity of that association's approved system.

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 is consistent with the general and specific objectives of the Whatcom County Comprehensive Plan.

The Whatcom County Comprehensive plan does not specifically address schools other than in terms of impact fees as noted below for capital facilities:

Goal 4M: Enable school districts to receive impact fees to fund a proportionate share of system improvements reasonably related to new development by adopting into this plan their capital facilities plans and establishing interlocal agreements with the districts to collect and transfer funds.

Policy 4M-4: The capital facilities plan for the Meridian School District, adopted by the district on June 30, 2009, is adopted into the comprehensive plan by reference.

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.

In general, schools should be located in Urban Growth Area's (UGA's) to be in compliance with the Whatcom County Comprehensive Plan. However, the site has been utilized as an elementary school campus since 1974.

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

Pursuant to WCC 20.36.150, Public schools and parochial or private schools are not allowed outside Urban Growth Areas (UGA's) unless the applicant can demonstrate that there is a need to locate outside those areas in order to comply with legal requirements or standards; or that the proposed location is the most efficient place for the proposed use with respect to providing needed services to the public.

An elementary has existed at this site since 1974 and building permits have been approved over the years for expansion to the school through additions. The proposed location is the most efficient place for the expansion of the proposed use as it will provide needed services to the public pursuant to WCC 20.36.150.

Since Irene Reither Primary School is one of the primary elementary schools serving north Bellingham, the proposed uses will be an asset to the future students of the Meridian School District as well as to the public. This is evident by all the community involvement in support of the new school.

The Technical Review Committee has determined that the project meets the requirements of WCC 20.35.150.

C. Roads and Bridges (WCC Chapter 12.08)

WCC Chapter 12.08 adopts and gives authorization for development standards for development within Whatcom County. Whatcom County shall establish uniform, comprehensive and distinct requirements which shall be applied to all developments. These requirements shall be established as "Whatcom County development standards" and shall exist to provide clear development guidelines for all construction activity within the county. These standards shall establish administrative and technical requirements for the implementation of land use regulations and shall provide the basis by which developments are evaluated to ensure compliance with county regulations.

The Whatcom County Public Works Engineer Department has reviewed the proposal and submitted a letter on August 4, 2011 with conditions of approval for the conditional use permit. The applicant shall comply with all of the conditions of the letter unless modified by the Whatcom County Public Works Engineer Department or appealed to the appropriate agency.

The Technical Review Committee has determined that the project meets the requirements of WCC Chapter 12.08.

D. Fire Code (WCC Title 15)

WCC Title 15 adopts and amends the applicable building and fire codes. The Building Official is authorized to promulgate such rules, policies and/or procedures as deemed necessary for the efficient operation of the permit process as administered by the department of building safety, designated in IBC Section 103.1, and hereby referred to as the building services division of the Whatcom County Planning and Development Services department.

The Whatcom County Fire Marshall submitted a memo dated September 20, 2011 with conditions of approval for this proposal. The applicant shall comply with all of the conditions of the Chief Plans Examiner's unless modified by the Chief Plans Examiner or appealed to the appropriate agency.

The Technical Review Committee has determined that, as conditioned, the project meets the requirements of WCC Title 15.

E. 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.

Based on a review of Whatcom County Critical Area maps and a site inspection by critical area staff, it has been determined that there will be no wetland or habitat conservation area impacts as a result of this proposal.

The land disturbance form submitted with the application indicates approximately 140,000 cu. yd of fill and/or excavation. A separate land disturbance permit and SEPA permit will be required if the land disturbance activities occur prior to the issuance of a building permit.

Because of the location of Ten Mile Creek on the parcel, a Notice on Title will be required prior to final approval.

The Technical Review Committee has determined that, as conditioned, the project meets the requirements of WCC Chapter 16.16.

F. Flood Hazard Area (WCC Title 17)

WCC Title 17 contains standards that regulate development within a flood hazard area as established in WCC 17.04.050. The subject property is not within a flood hazard zone.

The Technical Review Committee has determined that, as conditioned, the project meets the requirements of WCC Chapter 17.

G. Building Services (WCC Title 15)

WCC Title 15 adopts and amends the applicable building and fire codes. The Building Official is authorized to promulgate such rules, policies and/or procedures as deemed necessary for the efficient operation of the permit process as administered by the department of building safety, designated in IBC Section 103.1, and hereby referred to as the building services division of the Whatcom County planning and development services department.

The Technical Review Committee has determined that, as conditioned, the project meets the requirements of WCC Chapter 15.

H. Development Standards (WCC Title 20)

WCC Chapter 20.36 Rural Zone Use and Conditional Use Requirements

The Whatcom County Zoning Ordinance, Title 20, allows for public schools in the rural zone by approval of a Conditional Use Permit pursuant to WCC 20.36.152.

WCC 20.37.350 Building setbacks.

Building setbacks shall be administered pursuant to WCC 20.80.200 (Setback Requirement

Rural (R)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	45'	35'	25'	25'	20'	5' ¹	5' ¹
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	5'	5'
<p>1. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Commercial Forestry Zone District, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC <u>20.36.651</u> shall be subject to the standard setback in WCC <u>20.80.210</u>.</p> <p>2. Lots created after 2001 through the cluster provisions, or lots created through the APO provisions which will be used for human habitation, shall be set back a minimum of 100 feet from the property line of any parcel or portion thereof which is designated or used for agricultural purposes. No structures shall be constructed within 30 feet of exterior, side and rear property lines, and no structure shall be constructed within 30 feet of an agricultural use. Subject to any further requirements within Chapter <u>20.38</u> WCC, Agriculture Protection Overlay.</p> <p>3. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.</p>							
<p>¹Roof overhangs or other architectural features shall not project further than 18 inches into the side or rear yard setbacks. Such overhangs may extend six feet into the front yard setback; however, in no case will they extend more than one-half the depth of the front yard setback.</p>							

No building setbacks will be reduced through the proposed conditional use permit. Building setbacks will be reviewed at the time of the building permit submittal.

WCC 20.36.400 Height limitations.

Maximum height shall be limited to 35 feet. Height of structures shall also conform, where applicable, to the requirements of WCC 20.80.675.

Height limitations will be reviewed at the time of building permit submittal.

WCC 20.36.450 Lot coverage.

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

The parcel for the proposed project is 18.3 acres, the proposal is well under the lot coverage requirement. All future development will be reviewed at the time of building permit.

20.36.654 Parking requirements.

Parking shall conform to the requirements of WCC 20.80.500. WCC 20.80.580 (22) requires elementary schools to have one (1) parking spot per each teacher and one (1) parking spot for every 8 seats in auditoriums or assembly halls.

WCC 20.36.656 Drainage.

All development activity within Whatcom County shall be subject to the stormwater management provisions of the Whatcom County Development Standards unless specifically exempted. No project permit shall be issued prior to meeting the stormwater requirements of this title and Chapter 2 of the Whatcom County Development Standards.

The Technical Review Committee has determined that, as conditioned, the project meets the requirements of WCC Chapter 20.37.

I. Concurrency (WCC Section 20.80.212)

WCC Section 20.80.212 states that no conditional use permit shall be approved without a written finding that:

1. All providers of water, sewage disposal, schools, and fire protection serving the development have issued a letter that adequate capacity exists or arrangements have been made to provide adequate services for the development.
2. No county facilities will be reduced below applicable levels of service as a result of the development.

Water

Water will be provided for the site with one water connection from the East Hemmi Water Association.

Sewage Disposal

There is no public sewage disposal available for this site. The applicant is proposing on-site septic systems.

Schools

The application is to rebuild and expand a current school already serving the area.

Fire Protection

Fire District 21 already serves the existing school. The proposal is to remove and expand the square footage of the existing primary school.

The Whatcom County Deputy Fire Marshal submitted a memo dated September 20, 2011 with conditions of approval for this proposal.

The Technical Review Committee has determined that, as conditioned, the project meets the requirements of WCC Chapter 20.80.212.

J. WCC 20.84.200 & WCC 20.84.220 Compliance with Criteria

Before approving an application for a conditional use permit, the Hearing Examiner shall ensure that any specific standards of the use district defining the conditional use are fulfilled, and shall find adequate evidence showing that the proposed conditional use at the proposed location.

Per WCC 20.83.020 an expansion of a nonconforming use must be consistent with WCC 20.84.220(2) through (8).

(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.

The proposal is to remove the existing school and replace it with a larger facility. This use will help accommodate projected growth needs for elementary school age education. The proposal is consistent with Whatcom County's projections for population increases in this area. As such, the proposal will not change the essential character of the area.

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

A school is already in operation where the project is proposed, the proposal will not be hazardous or disturbing to existing or future neighboring uses. The Whatcom County zoning ordinance separates residential, commercial, and industrial districts to preserve the individual characteristics of each zone district to create attractive, healthful residential areas. In addition, zoning helps assure property owners and residents that the characteristics of nearby areas will remain consistent with the intent and objectives of the Comprehensive Plan.

The proposed facility will have an architectural design that is compatible with surrounding uses.

The Technical Review Committee finds the proposal 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 area.

(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.

The proposal will be adequately served. Water service will be provided from East Hemmi Water Association. The site will be served on an on-site septic system.

The project will be accessed by East Hemmi road. All of these services are already in place serving the existing school.

(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.

The planned improvements are part of maintaining a quality operation to provide services to county residents. Approving the conditional use application for Meridian School District will not create excessive additional requirements at public cost.

(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.

Temporary noise, equipment and dust may be present during construction of the new school and demolition of the existing school. However, once construction is complete there will be no activities, processes, materials, equipment or conditions of operation that would be detrimental to property or general welfare of the community.

(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.

The site is currently and will continue to be accessed from Hemmi Road. The site's driveway access will be designed in accordance with Whatcom County Road Standards.

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

The site is located adjacent to Ten Mile Creek, however no destruction, loss or damage of any natural, scenic or historic features is expected.

The Technical Review Committee finds the proposal as conditioned, will comply with WCC 20.80.200 and WCC 20.84.220.

K. 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 August 11, 2011 with the following comments.

Water:

The project is to be served by Hemmi Road Water Association.

Sewage:

At the time of building permit application, written justification from a licensed on-site sewage designer that the existing on-site sewage system will be sufficient for the proposed uses is required.

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

VIII. RECOMMENDATION

The Technical Review Committee has determined that subject to the following proposed conditions, the proposed expansion of a nonconforming use complies with applicable Whatcom County regulations.

As stated above, the Technical Review Committee recommends approval of the CUP subject to the following conditions:

IX. CONDITIONS OF APPROVAL

A. Planning Division

1. Permit Changes or Modifications: 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. Building Setbacks: Pursuant to WCC 20.80.200, setback requirements for the front yard shall be 45-Feet off of Hannegan Rd and 5 feet off of the side and rear property lines.
3. Landscaping: Shall be implemented pursuant to WCC 20.80.300. Landscaped parking strips shall be provided pursuant to WCC 20.80.350.
4. Parking: Parking space dimensions shall comply with WCC 20.80.510. The parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access of driveways and parking areas shall comply with WCC 20.80.565. Parking shall also be installed in accordance with federal and state regulations for ADA accessibility as specified in WCC 20.80.585.
5. Trash & Storage: 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.
6. Signage: No signs were formally requested for this proposal. However, one is shown on the site plan overview for the project, the sign is proposed to be located at the entrance way to the school on East Hemmi Road. One sign shall be approved as a condition of this CUP. A separate permit for the sign is required pursuant to the International Building Code.
7. Lighting: 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. Archaeological Findings: 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.
9. Demolition permit: A demolition permit is required for the removal of all existing structures. Approval by the Northwest Clean Air Agency (NWCAA) is required prior to issuance of the permit by Whatcom County. NWCAA can be contacted at 800.622.4627 – ext. 212 or by email at <info@nwcleanair.org>. A building inspection is required after the demolition has occurred.
10. Noise Levels: All equipment shall comply with the State Noise Level Standards under the Washington 5 Administrative Code (WAC) 173.6.

11. Right to Farm: Pursuant to WCC, Title 14, 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.

12. CUP Nontransferable: Pursuant to WCC 20.84.210, Conditional Use Permits shall be nontransferable unless said transfer is further approved by the Hearing Examiner.

B. Critical Areas

1. A separate land disturbance permit and SEPA permit will be required if the land disturbance activities occur prior to the issuance of a building permit.

C. Engineering

1. All development shall comply with Whatcom County Development Standards.
2. An Engineered Stormwater Design Report with TESC Plan shall be submitted for review and approval with the building permit application. Stormwater Report shall address water quality and quantity.
3. As per Chapter 2, Sec. 218, (B), the applicant shall post a maintenance security with the Division of Engineering for any proposed drainage facilities. The security shall be for an amount of 10% of the engineer's construction cost estimate or \$5,000 (whichever is greater). The security shall be in effect for 2 years from the date of provisional acceptance of new drainage facilities.
4. Prior to any Certificate of Occupancy the applicant shall submit certified as-built drawings (Record Drawings) for new road/ stormwater facilities to the Engineering Services for permanent file record.
5. All road, access, and grading plans shall be designed and stamped by a Washington State licensed civil engineer and submitted for county engineering approval prior to construction.
6. Proposed new access on Hannegan Rd shall accommodate school busses emergency vehicles one (1) food service vehicle per day. Access shall have a min. 50 ft radiuses. The applicant shall obtain a Revocable Encroachment Permit prior to any work in the county right-of-way and prior to installation of commercial paved apron that is required for this new access. Any additional traffic via bus/ fire lane may require traffic mitigation such as design and construction of left turn lane on Hannegan Rd.

7. Sight distance shall meet current WC Development Standards, Chapter 5.
8. All signing and striping shall be installed per MUTCD standards at the developer's expense.
9. The proposed development may require a transportation concurrency evaluation that will be reviewed during building permit process. Submitted Preliminary Traffic & Concurrency Information indicated no change or increase in number of staff/employees and students.

D. Building Services Department

The applicant shall comply with all the conditions set forth by the Plans Examiner's memorandum dated July 12, 2011, unless modified by that Department or appealed to the appropriate agency. Specifically those conditions include:

1. A commercial building permit is required for this proposal. It will be reviewed under the 2009 International Building Code (IBC) and must comply with all other applicable codes and ordinances adopted by Whatcom County.
2. A pre-application screening is required prior to building permit submittal. Contact the Building Services division to schedule and from submittal requirements.
3. A Washington State registered architect is required to prepare the construction documents and act as the design professional in responsible charge (Section 106.3.4).
4. A WA State Professional Engineer shall engineer the proposed building.
5. A separate Demolition Permit is required for the removal of any existing buildings, structures or other such site improvements.
6. All signage (free-standing and building-mounted) required a separate permit.
7. Refer to the attached General Conditions for Commercial Buildings for additional building permit requirements.
8. This project is subject to compliance with the following codes as adopted by Whatcom County:
 - a. Chapter 19.27 RCW State Building Code Act;
 - b. 2009 International Building Code, WAC 51-50;
 - c. 2009 International Mechanical Code (IMC);
 - d. 2009 International Fire code, WAC 51-54;
 - e. 2009 Uniform Plumbing Code (UPC);
 - f. 2009 International Fuel Gas Code (IFGC);
 - g. 2009 Uniform Abatement for Dangerous Buildings;
 - h. 2003 ICC/ANSI A117.1 - Accessible and Usable Buildings and Facilities;
 - i. 2009 Washington State Energy Code (WSEC), WAC 51-11;
 - j. 2009 Washington State Ventilation and Indoor Air Quality Code (VIAQC), WAC 51-13;
 - k. all applicable Washington State Amendments to the above referenced codes;
 - l. all applicable code referenced manuals and standards
9. A Washington State licensed architect may be required by the Building Official to prepare construction documents and act as the registered design professional in responsible charge (IBC

Sections 107.1 and 107.3.4, RCW 18.08.410). All construction documents prepared by the architect must be stamped and signed (RCW 18.08.410[9])

10. Full engineering by a WA State licensed engineer is required. The engineer shall perform a complete structural analysis for the proposed building(s) per IBC Chapter 16. Calculations must be submitted along with structural plans and shall state all design criteria utilized (wind, seismic, snow, roof & floor loads, soil bearing). The calculations and all drawings prepared by the engineer shall be stamped and signed.
11. The engineer shall provide analysis for any special loads such as those imposed by an automatic sprinkler system, mechanical equipment, concentrated loads, impact loads, etc. The engineer should also include any required anchorage of non-building structures (signs, tanks, storage racks, equipment, etc.) to resist seismic loads.
12. The architect and/or engineer of record shall be designated on the permit submittal documents and drawings where appropriate. The architect/engineer 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 107.3.4)
13. Deferred submittals those portions of the design which are not submitted at the time of application (i.e. – design-bid mechanical systems, NREC lighting/mechanical compliance documentation, pre-fabricated building components, plumbing schematics and fixture load calculations, certain tenant improvements, etc.). Deferral of any submittal items must have prior approval of the Building Official and shall be listed on the plans. The architect/engineer of record must provide a schedule indicating time frames for intended submittal of deferred items. Deferred submittal items shall not be installed until they have been reviewed and approved by the Building Official.
14. When special inspections are required by an engineer or by IBC Section 1704, the engineer of record shall prepare an inspection program, which shall be submitted to the Building Official for approval prior to permit issuance. The special inspection program shall designate the portions of work requiring special inspections, the name of the individual or firm performing the inspections and the duties of the special inspectors.
15. A *Code data Summary sheet* is required for all projects and should be located on the cover sheet. The following specific Code design criteria shall be included as applicable:
 - a. Use and Occupancy Classification (*single or mixed occupancy, incidental use and accessory use areas; occupancy group*)
 - b. Occupancy separations or non-separated use
 - c. Special use and occupancy requirements (*i.e. assisted living*)
 - d. General building heights and areas, (*that meet allowable limits*)
 - e. Height and area modifications (*increases for frontage and/or fire sprinklers*)
 - f. Construction type (*V-B*)
 - g. Fire-resistance construction (*requirements for walls, penetrations, opening protective*)
 - h. Fire protection systems (*fire sprinklers and alarms, smoke control*)
 - i. Means of egress analysis including occupant load calculation and exit system requirements (*a separate Floor Plan may be required to illustrate compliance*)(*egress path, travel distance, requires exits and widths*)
 - j. Plumbing fixture calculations and counts

16. When applicable, sprinkler system and fire alarm system submittals shall be applied for at the same time as the building permit, unless otherwise approved by the Fire Marshall.
17. Listed/tested assembly numbers, specifications and details shall be submitted for all required and/or proposed fire-resistant construction and systems (walls, floor-ceilings, roof-ceilings, penetrations, openings, etc.), no exceptions. Fire-resistance information and data **will not be accepted as a deferred submittal**.
18. When applicable, the architect of record shall provide a detailed, complete fire-stop plan for review and approval, which is specific to the proposed project. All installed fire-stopping systems shall be inspected by an approved, certified fire-stopping inspector or inspection agency. All systems shall remain accessible until approved for cover.
19. All occupancies shall comply with IBC Chapter 8 – Interior Finishes including Table 803.9 – Interior Wall and Ceiling Finish Requirements by Occupancy. Documentation verifying classification (flame spread and smoke-developed indexes) of interior finish materials may be required, at the Public Service Inspector's discretion, prior to final inspection.
20. Fully heated, semi-heated and/or colled buildings or portions of buildings shall comply with the 2009 WA State Non-residential Energy Code (NREC) for the building heated envelope and HVAC systems. All buildings must comply with NREC lighting requirements. Submittals for all projects are to include the following NREC compliance forms; Envelope (Zone 1) Mechanical and Lighting. Only semi-heated, warehouse/storage type buildings with prescriptive lighting will be reviewed in-house by Whatcom County Building Services. All other buildings require NREC review and/or inspection by a third party WA state certified NREC plans examiner or inspector. All submittals including compliance forms and plans shall be stamped & signed. Commissioning of all mechanical and lighting systems is required to ensure compliance with the approved plans and specifications. A complete report of test procedures and results shall be prepared and filed with the owner prior to issuance of a Certificate of Occupancy.
21. All occupancies shall comply with IBC Chapter 12, Interior Environment. Provide complete information indicating how ventilation requirements will be met, including ventilation system plan drawings, system sizing calculations, etc. All mechanical ventilation equipment shall be listed on the NREC summary forms and plans and shall be part of the required NREC submittals.
22. All centralized, HVAC systems shall be designed by a licensed mechanical engineer. The required engineer system design and plan drawings shall include listed/tested assembly numbers, specifications, details and locations for all required fire dampers. See IBC Section 716. All submittals shall be stamped and signed by the mechanical engineer.
23. Storage of flammable or combustible materials and/or high-pile storage items shall be in accordance with the International Fire Code (IFC). Where conflicts exist between different applicable codes, such as the IBC & IFC, the most restrictive shall govern.
24. Minimum plumbing fixtures shall be provided in accordance with IBC Chapter 29 – Table 2902.1 and applicable WA State Amendments. The architect shall provide calculations verifying compliance with the required minimum number of plumbing fixtures, per the table. Provide plumbing schematics, which include fixture calculations, water distribution and waste discharge system sizing calculations.

25. The proposed project is required to meeting handicap accessibility requirements per all applicable sections of IBC Chapter 10 & 11, Appendix Chapter E, Sections E101 thru E107, ICC/ANSI A 117.1-2003 Accessible and Usable Buildings and Facilities and applicable WA State Amendments. An Accessibility Analysis should be provided addressing the following elements; exterior and interior routes of travel, parking, entrances/exits, restrooms, furnishings and equipment. Refer to the "Code Analysis – Specific Findings" section for any additional information.
26. Roof assemblies and roof structures are per IBC Chapter 15. Minimum roof covering classification according to type of construction is per Table 1505.1. Documentation will be required verifying the classification.
27. Washington State Amendments to the International Building Code, WAC Section 51-50-009, requires that space be provided for the storage of recycled materials and solid waste for all new buildings (except Group R-3 and Group U occupancies). The storage area shall be designed to meet the needs of the occupancy, efficiency of pickup, and shall be available to the occupants and haulers (service providers). See the Whatcom County Recommended Solid Waste & Recycling Enclosure Guidelines for additional information.
28. Demolition permit is required for the removal of all existing structures. **Approval by the Northwest Clean Air Agency (NWCAA) is required prior to** issuance of the permit by Whatcom County. NWCAA can be contacted at 800.622.4627 – ext. 212 or by email at <info@nwcleanair.org>. Building inspection is required after the demolition has occurred.

E. Fire

The applicant shall comply with all the conditions set forth by the Fire Marshal's memorandum dated September 20, 2011, unless modified by that Department or appealed to the appropriate agency. Specifically those conditions include:

1. Fire flow required. A minimum 750 GPM @ not less than 20PSI shall be provided for 1 hour per International Fire Code. Hydrants, pumps, water supply, and pipes shall be designed by a Washington State Licensed Engineer.
2. Fire sprinkler system required. Plans and specification shall be submitted to the Fire Marshal's Office for review and permitting. Fire sprinkler system is required because of the reduction in fire flow.
3. Fire alarm system required. Plans and specification shall be submitted to the Fire Marshal's Office for review and permitting.
4. Fire extinguisher size shall be 2A10BC and the locations shall be approved by the Fire Marshal.
5. Fire department access shall meet the requirements of the Whatcom County Development standards for roads.
6. Hazardous Materials safety data sheets and quantities shall be provided to the Fire Marshal's Office.
7. The proposal shall comply with all applicable codes and ordinances adopted by Whatcom County. Any overlooked hazardous condition and/or violation of applicable code does not imply approval of such condition or violation.

Report prepared for the Technical Review Committee by: Aex Cleanthous, Planner