

**CITY OF BLAINE  
OFFICE OF THE HEARING EXAMINER**

*re:* The application of **Mark Aho** for a Variance and Critical Area Review request to authorize placement of a modular single-family residence.

**CAR # 2022-114  
VAR # 2023-004**

FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND DECISION

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**SUMMARY OF APPLICATION AND  
DECISION**

**Application:** The Applicant requests authority for placement of a modular single-family residence on a site containing a Category III wetland and associated buffer. The proposal includes the following requests:

- 1)** A proposal for a Reasonable Use Exception under BMC 17.82.140 to authorize placement of a modular home, to be used as a new single-family residence within wetland buffer areas and a reduction of the building setback from the reduced wetland buffer from 10-feet to 5-feet, and
  
- 2)** A Variance under BMC 17.06.170 for the following:
  - a)** Reduction in the Residential-Low Zoning District front yard setback from 25-feet to 10-feet;
  - b)** Reduction in the side yard setback from 8-feet to 5-feet along east property line; and
  - c)** Reduction in the required parking stalls from 2 stalls to one stall.

**Decision:** The requested approval of the reasonable use exception proposal and variances are granted, subject to conditions.

**INTRODUCTION**

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted herein and evidence presented at the public hearings, in which opportunity was afforded to interested parties to object, comment, or bring information forward.

## **FINDINGS OF FACT**

### **I. PRELIMINARY INFORMATION**

Applicant: Mark Aho

Property Owners: Mark & Renee Aho

Property Location: 1614 Runge Ave., Blaine, WA 98230.

Assessor's Parcel Number(s): 4001074623700000

Adjacent Water Body: N/A

Shoreline Designation: N/A

Statewide Significance: N/A

Notice Information:

Application Submitted:	12/14/23
Notice of Application:	
~Publication:	03/08/2023
~Mailing:	03/01/2023
~Posting:	03/02/2023
Comment Period Ending:	03/22/2023
Notice of SEPA determination:	03/16/2023
Notice of Hearing:	
~Publication:	05/05/2023
~Mailing:	05/05/2023
~Posting:	05/05/2023

SEPA Review: Determined to be exempt on March 16, 2023 under WAC 197-11-800(1)(a)(i) and WAC 197-11-800(1)(b)(i), Construction of a single family residential units, not on lands covered by water.

Zoning: Residential Low-Density Zoning District

Geographic Subarea: Central Blaine

Total Area: 8,174 sq. ft.

Roads: Runge Ave.

Sewage Disposal: Public Sewer System, City of Blaine

Water: Public System, City of Blaine

Electricity: Public System, City of Blaine

Fire Protection: North Whatcom Fire and Rescue (Whatcom County Fire Protection District #21)

Law Enforcement: Blaine Police Department

Public Schools: Blaine School District 503

Topography: A large upland stockpile degraded with the remainder of on-site topography is generally level, with small variations in elevation throughout

Vegetation: The parcel is undeveloped and forested with deciduous trees and shrubs with invasive Himalayan blackberry is located along the eastern boundary of the parcel.

Adjacent Land Uses:

**North:** Zoned Residential Low, wetland

**East:** Zoned Planned Commercial, site of a fourplex

**South:** Zoned Residential Low, Runge Avenue and recently constructed single-family residence

**West:** Zoned Residential Low, vacant

Easements: Associated access and utility easements

Authorizing Codes, Policies, Plans, and Programs, including but not limited to:

- RCW 36.70B Local Project Review
- RCW 43.21C State Environmental Policy Act (SEPA)
- WAC 197-11 State Environmental Policy Act Rules
- BMC 2.54 Unified Code Enforcement
- BMC 2.58 Hearing Examiner
- BMC 13 Public Services
- BMC 17 – Land use & Development, *including but not limited to:*
  - BMC 17.02 Administrative Responsibilities
  - BMC 17.05 Transportation
  - BMC 17.06 Project Review and Approval Procedures
  - BMC 17.07 Site Plan Review
  - BMC 17.34 Residential Low Zoning District
  - BMC 17.80 SEPA Guidelines

- BMC 17.82 Critical Areas Management
- BMC 17.84 Land Disturbance
- BMC 17.124 Parking and Loading
- BMC 17.126 Landscaping
- City of Blaine Comprehensive Plan (“Comprehensive Plan”), adopted by City Council pursuant to BMC 16.02 on June 27, 2016.
- Rules of Procedure for Proceedings Before The Hearing Examiner of The City of Blaine (RPPBHE), adopted by City Council pursuant to BMC 2.58.080, on January 10, 2022.

Parties of Record in Attendance:

Stacy Clauson, Project Planner  
 City of Blaine - Community Development Services Department  
 435 Martin St.  
 Blaine, WA 98230

Mark Aho  
 6770 Shelter Ln.  
 Ferndale WA 98248-5413

Katrina Jackson, NW Wetlands Consulting LLC  
 1214 Xenia St.  
 Bellingham, WA 98229

Admitted Exhibits:

1. Land Use Master Invoice, received December 14, 2022
2. Critical Area Review Application form, received December 14, 2022 and signed on January 10, 2023 with original wetland report and site plan
3. Variance Application form, received January 10, 2023
4. Receipt for Payment of Fees, dated January 11, 2023
5. Building Floor Plans, received February 23, 2023
6. Building Elevation Drawings, received February 23, 2023
7. Modular Home Construction Specifications, received February 23, 2023
8. Revised Site Plan, received February 27, 2023
9. Revised Mitigation Plan completed by Northwest Wetlands Consulting LLC, received February 27, 2023
10. Determination of Complete Application, issued February 27, 2023
11. Notice of Application, dated March 8, 2023
12. Certified Mailing Receipts, received March 2, 2023
13. Affidavit of Publication, dated March 8, 2023
14. Affidavit of Mailing, received March 2, 2023
15. Affidavit of Posting, received March 2, 2023
16. Correspondence from Joel Nielsen, Deputy Fire Marshall, North Whatcom Fire and Rescue dated February 28, 2023

17. Correspondence from Jeannie Mayotte, City of Blaine Public Works Department, dated April 7, 2023
18. Summary of Key Standards for Residential Low Zoning District
19. SEPA Exemption Determination, issued April 21, 2023
20. Vicinity Map, created May 2, 2023
21. Stebner's Replat, recorded September 9, 1996
22. Notice of Public Hearing, dated May 5, 2023
23. Affidavit of Publication, dated May 5, 2023
24. Affidavit of Mailing, dated May 5, 2023
25. Affidavit of Posting, dated May 5, 2023
26. Staff Report and Recommendation, dated May 5, 2023

## II.

A hearing was conducted on May 22, 2023, and the hearing examiner ruled that the record would remain open for evidentiary comments and evidence to be submitted up to 5:00pm on May 26, 2023, primarily to get a complete corrected copy of Exhibit 2 as originally filed into the record.

## III.

The site is located in an area zoned for Residential Low Zoning District under BMC 17.34.

All of the subject property is encumbered by the on-site wetland and wetland buffers. The wetland that extends onto the site is depicted as approximately 5,000 square feet in size, and was rated as Category III with a Low Habitat rating, requiring a wetland buffer of 50-feet per BMC 17.82.340.B.2. The entire site is comprised either of wetland or wetland buffer. There is no buildable area available on the site without encroachment into the wetland or wetland buffer beyond what is authorized under the provisions for buffer averaging or reduction under BMC 17.82.340.D. The on-site wetland is located generally on the western two-thirds of the property, and the wetland buffer area encompasses the remainder of the property.

The applicant has proposed to place a modular single-family home on the subject property consisting of a 456 square foot building footprint, which is smaller in footprint than other existing single-family dwellings in the vicinity (300 feet) which have an average of 1,300 square foot building footprints (inclusive of garages).

The applicant has proposed placement of the residence in the narrow buffer area in the southeastern portion of the site in order to minimize impacts to the wetland and to preserve a buffer area in the northeastern corner of the site, which is close to the edge of an off-site wetland. In addition, the applicant has proposed a modification to the buffer setback, to the front setback from Runge Ave and reduction in the amount of parking stalls in order to locate the building and parking further south and as far away from the critical area as possible.

The applicant has also proposed mitigation to avoid, minimize, rectify, reduce, and compensate for unavoidable impacts on the environment.

#### **IV.**

RPPBHE §26(B) allows the Hearing Examiner to issue subpoenas and compel attendance of witnesses— but in this case no party requested the Hearing Examiner to compel a witness or any public comment provider to appear in person and be cross examined by the parties.

#### **V.**

There was no public comment made at the Hearing, nor were there any written public comments received by the Hearing Examiner, concerning either the variances or the site plan, except for agency comments.

#### **VI.**

RPPBHE §32 grants parties the right to object to evidence and for the Hearing Examiner to rule on such objections. In the case at hand, with full knowledge of the evidence being admitted by the Hearing Examiner, no objection was made by any party to any of the exhibits that were admitted into the record.

Admitted Exhibit 1-26 are deemed to be relevant regarding the facts represented therein and were admitted.

#### **VII.**

The City of Blaine’s Community Development Services Department (“CDSD”) made a written specific recommendation to approve both the variance and the site plan and did also review and reference the applicable facts and laws with proposed necessary conditions in a report entitled “Staff Report and Recommendation to Hearing Examiner,” *dated* May 5, 2023 (herein “Staff Report”

entered into the record as Exhibit 26).

The Applicant has indicated that the Staff Report is factually correct and agreed with all the recommended conditions put forward by the CDSD.

The findings of fact as set forth in the Staff Report are supported by the record as a whole. Any factual or legal findings set forth in the Staff Report, a copy of which is attached hereto, that are not contradicted by specific findings made in this decision are hereby adopted as findings of fact and law by the Hearing Examiner and incorporated herein by this reference.

### **VIII.**

Any Conclusion of Law made below 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 project site is in the Residential-Low Zoning District, and the standards for development in this zone are established in BMC 17.34. Approved permitted uses include building a "Single-Family Residence." Setting aside the issue of variances, BMC 17.34.020 permits use of this lot for a single family residence. As proposed in the site plan, with the conditions placed herein, the use is a permitted one.

BMC 17.06.100 and .170 describe what constitutes a complete application for a Variance, and BMC 17.18.200 and .210 describe a complete application for Critical Area Review, and those requirements have been met.

The proposed application for variances is necessary for the development as proposed by the applicant. Given that it meets the other zoning standards, variances should be approved by the Hearing Examiner if they are consistent with the variance criteria. The Hearing Examiner has the power and duty to authorize a variance application.<sup>1</sup>

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<sup>1</sup> BMC 17.02.050.B.1.d and 17.06.170.A

The Hearing Examiner also has the power to review and approve Critical Area Review applications (which are typically administrative actions not subject to project permit review procedures approved by the Director of CDSD pursuant to BMC 17.82.070(B)) when they have been consolidated with a variance application which requires Hearing Examiner review under the Type II-HE decision process.<sup>2</sup> However, because this Critical Area Review includes an application for a Reasonable Use Exception, this cannot be a purely administrative action and a decision by the Hearing Examiner is required, pursuant to BNM 17.82.140, *et.al*. Given that it meets the other zoning standards, Reasonable Use Exception should be approved by the Hearing Examiner if it is consistent with the criteria in BNM 17.82.140(E).

## II.

The proposal for a variance can be approved if consistent with the standards and criteria for granting variances under BMC 17.06.170 (B):

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
2. That literal interpretation of the provisions of this division would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this division;
3. That the special conditions and circumstances do not result from the actions of the applicant; and
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this division to the other lands, structures, or buildings in the same district.

A review of the evidence in the record demonstrates that a preponderance of the evidence, which is uncontested, supports a finding that this proposal meets the criteria necessary to grant a variance, and that otherwise it would result in an undue hardship – particularly regarding the special nature of the property, and its intended permitted use which is more modest than other parcels in the same

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<sup>2</sup> BMC 17.06.150, and .170 and RCW 36.70B.120



zoning.

Consequently, subject to the Conditions of Approval attached hereto, the variance should be granted by the Hearing Examiner with those conditions.

### III.

The proposal for a reasonable use exception for development in a critical area can be approved if consistent with all of the standards and criteria for granting such under BNM 17.82.140(E):

1. The application of this chapter would deny all reasonable and economically viable use of the property.
2. There is no other feasible and economically viable alternative use of the property with less of an impact on the critical area(s) and/or the critical area buffers than the proposed use. Feasible alternatives to be evaluated by the hearing examiner may include, but are not limited to:
  - a. Change in use;
  - b. Reduction in size of use;
  - c. Change in timing of activity; and
  - d. Revision of project design.
3. The proposed impact to the critical area is the minimum impact necessary to allow for reasonable and economically viable use of the property.
4. The proposal is limited to the minimum encroachment into the critical area and/or its buffer necessary to prevent the denial of all reasonable and economically viable use of the property.
5. The proposed action will result in minimal alteration of existing contours, with a minimum impact on vegetation, fish and wildlife resources, hydrological conditions, and geologic conditions.
6. The proposal will result in no net loss of the critical area's functions and values consistent with the best available science. In order to satisfy this criteria, the proposal shall include a mitigation plan developed as part of a critical area detailed study that is based upon the best available science to assure that any impact to the critical area and its buffer is mitigated consistent with the requirements of BMC 17.82.360, 17.82.430, 17.82.480 or 17.82.510 such that there is no net loss to the functions and values of the affected critical area(s) and to mitigate for unavoidable impacts. Such mitigation measures may occur on-

site or off-site where necessary to ensure that the measures are capable of being implemented to achieve their purpose as established in the critical area detailed study approved by the administrator.

7. The proposal is otherwise consistent with the purpose and intent of this chapter.
8. The proposed development does not pose a threat to public health and safety.
9. The proposed activity will not result in unmitigated adverse effects to species listed as threatened or endangered by the federal government or the state of Washington.
10. The proposed activity complies with all other federal, state, and local laws, including those related to erosion and sediment control; and
11. The inability to derive reasonable economic use of the property is not the result of the actions of the applicant or the segregating or dividing of the property after the effective date of the ordinance codified in this chapter.

A review of the evidence in the record demonstrates that a preponderance of the evidence, which is uncontested, supports a finding that this proposal meets the criteria necessary to grant a reasonable use exception, and that it does so in a way that minimizes the impact to the critical area and its buffers without denying all reasonable and economically viable use of the property.

Consequently, subject to the Conditions of Approval attached hereto, the Critical areas reasonable use exception should be granted by the Hearing Examiner with those conditions.

#### **IV.**

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 reasonable use exception for development in a critical area is approved, and variances are granted to Mark Aho for the construction of a single family residence, as described in the Revised Site Plan and Revised***

**Mitigation Plan, at 1614 Runge Ave, Blaine, WA 98230; Whatcom County Assessor's Parcel # 4001074623700000. The approval and permitted variances are granted subject to the following conditions:**

## **CONDITIONS ASSOCIATED WITH SITE PLAN & VARIANCES**

### General Conditions

1. Prior to start of any ground-disturbing activity or construction, the applicant shall obtain appropriate permits, including, but not limited to:
  - a. Residential building permits.
  - b. Utility Request.
  - c. ROW Excavation and Obstruction Permit.
2. This application is subject to the applicable requirements contained in the Blaine Municipal Code, Public Works Design and Engineering Standards and Building and Fire Codes, including but not exclusive to those outlined in Exhibit 17, incorporated by reference herein.
3. Prior to issuance of a building permit(s), the following shall be submitted and approved by Community Development Services:
  - a. Final building permit plans, demonstrating consistency with the applicable Building and Fire Codes.
4. The applicant shall be responsible for complying with any other state or local statutes, ordinance, or regulations applicable to this project.
5. All design and construction of development improvements shall be in conformance with the approved Variance and Critical Area Review Applications.
6. Development fees including but not limited to water, sewer and electrical connections, stormwater mitigation, and impact fees (traffic and fire mitigation) shall be paid prior to issuance of building permits.

### Specific Conditions:

7. Compliance with Approved Permits and Plans. The approved revised site plan (Exhibit 8) and revised mitigation plans completed Northwest Wetlands Consulting LLC, received February 27, 2023 (Exhibit 9) are the official plans for this authorizing work within the wetland buffer. Any proposed modifications to the approved plans will require additional review and approval by the City.
8. Prior to issuance of a building permit, the following items will be required:

- a. Submittal and acceptance of a security device for implementation of the mitigation plan, to be established at 125 percent of the estimated costs for wetland and wetland buffer enhancement, maintenance and monitoring. This performance security may be released and replaced with a security for maintenance and monitoring after successful completion of the mitigation plan and acceptance of the as-built report.
  - b. Dedicate a Conservation Easement encompassing the wetland and wetland buffer enhancement areas on the site. The boundaries of the Conservation Easement shall be consistent with the site plan in Exhibit 8. The easement shall be recorded with the Whatcom County Auditor's Office. Prior to recording, the easement language shall be accepted by the Critical Areas Administrator.
  - c. Improvements shall be designed and constructed in accordance with the city's development guidelines and public works standards and the appropriate utility comprehensive plans. All water, sewer, gas, electric, and other utility services shall be located underground. Submit a revised site plan addressing the conditions in Exhibit 17, including but not limit to the following:
    - i. Depict utility connections, including:
      1. Water service from the existing main in Runge Avenue;
      2. Sanitary sewer service from the existing lateral located approximately 50 feet east of the existing manhole near the Runge/Haws intersection, or if this is not present or available, via a new sanitary sewer service tap at the main; and
      3. Secondary power service.
    - ii. Restoration of the storm water conveyance ditch in Runge Avenue to support positive drainage, with stormwater from the site directed to this ditch after reestablishment and grading;
    - iii. Surfacing of the driveway in concrete or other surface approved by the Public Works Department; and
    - iv. Location of proposed mailbox.
  - d. Utility fees. The applicant shall submit and obtain the issuance of a Utility Request application. The Utility Request is subject to review and approval by the Public Works Director. Prior to final approval of a Utility Request, the owner or their agent shall pay applicable fees and charges in full along with any deposits or other required monetary obligations set forth in the Unified Fee Schedule and the Blaine Municipal Code. Once Permit #2022114 and 2023004 – Runge Ave Residence Page 5 CDS Report the Utility Request is issued and all applicable fees and charges have been paid in full, the property owner gains the right to establish connection to the system and has the right to receive sewer service in common with other customers of the utility.
9. Prior to start of construction, the applicant shall install temporary erosion and sedimentation control measures to protect the wetland and buffer area located outside of the approved disturbance area during construction

activities. The measures shall be inspected and accepted by the Public Works and Community Development Services Department prior to start of work.

10. During construction activities, the following standards shall apply:
  - a. The applicant shall ensure that no development or fill activity occurs within the wetland or protected buffer area, except as necessary to implement the approved mitigation plan contained in Exhibit 9.
  - b. The applicant shall implement the approved mitigation plan contained in Exhibit 9.
  - c. The following Inadvertent Discovery Plan (IDP) shall be maintained on-site and followed should archaeological resources or human remains be encountered:
    - i. **Inadvertent Discovery of Archaeological Resources:**  
Should archaeological resources (e.g. shell midden, animal remains, stone tools) be observed during project activities, all work in the immediate vicinity should stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (Stephanie Jolivette, Local Government Archaeologist 360-628-2755) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-961-7752; Tamela Smart, Deputy THPO 360-927-2944) should be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.
    - ii. **Inadvertent Discovery of Human Skeletal Remains on Non-Federal and Non-Tribal Land in the State of Washington (RCWs 68.50.645, 27.44.055, and 68.60.055):**  
If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance until the State provides notice to proceed. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic,

then they will report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.

11. Prior to final inspection, the following required improvements shall be completed and inspected by Community Development Services:
  - a. The wetland mitigation plan prepared by Northwest Wetlands Consulting Inc. received February 27, 2023 (Exhibit 9) shall be completed, and the as-built plan shall be submitted and pass a final inspection by Community Development Services.
  - b. The applicant shall install Native Growth Protection Area (NGPA) signs and a split-rail fence, as depicted on Exhibit 8.
  - c. Submittal and acceptance of a security device for implementation of the monitoring and maintenance, to be established at 125 percent of the estimated costs for wetland and wetland buffer enhancement, maintenance and monitoring.
  - d. Required work in the City right-of-way and or on City utilities and infrastructure detailed in Exhibit 17 and per any conditions as outlined in an approved Right-of-Way Excavation Permit, shall be completed and accepted by the Public Works Department and other agencies with jurisdiction.
  
12. Prior to release of the performance security for the maintenance and monitoring work, the applicant shall submit monitoring reports and demonstrate consistency with the performance standards contained in the mitigation plan prepared by Northwest Wetlands Consulting Inc. received February 27, 2023 (Exhibit 9). This includes:
  - a. Submittal and acceptance of monitoring reports on Years 1, 2, 3, and 5 by December 31st of each monitoring year by a qualified wetland professional.
  - b. Consistency with the performance standards 1a, 1b, and 1c, as detailed in Exhibit 9.
  - c. If consistency is not obtained, the applicant is responsible for implementation of the contingency plans identified in Exhibit 9

### **MODIFICATION OF PLAN**

Any change or modification in the project in design or scope shall be

immediately routed to City of Blaine Planning and Community Development staff for review and reviewed by the Director under BMC 17.06.080(B-D).

### **MODIFICATION OF VARIANCE**

Any change or modification in the Site Plan in design or scope shall be immediately routed to City of Blaine Planning and Community Development staff for review and any change in the variances will need to be approved by the Hearing Examiner at new publicly noticed hearing pursuant to BNM 17.06.170.

### **NOTICE OF POTENTIAL REVOCATION AND PENALTIES**

This Approval is subject to all the above-stated conditions. Failure to comply with them may be the cause for its revocation or penalty and enforcement of code violations or prosecution of crimes under BMC 2.54 and 17.08.

Complaints regarding a violation of the conditions of this permit should be filed with City of Blaine Planning and Community Development staff. The Hearing Examiner may not take any action to revoke this approval without further public hearing.

### **NOTICE OF EXPIRATION**

#### **Variances**

Pursuant to BNM 17.06.170(F), in granting any variance, the hearing examiner shall set the expiration date at 12 months from issuance. If establishment or construction of the variance conditions has not commenced within this 12-month period, the applicant may reapply for a new variance permit. The hearing examiner may extend the expiration date by one six-month period upon written request and evidence that the applicant intends to activate the permit within that time limit. Consequently, the variance approvals shall expire one year from the date of its approval unless construction or the establishment of the use has commenced, or a new hearing has been scheduled an extension granted.

Critical Areas Exception and CAR Review Status

Pursuant to BMC 17.82.250.D, when issued in conjunction with a building or development permit, a final critical areas determination shall become void at the time that the associated building or development permit is invalidated.

**NOTICE OF APPEAL PROCEDURES FROM FINAL DECISIONS OF THE  
BLAINE HEARING EXAMINER**

This action of the Hearing Examiner is final.

The applicant, any party of record, or any county department may appeal any final decision of the hearing examiner to Whatcom Superior Court within 21 days as authorized by RCW 36.70C, BMC 2.58.160, and BMC 17.06.190; or for shoreline permit applications and revisions, which are subject to appeal to the State Shoreline Hearings Board, within 21 days pursuant to BMC 17.18.080, RCW 90.58.180, and WAC 461-08.

Dated this 5<sup>th</sup> day of June 2023



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Rajeev Majumdar, Hearing Examiner