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Mark Personius, AICP
Director

Memorandum

FROM: Natural Resources, Wetlands & Habitat Conservation Areas
DATE: April 22, 2022
SUBJECT: Critical Area Regulated Buffer Status for "The Greens at Loomis Trail"

Generally, pursuant to Whatcom County Code Title 22, plat conditions expire after 5 years. This would include the status of critical areas and their associated buffers with current land use controls in effect at the time of application (building permit or similar) when such application is accepted beyond 5 years from the date of the underlying plat recording. However, when critical area or critical area buffer mitigation was completed as part of the platting process to establish development or developable area, such area is considered exempt from further review, or "vested" to the area established via compensatory mitigation with the intent of not requiring mitigation more than once for singular impacts.

The plat "The Greens at Loomis Trail" was established via permit LSS1994-00004 with supplemental mitigation permit MIT2003-00021. The permitting process instituted extensive mitigation to fill and subsequently mitigate for numerous wetlands throughout the various residential lots and associated infrastructure of this development, with all remaining wetlands placed within open space tracts and conservation easements. Additionally, the mitigation schema reduced all wetland buffers to 25ft as they faced residential lots, with such buffers not exceeding the residential lot boundaries (or intruding into), with the 25ft buffer also fully contained within associated conservation easements.

The mitigation outlined, completed, and monitored under MIT2003-00021 was in part specifically done to create developable area as currently shown by the various residential lots within this plat. As the mitigation was completed and approved by Whatcom County, no further critical areas review under WCC 16.16 Articles 6 & 7 would be required for any and all lots within this plat as recorded under AF 2040305824 beyond insuring compliance with mitigation plan of record unless site conditions were notably changed.