



Planning and Community Development Department

210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: 711 (WA Relay)

NOTICE OF INCOMPLETE APPLICATION & REQUEST FOR INFORMATION

Notice is hereby given that the Planning and Community Development Department (PCDD) has determined that this application is not sufficiently complete to begin review.

Date of Notice: September 19, 2023

Date Application Received: 8/23/2023

Project Location: 830 Briar Rd, Bellingham, WA 98225 Edgemoor Neighborhood, Area 7 & 4, Zoned Residential Single with detached use qualifier, and density of 20,000 square feet (sf) minimum detached lot size, or one lot per 20,000sf overall density

Applicant: Brad Ingram, Synthesis Design, 258 E 1st St, North Vancouver, BC, Canada V7L1B3, 604-980-2087

Property Owner: Heather & Steve Peck, 7687 Golden Prairie Ct, Fort Collins, CO 80525

Application Type: USE2023-0017

To complete the application, please submit the following information electronically to the permit center (permits@cob.org) and the staff planner listed below:

The Planning and Community Development Department (PCDD) has reviewed the application(s) referenced above. It has been determined that these application(s) do not supply sufficient information to prepare a permit decision compliant with applicable regulations of the Bellingham Municipal Code (BMC) and Comprehensive Plan.

Required Actions:

To continue review of the above application(s), please submit the following information electronically to the permit center (permits@cob.org) and the staff planner listed below.

1. Shoreline Exemption Permit

The subject property is located within the 200' Bellingham Bay shoreline jurisdiction and is in Marine Reach 17, Urban Conservancy. It is also within the Madrona Pointe North preliminary plat and therefore is subject to the environmental protections established on that plat which includes reference to shoreline permit #SHR2003-00001. Development on the subject property shall be carried out consistent with the requirements established therein. Applicable regulations within the City's Shoreline Master Program (SMP), Title 22 of the Bellingham Municipal Code also apply. In all cases, the activity is required to implement best management practices to avoid degradation of the shoreline.

The proposed development is eligible for a Shoreline Exemption Permit per BMC 22.05.020(B)(1)(g). This means that a development proposal is not required to go through the standard shoreline permitting processes but rather an abbreviated review

that ensures compliance and establishes conditions. Subsection g specifies that construction of a single-family residential home within the shoreline jurisdiction is eligible for an exemption provided that it will be owner occupied, does not exceed a height of 35 feet above average grade level and which meets all city requirements. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance as defined in BMC 22.10.010(A).

ACTION: Please complete the first four pages of the Shoreline Exemption Permit application with all applicable application requirements. Approval of the Shoreline Exemption Permit in conjunction with the Conditional Use Permit will provide necessary information for the Hearing Examiner's review of potential environmental impacts to the site.

2. Building Height

As stated above, the subject property is located within the 200' Bellingham Bay shoreline jurisdiction. Per BMC 22.10.010(A)(61), "height" is measured from the mean average grade of the site, which is the average of the elevations of the midpoints of all exterior walls within the shoreline jurisdiction. Per BMC 22.03.030(B)(5)(f), height shall not exceed 35 feet.

ACTION: Recalculate the building height using the definition in Title 22 SMP to ensure the building is not over-height. Due to the "view" special condition specified in the zoning table for Areas 7 and 4 (BMC 20.00.060), if the height comes within 2 feet of height maximum, it must be confirmed by licensed surveyor.

3. Tree Retention Plan

The Madrona Pointe North Short Plat which governs the site, contains the following note regarding permanent leave trees:

"Permanent leave trees required pursuant to the Washington State Department of Fish and Wildlife's (WDFW) Eagle Management Plan are shown on the map. With the written approval of WDFW, other trees of sufficient height and size may be substituted for the permanent leave trees shown on the plat map."

WDFW's Eagle Management Plan is no longer in effect and according to WDFW species database there are no documented nests or roosting sites on or within 660 feet of the subject parcel. If said leave trees must be removed other appropriate trees on the subject site may be substituted and specifically protected even if outside the conservation easement area.

ACTION: Provide a tree retention plan identifying the species and size of all significant trees on site that are outside of the established conservation easement area. Said plan shall identify all trees that will be removed and preserved, and include the method by which the critical root zone of retained trees will be protected during construction, such as fencing. Significant trees that must be removed shall be replaced at a ratio of one to one (BMC 16.60.080). The boundaries of all areas to be cleared shall be marked by flagging, stakes, paint spots, a continuous ribbon or other readily visible means around the perimeter. Property lines and corners shall be clearly identified if clearing will take place in close proximity.

4. Water and Stormwater Management

The site plan should include the location of water and sewer locations. A requirement of the conditional use permit is to include a site plan that shows the location of proposed stormwater management facilities associated with the proposed development. All proposed stormwater facilities on-site shall comply with regulations set forth in BMC 22.08 and BMC 15.42.

Per BMC 15.42.060(F)(2)(b), projects outside the Lake Whatcom watershed in which the new, replaced, or new plus replaced hard surfaces total 2,000 square feet or more, or disturb 5,000 square feet or more of land must prepare a construction stormwater pollution protection plan (SWPPP) as part of the stormwater site plan.

ACTION: Revise site plan to show location of water and sewer service locations. Provide stormwater management details and hard surface table. Civil engineer is required if over 5,000 sf of new and/or replaced hard surface.

5. Pre-Application Conference or Waiver

Per BMC 21.10.170(B)(7), conditional use permits require a preapplication conference unless a written waiver is granted by the planning director.

ACTION: Please submit an application for a preapplication conference or a waiver request application.

6. Property Lines

A requirement of the conditional use permit is to include a site plan that shows the property lines of the subject parcel.

ACTION: Please include a site plan that shows ALL property lines of the parcel, including the whole of the conservation easement that extends down to the lagoon / salt water.

7. Kitchen on Lower Floor

Per BMC 20.30.040(C), there shall be no more than one principal use and/or one main building on a lot. Two kitchens are not allowed in one single-family dwelling unit. No permanent cooking facilities shall be allowed on the lower floor unless they are for an approved accessory dwelling unit.

ACTION: Revise site plan to remove permanent cooking facilities on lower floor.

Review of the application cannot commence until all of the above referenced information has been submitted. Within 14 days after submittal of the requested information, staff will determine the completeness of the information and shall notify the applicant whether the application is complete or specify what additional information is necessary. **If all the requested information is not submitted within 120 days of the date of this notice** (January 17, 2024), **the application shall become null and void, in accordance with BMC 21.10.190(c). This is your only notice regarding the incomplete status of your application and no further notice will be sent concerning the expiration of the 120 day timeline.**

Please contact the staff member listed below if you have any questions.

Name: Taylor Webb, Planner II E-mail / Phone: tkwebb@cob.org or 360-778-8311