

# PERMIT FOR SHORELINE SUBSTANTIAL DEVELOPMENT

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Type of Action:

Permit No. **SHR2003-00001**

Substantial Development Permit

Notice of Complete Application: **3/12/03**

Conditional Use Permit

Action: **Approved**

Variance

Date: **June 24, 2003**

Pursuant to Chapter 90.58 RCW, a permit is hereby **granted** to:

**Tellurian and Tellurian Holdings, LLC.  
PO BOX 1195  
Bellingham, WA 98227**

To undertake the following development:

**Development of a 5-lot and a 9-lot subdivision that has two 12" stormwater discharge pipes and associated out-fall dissipater structures within 200' of the Mean Higher High Tide (MHHT) elevation of Bellingham Bay. Stormwater discharge pipes will be located underground to within 100' of the MHHT or, top of bank. From that point, both discharge pipes will be travel above-ground until they reach their respective out-fall dissipaters.**

Upon the following property:

**Project is generally located at 624 Fieldston Road. Parcel #'s 370214 395445 and 422434. Conservancy I Shoreline Designation. Edgemoor Neighborhood, Areas 4 and 7.**

The Shoreline Committee recommended approval of the project as proposed with the conditions specified below.

1. A native vegetation conservation and management plan shall be submitted by a certified arborist or licensed landscape architect identifying native trees greater than 6" in diameter on both short plats. The purpose and intent of this plan is to minimize the amount of mature native tree and native ground cover removal during development of public infrastructure (public road, water and sewer main extensions and stormwater facilities) and individual private lots. Said plan shall preserve or restore approximately 30% or greater of each lot upon completion of lot development. Replacement may be permitted on a like for like basis at a 1:1 ratio. Said requirement shall be identified on each short plat prior to recording. The Plan shall be reviewed and approved by the Planning and Public Works Departments prior to **any** site disturbance.
2. All lots lying south and west of the new internal through-road shall provide a conservation easement for the purpose of retaining existing vegetation lying within: the greater of 100 feet from the OHWM of the regulated marine wetlands or the top of bank. No clearing or vegetation removal shall be permitted within these areas whatsoever except as permitted by the City for storm water discharge and hazard trees. Hazard trees may be removed upon written request by a certified arborist and subsequent approval by the City. No clearing or vegetation removal shall occur on lots lying within 50 feet of the top of the bluff abutting the railroad right-of-way (Lots 2-5, Madrona Pointe North) until a clearing and conservation plan giving consideration to slope stability, rock

fall and tree fall which might adversely affect railroad operations has been submitted by the proponent and reviewed and approved by the City. The plan may require the inclusion of recommendations from a professional geo-tech and/or arborist. **Clearing and vegetation removal for development of each individual lot shall only occur in connection with the development of each lot on a case by case basis after the location and orientation of the residence proposed before construction or site preparation begins.**

Specific performance for both said conservation easement, including area and limitation, and the requirement for a clearing and conservation plan shall be reviewed and approved by the City and **shall be shown on the face of both short plats.**

3. Project will provide a storm and surface water management plan for development of the entire project inclusive of all roads, driveways, buildings and cleared areas in accordance with BMC 15.42 and 2001 Dept. of Ecology Stormwater Manual.

Stormwater out-fall pipes shall minimize amount of native vegetation disturbance. Stormwater out-fall flow / energy dissipaters shall be designed such that they are easily maintained, absorbs stormwater out-fall energy, disperses flow evenly, and looks/appears as natural as possible.

Said plan shall be reviewed and approved by the Public Works and Planning Departments prior to the recording of each short plat.

Development pursuant to this permit shall be undertaken as proposed. Approval of this permit does not also grant approval from other applicable State and Federal Agencies with jurisdiction.

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state, or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit shall be valid for a period of five years from the date of signature below. Substantial progress toward completion of a permitted project must be undertaken within two years from the date of signature below. Substantial progress is defined in Section 9 of the City's Shoreline Master Program. A single one-year extension may be granted in accordance with Section 10.

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permit fails to comply with the terms or conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT WILL NOT BEGIN OR IS NOT AUTHORIZED UNTIL TWENTY-ONE DAYS FROM THE DATE OF THE FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-190, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN TWENTY-ONE DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a)(b)(c).

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Jorge Vega, Director  
Planning and Community Development Department

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Date