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**CONSOLIDATED DECISION AND PERMIT
FOR
INFILL HOUSING/MULTIFAMILY
DESIGN REVIEW/CRITICAL AREA PERMIT AND STATE ENVIRONMENTAL
POLICY ACT REVIEW**

DR2024-0004/CAP2024-0021/SEP2024-0010

4241 Northwest Ave.

**Northwest Drive Infill Toolkit Townhouse Development
Type II**

I. SUMMARY OF DECISION

Proposal – Exhibit A

Development of 34 infill toolkit townhouses and retention of an existing single family residence subdivided on fee simple lots through a cluster preliminary plat (**Attachment A**). All townhouses will be 3-stories in a combination of 4-unit, 5-unit and 6-unit buildings. Access will be provided from a new private driveway/lane off Northwest Ave. On-site parking will be provided for the townhouses within two car garages, driveways and guest parking provided off the newly constructed driveway. Private pedestrian pathways will be provided throughout the site including a connection to Talus Way. No direct or indirect wetland impacts are proposed, however limited wetland buffer reductions and buffer impacts of approximately 2,402 sq ft are proposed and will be mitigated through buffer enhancement and restoration. Frontage improvements will be provided along Northwest Ave. abutting the property with a new curb, gutter and sidewalk.

The subject property is a legal lot of record which was created through a plat recorded prior to the adoption of the City's Subdivision Ordinance. The subject property is developed with an existing single family residence and driveway from Northwest Ave.

All lots are proposed to be served by public infrastructure as required by code from active utility lines on the western abutting property with sewer being extended eastward through Talus Way and into the site. Stormwater management is proposed to utilize the North End Regional Pond (NERP) as the project site is within the service area. The proposal will be required to ensure hydrology is maintained for the wetlands on and abutting the subject property. Emergency access will be provided on site with approved emergency turnarounds. The proposal includes dedication of right of way abutting Northwest Ave. to facilitate future arterial street improvements.

This Type II consolidated permit includes review of infill toolkit/multifamily design review, critical areas permit and State Environmental Policy Act (SEPA) review through the Type II review process. The cluster preliminary plat is under concurrent review through the Type III review process with a final decision issued by the hearing examiner.

Administrative modifications from Chapter 20.28 BMC have been requested.

The Proposal is accessed from Northwest Ave. which is required to be improved to meet arterial street standards. The applicant has proposed installation of 5' bike lane, curb gutter and a 5' sidewalk abutting the property to meet arterial street standards. Stormwater management is proposed pursuant to Chapter 15.42 BMC.

Applicant: AVT Consulting LLC, 1708 F St., Bellingham WA 98225

Owner: Chay & Christina Tan & Ethan & Kelli Potts, 220 W Champion St STE 200, Bellingham WA 98225

Decision: Approval, with conditions.

Date: **November 6, 2024**

II. PROPERTY DESCRIPTION

Address: 4241 Northwest Ave., Bellingham WA 98226

Legal Description: AM CANFIELD'S 3RD ADD TO WHATCOM LOTS 5 THRU 8-15 BLK 1-EXC PTN TO CITY OF BELLINGHAM FOR STREET DESC AF 2017-0800073

Whatcom County Assessor ID#s: 380211-435186-0000

Land use and comprehensive plan designations:

Land use: Area 20, Cordata Neighborhood; Residential-Single, Detached/Cluster/Cluster Attached; Density 4,300 to 7,200 sf per unit. Infill housing forms are permitted under the special regulations. Comprehensive plan: Single Family Residential, Medium Density.

III. PERMIT PLANS

This approval includes the following attached plans, subject to any modifications and conditions contained in Section V of this permit:

Exhibit A - Architectural and Civil Plans including Landscaping Plans dated 6/19/24

Exhibit B - Land Use Application materials

B1 - Land Use Application

B2 - Response to Multifamily Residential Handbook Standards, Infill Toolkit Requirements & Minor Modification Request

Exhibit C - Request for Information (RFI), dated 5/20/24

Exhibit D - Applicant's response to RFI dated 6/25/24

Exhibit E - Notice of Application/Mailing list

Exhibit F - SEPA Determination of Non-significance dated 11/6/24

Exhibit G - Notice of Public Hearing

Exhibit H – Wetland and Fish and Wildlife Habitat Assessment Report prepared by Soundview Consultants dated February 2024

Exhibit I – Wetland Buffer Mitigation Plan prepared by Soundview Consultants dated February 2024

Exhibit J – Infill Toolkit Townhouse Policy

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The subject property is located in Area 20 of the Cordata Neighborhood and zoned Residential-Single Detached/Cluster, medium density. The land use designation of the subject site is Residential Single, medium Density. The proposal is consistent with the underlying zoning and the Cordata Neighborhood Plan for Area 20 on the date the proposal was deemed complete.
2. The site is 164,883 sf in size and is developed with an existing single family residence. Access is proposed from a single driveway off Northwest Ave.
3. The property to the north, south, east and west are all located within the same Residential Single zoning as the subject property.
4. 7/11/23: The City conducted a pre-application conference for the Proposal. (PRE2023-0063)
5. 9/12/23: The applicant held a pre-application neighborhood meeting and no significant comments were received from the public regarding the proposal.
6. 3/11/24: The City issued a Multimodal Transportation Concurrency Certificate.
7. 4/3/24: The City received land use applications for a preliminary plat, infill housing, design review, critical area permit and a SEPA checklist (**Exhibit B1 & B2**).
8. 5/20/24: Staff issued a Request for Information (RFI) (**Exhibit C**). The RFI included revisions and/or minor modification requests to comply with infill toolkit and multifamily design review requirements. Additionally, staff requested the applicant incorporate greater tree preservation into the project.
9. 6/25/24: The applicant responded to the information requested by staff which included revisions to the proposal to comply with infill toolkit and multifamily design review requirements (**Exhibit D**). Following review of the applicant's response to the RFI, the City determined the information was sufficient to continue review of the applications.
10. 7/12/24: A Notice of Application and Notice of Public Hearing was issued (**Exhibit E**). No public comments were received regarding the proposal as of the date of writing this staff report (11/5/24).
11. 11/6/24: The city issued a SEPA threshold determination of non-significance (SEP2024-0010 **Exhibit F**).
12. 10/29/24: The Public Hearing notice was issued by the Hearing Examiner's department staff and mailed in accordance with BMC 21.10.200(D).
13. 11/13/24: The hearing examiner is scheduled to hold a public hearing to consider the Cluster Preliminary Plat.

Design Review

1. Pursuant to Chapter 20.25 BMC, the proposal is subject to multifamily design review and in accordance with BMC 20.28.030(A), design review shall take into consideration the additional design standards and guidelines as specified under each infill housing type. The proposed townhouses are oriented towards Northwest Ave. and internally toward common pedestrian walkways. Overall, the proposed design has incorporated pedestrian connectivity throughout the site with extensive landscaping for both common

and private amenities. Parking has been designed within garages internal to the site with significant landscaped areas to minimize visual impacts from parking from the public right of way. Due to the location of this property along Northwest Ave. and single family residences more rural in character, there is limited residential development in the vicinity and no clearly defined architectural character. There are a significant number of new development projects in the vicinity and the proposal is generally consistent with the architectural style of the western abutting property recently developed. The bulk, scale, mass and architectural character of the proposal is also consistent with development proposals within the vicinity which have already received land use approval. The proposal as described in **Exhibit A** meets the applicable design standards in the *Multifamily Residential Design Handbook* (MRDH).

Infill Housing

2. The proposal includes 34 infill townhouse units proposed to be on individual lots created through the land division process. Chapter 20.28 BMC establishes the development regulations and design standards for infill townhouse units. The Proposal meets these regulations with the exception of the modification request described below.
3. Pursuant to BMC 20.28.030(B)(1-3), applicants may request minor modifications to the general parameters and design standards set forth in Chapter 20.28 BMC if all required criteria are met. The infill housing application includes the following modification:
 - a. BMC 20.28.050.G.8: No parking is allowed within the private lane but may be allowed in parallel pocket parking abutting a lane.
4. The applicant's response to the modification criteria is provided in **Exhibit B2**.
5. Staff believes modification (a) above meets the criteria in BMC 20.28.030(B)(1-3) as follows:
 - a. The applicant has requested eight guest parking stalls within a perpendicular pocket (not parallel) abutting the lane. The perpendicular parking along the lane maximizes guest parking which is important for the project due to the lack of on-street public parking in the vicinity. Parallel parking would require guests to park then drive to the end of the lane turn around and then exit the site increasing traffic impacts on residents. Perpendicular parking facilities provide better maneuvering and better satisfies contextual elements associated with the development. Staff concurs with the applicant's analysis and has determined the critical areas and associated buffers on site and single access point on the arterial street create site constraints to accommodating the proposed infill development. The proposed modification is consistent with the purpose and intent of the infill toolkit chapter.
6. BMC 20.28.050(D) specifies: "Legal documents identifying the rights and responsibilities of property owners and/or the homeowners' association for use and maintenance of common facilities shall be submitted for approval by the Director and recorded. When part of a subdivision they shall be noted on the plat." The legal documents that are or may be necessary for this proposal include but are not limited to: Common wall agreements for the townhouse units, use, utility and access easements for access and parking, open spaces, pedestrian access and landscaping, and building easements necessary to comply with the building code. Additionally, adequate measures to ensure the private infrastructure and landscaping will be maintained in perpetuity are needed to ensure compliance with the permit decision. This permit should be conditioned to ensure that this provision will be met with the final subdivision

approval of the cluster preliminary plat and these documents should be properly noted on the final plat and submitted for review and approval by the city prior to their recording.

7. The application materials included correspondence with Sanitary Services Company, Inc. (SSC). This permit should be appropriately conditioned to ensure SSC approves the final design of the refuse areas. The refuse area should be constructed with materials consistent with the proposal and designed to screen the refuse containers on at least 3 sides consistent with the municipal code.
8. Pursuant to BMC 20.28.140(D)(4), landscaping is required for the proposal with a green factor score of 0.4. Additional landscaping is needed to buffer the perpendicular and parallel parking areas, waste/recycling areas and between the driveways of the units accessing off the alleys (Buildings 4, 5, 6 & 7) which shall include shrubs and small trees to provide a more appropriate separation in accordance with the Townhouse Infill Toolkit and Multifamily Residential Design Review standards. The landscape plan in **Exhibit A** is approved as a preliminary design. A final landscaping plan pursuant to BMC 20.38.050(B) and BMC 20.28.140(D)(F) and (G) shall be submitted prior to or with the first building permit application for review and approval.

Critical Areas

9. Based on the information provided by the applicant in **Exhibit B**, mature trees are scattered across the site and some trees will require removal, however the majority of trees will be avoided and preserved in the critical areas and opens space areas. Staff requested the applicant incorporate additional tree preservation into the project. The applicant revised the tree preservation plan to incorporate preservation of 4 additional trees taking into account necessary cut/fill for grading due to site topography. Mitigation for unavoidable tree removal will occur onsite at ratios exceeding 1:1.
10. The applicant provided a Critical Area Report (**Exhibit H**) and Mitigation Plan (**Exhibit I**) for the subject property prepared by Soundview Consultants dated 2/24 for compliance with BMC 16.55 for regulated wetlands and associated buffers on-site. Based on the information provided by a qualified professional in **Exhibits H & I**, there are two category III wetlands with required 80' buffers on site. The proposed development incorporates buffer reductions as allowed under BMC 16.55.340.C.2. As designed the proposal includes frontage improvements to Northwest Ave. within the existing roadway footprint. The proposal results in 510 sf of permanent impacts to the buffer of Wetland A and 1,892 sf of permanent impact to the buffer of Wetland B. The project also requires minor intrusion into the 15' building setback from the buffer, however the design ensures there will not be damage to the critical root zones of trees within the wetland buffer. Pursuant to BMC 16.55.310, regulated activities such as trail construction and utility installation are not outright prohibited in wetland buffers provided the activity obtains appropriate permits and is offset with mitigation. In order to compensate for the proposed wetland buffer impacts the applicant proposes 4,496 sf of wetland buffer will be created in excess of the 1:1 ratio require under BMC 16.55.340.E. Approximately 2,450 sf of buffer creation is proposed in areas currently degraded by nonconforming land uses and the remaining 41,366 sf buffer onsite will be enhanced. The areas will be fully restored by removing non-native invasive species and planting a dense assortment of native trees, shrubs and groundcover. Based on the information provided by the qualified professional the proposed mitigation plan will ensure there is no net loss of buffer functions onsite as a result of the proposed wetland buffer impacts.

Compliance with BMC

Based on the findings of fact within this permit, the city concludes that the Proposal meets the applicable provisions of Chapters 16.20, 16.55, 20.25 and 20.28 BMC if appropriately conditioned. Any additional permit required to construct the infrastructure and/or buildings associated with the Proposal must be consistent with this decision and the BMC.

Townhouse Construction

On March 22, 2021, the city issued a policy clarifying the procedure for townhouse units that are associated with a preliminary plat. **Exhibit J**. This policy is applicable to the Proposal.

V. DECISION AND CONDITIONS OF APPROVAL

Based upon the Findings of Fact and Conclusions of Law, the Director of the Planning and Community Development Department (PCDD), or Designee, approves this Consolidated Permit subject to the following conditions:

A. GENERAL

1. All development and use of the property legally described in Sections I and II of this permit shall be generally consistent with the permit plans listed in Section III, except as modified by this permit, and all other conditions contained in the permit.
2. Development of the property shall be consistent with all applicable provisions of the Bellingham Municipal Code and does not excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations that may be applicable to this project.
3. Development of the property shall be consistent with all applicable conditions of the Northwest Drive Infill Toolkit Townhouse Development Cluster Preliminary Plat (SUB2024-0010) as determined by the hearing examiner and all conditions of the hearing examiner decision shall be deemed conditions of this consolidated permit. This permit decision shall be deemed null and void if the cluster preliminary plat is not approved or conditionally approved in a manner determined inconsistent with this permit that couldn't otherwise be approved as a minor amendment consistent with the terms of this permit.
4. Prior to approval of any building or construction permits, the City shall determine compliance with the terms and conditions of this permit.
5. Legal documents identifying the rights and responsibilities of property owners and/or the homeowners' association for use and maintenance of common facilities shall be submitted for approval by the Director and recorded. When part of a subdivision they shall be noted on the plat. The legal documents that are or may be necessary for this proposal include but are not limited to: Common wall agreements for the townhouse units, use, utility and access easements for access and parking, open spaces, pedestrian access and landscaping, utility easements, and building easements necessary to comply with the building code. This provision will be met after the city's review of the required legal documents and proper notation on the final plat.

6. All applicable impact fees approved by City ordinance shall be paid prior to building permit issuance for a dwelling unit.
7. The following modifications from the infill housing provisions are approved:
 - a. BMC 20.28.050.B.8: No parking is allowed within the private lane but may be allowed in parallel pocket parking abutting a lane.
8. All 34 dwelling units shall be equipped with NFPA 13D sprinkler systems. Per BMC 17.20 Section 503.1.8 Exception 1: Where there are more than 30 dwelling units accessed from a single public or private fire apparatus access road, all units shall be equipped with a sprinkler system as mitigation. All units constructed under the International Residential Code are allowed to be equipped with NFPA 13D sprinkler systems. Dwelling units for buildings constructed under the International Building Code shall be sprinklered per NFPA 13 or 13R standards.
9. A street name application from the Fire Department is required for a new private road. The address of the existing house will be required to change. The owner shall submit a letter of No Contest for the change of address.

B. PERMITTED USES/DENSITY

Infill Toolkit uses are an outright permitted use under the subject Residential Single zoning with a Cluster use qualifier pursuant to BMC 20.28.020.A.1.a. Pursuant to BMC 20.28.050.B, the highest listed density for any housing type specified in the applicable neighborhood subarea pursuant to the zoning tables shall be considered the maximum possible density which is 38 infill toolkit units.

C. DEVELOPMENT REGULATIONS

The development regulations for the infill housing townhomes shall comply with BMC 20.28.050 and .140 and as follows:

1. A large lane shall be constructed consistent with BMC 20.28.050(F) as identified in **Exhibit A** or as may otherwise be approved by the Fire Marshal.
2. All townhomes within individual townhouse buildings shall be built concurrently. Townhouse buildings shall generally be built in clusters as shown on the proposed site plan. Infrastructure such as vehicular and pedestrian access and utilities shall be constructed and installed prior to or concurrently with the development of the townhouse buildings.
3. All buildings shall be constructed and finished with the level of detail shown and described on **Exhibit A**, including, but not limited to siding material and direction, roof pitch, window wrap, trim, window size and placement, front porch details and the entries off the common lane and the pedestrian walkways.
4. The site plan elements shown and described in **Exhibit A** shall be provided concurrently with the development of the associated structures.
5. The landscape plan in **Exhibit A** is approved as a preliminary design. Additional landscaping is needed to buffer the perpendicular and parallel parking areas, waste/recycling areas and between the driveways of the units accessing off the alleys (Buildings 4, 5, 6 & 7) which shall include shrubs and small trees to provide a more appropriate separation in accordance with the Townhouse Infill Toolkit and Multifamily Residential Design Review standards. A final landscaping plan pursuant to BMC

- 20.38.050(B) and BMC 20.28.140(D)(F) and (G) shall be submitted prior to or with the first building permit application for review and approval.
6. Retaining and foundation walls over two feet (2') in height shall include a textured finish and/or a planting plan that adequately mitigates the blank face of a wall from the pedestrian level. The final designs shall be provided for city review through the building permit application review process.
 7. Pursuant to BMC 20.28.140.D.1, all units shall be required to have direct access to usable space.
 8. Garbage collection. Any outside trash and recycling facilities shall be screened from view on at least three sides and constructed with durable materials consistent with the architecture of the townhouse buildings. The final location of these facilities shall be approved by Sanitary Services Company and may not conflict with any performance standards in the Bellingham Municipal Code.
 9. All fencing fronting Northwest Ave. and the primary private lane is limited to 42 inches in height and must be no more than 60 percent opaque. Chain link or cyclone fencing is not allowed when associated with the residential units.
 10. The Developer shall submit a site lighting plan for review and approval by the city concurrent with the first building permit application for the proposal. Lighting shall be provided for entries, walkways, common areas and parking areas with sufficient lighting levels to provide a safe environment. All light fixtures shall be directed downward, away from abutting wetland critical areas and associated buffers and bulbs shall not be visible. The lighting plan shall address the applicable design standards and be sized, shielded, and directed to avoid adverse impacts and spillover onto adjacent properties. The lighting plan shall include the following information:
 - a. A photometric site plan, drawn to scale, showing all buildings, walkways and parking areas, fixture and pole height, and include all proposed exterior lighting fixtures and foot-candle spread. Outdoor lighting shall not exceed 1.5-foot candles at the property line.
 - b. Design specifications for all proposed exterior lighting fixtures shall include photometric data, cutoff devices, bulb wattage/type, and other descriptive information.
 - c. The lighting must also be, as much as physically possible, contained to the subject property.

D. STREETS, UTILITIES, ACCESS AND DEDICATIONS

1. Access to the site shall be limited to one driveway off Northwest Ave. as shown on **Exhibit A**.
2. A private fire apparatus access road is required to be constructed to serve this site. Fire apparatus access roads shall meet the requirements in BMC 17.20 Chapter 5. The fire apparatus access road shall be installed under an approved FIR-Fire Apparatus Access Road Permit obtained from the Bellingham Fire Department.
3. The extension of public water and sewer mains to serve each lot and to provide the orderly extension of utilities shall be installed as determined necessary by the City Engineer through a public facilities construction agreement.
4. Stormwater management shall be provided in accordance with Chapter 15.42 BMC and

all stormwater facilities shall be dedicated to the city unless determined otherwise by the City Engineer. Any open treatment and detention facility, including swales, rain gardens, and rock vaults, shall be designed to fit within the natural surroundings to the maximum extent practicable and be accessible for maintenance, regardless of ownership. Landscaping, if determined necessary for these facilities, shall be designed by a licensed landscape architect and/or wetland biologist. The landscape plan shall be reviewed and approved by the city and include an irrigation system if drought tolerant plants are not used.

If a detention facility, above or below grade, is located within an area required to meet minimum landscaping requirements, a landscape architect shall determine an appropriate soil depth atop the facility to ensure required landscaping has sufficient soil depth to survive.

5. Street trees. Street trees shall be installed pursuant to BMC 23.08.080(G)(5) and 23.08.080(C).
6. The applicant shall be required to document compliance with the required green factor score during the building permit submittal.
7. All required public and private easement documents as required by this Consolidated Permit and the cluster preliminary plat shall be submitted to the city concurrently with checkprints for review and approval by the city departments and recorded concurrently with the final mylars. Required easements include but are not limited to common wall agreements for the townhouse units, use, utility and access easements for access and parking, open spaces, pedestrian access and landscaping, utility easements, and building easements necessary to comply with the building code.

E. CRITICAL AREAS

1. Prior to commencement of construction the clearing limits and staging area(s) shall be inspected by a representative from the PCDD (Nelson) and the contractor.
2. The applicant shall be required to install the Wetland Mitigation Plan identified on pages 28-30 of **Exhibit I**, prior to the end of December of the year the infrastructure improvements are completed. An as-built report shall be submitted to staff documenting compliance with the approved Wetland Mitigation Plan.
3. The applicant shall be required to submit a surety or assignment of funds approved by the City in the amount of 150% of the estimated costs of wetland mitigation installation, maintenance and monitoring prior to the issuance of a Building/Construction Permit for the subject property.
4. The applicant shall be required to record a conservation easement approved by the City and recorded with the Whatcom County Auditor for the wetland preservation, mitigation areas and associated wetland buffers on the subject property prior to the issuance of a Building/Construction Permit for the subject property.
5. The applicant shall be required to install split rail fencing and critical area signage in accordance with BMC 16.55.230 prior to final building permit occupancy and/or approval.

6. The applicant shall be required to complete monitoring and maintenance as specified on pages 22-23 of **Exhibit I**. Monitoring and maintenance reports shall be submitted to the City in years 1, 2 (twice), 3 & 5 which shall be due by December 31 of the monitoring year.
7. The applicant shall be required to obtain any and all State and Federal Permits associated with direct and indirect wetland impacts including but not limited to a United State Army Corp of Engineers Nationwide Permit and Washington State Department of Ecology 401 Water Quality Certificate if determined by the appropriate agency to be applicable.
8. The applicant shall be required to have the following Inadvertent Discovery Plan on site and followed should archaeological resources or human remains be encountered:

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.

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" (DAHP).

VI. AMENDMENT

Amendments to this permit may be requested by the owner and approved by the Director in writing, provided such amendments do not substantially change or alter major elements of the project.

VII. EXPIRATION

This combined approval for design review, infill housing and critical areas is valid for five (5) years pursuant to BMC 21.10.260 (C)(1).

Pursuant to BMC 21.10.260 (C)(3), if a complete building permit application is filed prior to the expiration of the land use permit, the vested status of the permit shall be automatically extended for the time period during which the building permit application is pending prior to issuance; provided, that if the building permit application expires or is cancelled, the vested status of the permit or approval shall also expire or be cancelled. If a building permit is issued and subsequently renewed, the vested status of the subject permit or approval under the permit shall be automatically extended for the period of the renewal.

VIII. EFFECTIVE DATE

The critical area permit portion of this permit shall be effective after the close of the appeal period, or if an appeal is filed, after the withdrawal of, or final decision on an administrative appeal (BMC 21.10.240.C.3). Therefore, the effective date of this permit is 11/20/24, unless an appeal is filed.

IX. APPEAL

Pursuant to BMC 21.10.110(K), this combined permit may be appealed within 14-days from the date of the Notice of Decision to the City’s Hearing Examiner. Procedures for appeal to the Hearing Examiner are contained within BMC 21.10.250. Any appeal must be filed with the Planning and Community Development Department on the appropriate forms and be accompanied by a filing fee as established by the City Council prior this established appeal period.

Prepared by:

Approved by:



Ryan Nelson, Planner II

Kurt Nabbefeld, Development Services Manager
Planning and Community Development Department