

SHORELINE COMMITTEE AGENDA ITEM COVER SHEET

Meeting Date	Staff Contact	
11/4/2010	LINDSAY KERSHNER, 778-8369	
Subject:		
<p>Installation of a new single family dock at 2130 Northshore Drive that includes the following elements:</p> <ul style="list-style-type: none"> • A grated fixed pier that is 4 feet wide by approximately 160 feet in length and is approximately 2 feet 9 inches above the elevation of the ordinary high water mark. • Two 3 by 10 foot grated ramps will be used, one from the upland to the pier and the other will be used from the pier to the dock. • An 8 by 16 foot grated float is proposed at the end of the pier. • Eighteen 6-8 inch pipe piles for pier support and two 10 inch piles for float support. • Support structures of pier, ramps, and float are bare steel or coated with an epoxy approved by WDFW. • Decking is aluminum and synthetic. • Total footprint of new grated structure is approximately 828 square feet but the actual water-surface area coverage is approximately 698 square feet of grated surface. 		
Attachments:		
1. EXHIBIT A Vicinity map		
2. EXHIBIT B Pier, dock, float design		
3. EXHIBIT C Aerial photographs		
4. EXHIBIT D Compliance with City's SMP		
5. EXHIBIT E Shoreline Permit Application		
6. EXHIBIT F Public comments		
Meeting Type	Category	
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Legislative	
<input checked="" type="checkbox"/> Public Meeting	<input checked="" type="checkbox"/> Quasi-judicial	
<input type="checkbox"/> Work Session	<input type="checkbox"/> Information Only	
<input type="checkbox"/> Briefing		
Clearances	Initials	Date
Jeff Thomas, Interim Director	JST	10-28-2010
Alan Marriner, Legal	N/A	N/A
Kurt Nabbefeld, Senior Planner	KDM	10/28/10
Lindsay Kershner, Planner I	LK	10/28/10
Previous Commission Meeting or Action:		
None.		
Recommended Action:		
Approve with conditions as specified in Section VIII of the STAFF REPORT.		

1 **STAFF REPORT**

2
3 **Agenda Topic:** **Shoreline Permit #SHR2010-33; New dock for a single family**
4 **residence at 2130 Northshore Drive on Lake Whatcom.**

5
6 **For:** November 4, 2010 Shoreline Committee Public Meeting

7
8 **Staff Contact:** Lindsay Kershner, Planner

9
10 **I. SUMMARY OF PROPOSAL**

11
12 Installation of a new single family dock that includes the following elements:

- 13
14 • A grated fixed pier that is 4 feet wide by approximately 160 feet in length and is
15 approximately 2 feet 9 inches above the elevation of the ordinary high water mark.
16 • Two 3 foot by 10 foot grated ramps will be used, one from the upland to the pier and
17 the other from the pier to the dock.
18 • An 8 by 16 foot grated float is proposed at the end of the pier.
19 • Eighteen 6-8 inch pipe piles for pier support and two 10 inch piles for float support.
20 • Support structures of pier, ramps, and float are bare steel or coated with an epoxy
21 approved by the WDFW.
22 • Decking is aluminum and synthetic.
23 • Total footprint of new grated structure is approximately 828 square feet but the actual
24 water-surface area coverage is approximately 698 square feet of grated surface.
25

26 **II. SHORELINE COMMITTEE ROLE**

27
28 The Shoreline Committee will review this proposal and the staff recommendations as
29 specified in **SECTION VIII** and forward their recommendations to the Planning and
30 Community Development Director.
31

32 **III. ATTACHMENTS**

33
34 **EXHIBIT A Vicinity Map** **EXHIBIT D SMP Compliance**
35 **EXHIBIT B Pier, Dock, Float Designs** **EXHIBIT E Permit Application**
36 **EXHIBIT C Aerial Photograph** **EXHIBIT F Public Comments**
37

38 **IV. STAFF RECOMMENDATION**

39
40 Staff recommends that the Shoreline Committee recommend approval of the Shoreline
41 Substantial Development Permit (SHR2010-00033), with the conditions specified in
42 **SECTION VIII**, to the Interim Planning and Community Development Director.
43

44 **V. BACKGROUND**

- 45
46 • A single family residence is being constructed on the subject property and complies
47 with the Lake Whatcom Regulatory Chapter (16.80) that was revised in 2009.
48 • A Shoreline Substantial Development Permit (JARPA application) and SEPA
49 checklist were submitted on August 9, 2010 to construct a new fixed pier and floating
50 dock.

- Notice of Complete Application was sent on September 3, 2010, and the Optional Determination of Non-significance process was used for the environmental review.
- Staff received two comments during the public comment period. One citizen is concerned that the dock installation will have a negative impact on Lake Whatcom's water quality. The other comment is from the northern adjacent property owners who had concerns regarding the proposed length of the dock potentially causing a safety hazard when maneuvering watercraft around their dock.

VI. ISSUES

ECOLOGICAL FUNCTION: The 2004 City of Bellingham Shoreline Characterization and Inventory specifies that Lake Whatcom provides spawning and rearing functions for cutthroat trout. Lake Whatcom tributaries such as Anderson, Austin, Brannian, Blue Canyon, and Silver Beach Creeks provide spawning and rearing functions. The subject proposal is not located near any of these creeks or drainages. Although, other drainages may be used and if so are not documented.

Cutthroat spawn and rear within a stream for a period of time before they move out into open water. When moving out into open water they typically stay away from shaded areas especially in deeper water where predatory fish tend to reside – most notably bass underneath docks and floats.

According to Whatcom County's Salmon Recovery program, kokanee spawn in Brannian, Olson, Fir, Anderson, Carpenter and Smith Creeks, which are all located within Basins II and III of the Lake Whatcom Reservoir. Whatcom Salmon Recovery also states that habitat issues for kokanee include access to and availability of suitable stream and lakeshore spawning habitats. These areas can be adversely affected by excess sediment that can smother the eggs.

The Washington State Department of Fish and Wildlife does not permit pile driving for docks when fish are spawning. This reduces the potential for sediment to smother eggs along lakeshore habitats. The windows for completing pile driving are June 15 – October 15, and December 15 – March 15.

The use of grated material in the design of the pier and floats minimizes the amount of over-water shading both in deeper water and within near-shore areas. This is important because it decreases the likelihood that predatory fish will be present (in shaded areas) where food is more readily available for juvenile cutthroat and kokanee.

No shoreline stabilization is proposed for the pier installation. This preserves the function of waves and currents in the lake and retains natural shoreline processes. To summarize, the proposal is expected to result in no net loss of shoreline ecological function.

SHORELINES OF STATEWIDE SIGNIFICANCE: RCW 90.58.020 is a state policy applicable to Lake Whatcom because it is a shoreline of statewide significance. "This policy contemplates protection against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation." The policy also states that for Shorelines of Statewide Significance local governments shall give preference to uses in the following order of preference which:

- 1 (1) Recognize and protect the statewide interest over local interest;
- 2 (2) Preserve the natural character of the shoreline;
- 3 (3) Result in long term over short term benefit;
- 4 (4) Protect the resources and ecology of the shoreline;
- 5 (5) Increase public access to publicly owned areas of the shorelines;
- 6 (6) Increase recreational opportunities for the public in the shoreline;
- 7 (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or
- 8 necessary.

9
10 The policy goes on to state in RCW 90.58.020 that, "In the implementation of this policy the
11 public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the
12 state shall be preserved to the greatest extent feasible consistent with the overall best
13 interest of the state and the people generally. *To this end uses shall be preferred which are*
14 *consistent with control of pollution and prevention of damage to the natural environment, or*
15 *are unique to or dependent upon use of the state's shoreline.* Alterations of the natural
16 condition of the shorelines of the state, in those limited instances when authorized, shall be
17 given priority for single family residences and their appurtenant structures..."

18
19 There is an inherent conflict within the policy between statewide interests and the
20 development of priority uses such as single family residences and even water-dependent
21 uses. However, the intent of the SMA, paraphrased, is to balance equally the importance of
22 resource protection, preference given for water-dependent uses and provisions for public
23 access and as specified in WAC 173-26-186 (8).

24
25 The project has been designed to achieve no net loss of existing shoreline ecological
26 function and preserves the natural character of the shoreline. (Properties to the north and
27 south each have bulkheads at or below the OHWM.) The proposal does not impact the
28 public's ability to navigate or enjoy the shorelines of Lake Whatcom in this location. In fact,
29 the SMA allows for limited reduction of rights of the public in navigable waters.

30
31 When balanced equally among the intentions of the policy in RCW 90.58.020 and WAC 173-
32 26-186 staff concludes that the proposal is consistent with the SMA and the regulations as
33 well as the permitted uses within the City's SMP.

34
35 **WATER QUALITY:** Installation of new steel pilings, inert floats, aluminum support
36 structures and synthetic grated decking are recommended materials in order to avoid water
37 quality impacts.

38
39 Presently, Bellingham Municipal Code (BMC) section 16.80.120(A) does not allow any land
40 disturbing activities from October 1st through May 31st for all properties that drain into Basin
41 1 of Lake Whatcom. This code requirement does not prohibit in water activities, although it
42 will prevent the applicant from installing piers on shore during that time. The purpose of this
43 code section is to lower the potential for sediment erosion into the Lake during the time of
44 year when the area experiences more precipitation.

45
46 Lake Whatcom is listed as an impaired water body under section 303(d) of the Clean Water
47 Act because it fails to meet state standards for dissolved oxygen. Naturally occurring
48 phosphorous in soil and human and animal waste are the main causes of low oxygen levels
49 in the lake. The majority of phosphorus inputs are stormwater from road surfaces, fertilizers
50 applied to lawns and gardens, exposed earth / soil during construction, failing septic.

1 systems, and animal excrement. A new pier/float does not exacerbate or increase
2 phosphorous/ dissolved oxygen inputs into the Lake.

3
4 **LENGTH & SAFETY:** The new dock / floats extends approximately 150 feet out into Lake
5 Whatcom from the OHWM. The proposed length is consistent with neighboring docks and
6 when the lake is at its approximate lowest level (310.94 feet elevation), allows for
7 approximately 2 feet 2 inches between the water line and the float.

8
9 The proposed dock was originally designed to extend approximately 15 feet further into the
10 lake than the northern neighbor's dock. The difference in dock length and that the docks are
11 approximately 10 feet apart caused concern from the northern neighbors regarding
12 maneuvering watercraft between the existing and new docks. The applicants modified how
13 far the dock will extend into the lake and rotated the angle of the float to alleviate any safety
14 concerns. The property to the south also has a dock that is located more than 100 feet from
15 the proposed dock.

16
17 **MORE FLOATS MORE BOATS:** Sentiment exists that by developing additional docks /
18 float / moorage slips results in more boats on Lake Whatcom. The City's SMP does not give
19 the City the legal authority to prohibit boat owners from boating on Lake Whatcom. If the
20 subject dock was not installed, the property owners could continue to recreate on the lake
21 by using the boat launch at Bloedel Donovan Park.

22
23 In either case, presently, there are not laws within the City that prohibit a citizen's ability to
24 enjoy recreational boating on Lake Whatcom. (Ordinance 2005-06-045 does prohibit 2-
25 stroke engines on water-craft on Lake Whatcom)

26
27 **CUMULATIVE IMPACTS:** A cumulative impact analysis is intended to address
28 development proposals requiring a variance or conditional use permit or for those proposals
29 that are not outright permitted in the City's SMP. For example, the cumulative impact of
30 every property owner along a shoreline requesting a reduction in buffer width (a variance) is
31 that the buffer would be narrower and hence, would not function properly.

32
33 However, over-water structures are expressly permitted in the Urban I shoreline designation,
34 as specified in Section 26: A.7. Within the City limits, the majority of single family developed
35 lots that abut the Lake shore have docks and/or floats. Of the developed single family lots
36 on the Lake, approximately 102 developed single family lots have docks and/or floats and
37 approximately nine (9) residences do not have private docks and/or floats. There are
38 approximately four (4) lots on the Lake that are not developed. The approximate average
39 size of existing docks and/or floats is 900 square feet. The proposed grated dock will cover
40 approximately 698 square feet.

41 42 **VII. ANALYSIS SUMMARY**

43
44 **The proposal achieves the following objectives:**

- 45
46 ✓ **Uses materials that do not pose a negative water quality impact to Lake**
47 **Whatcom.**
- 48 ✓ **Uses materials that allow for light penetration through the water column -**
49 **especially within the near shore area.**
- 50 ✓ **Retains the natural shoreline processes because shoreline stabilization is not**
51 **proposed.**

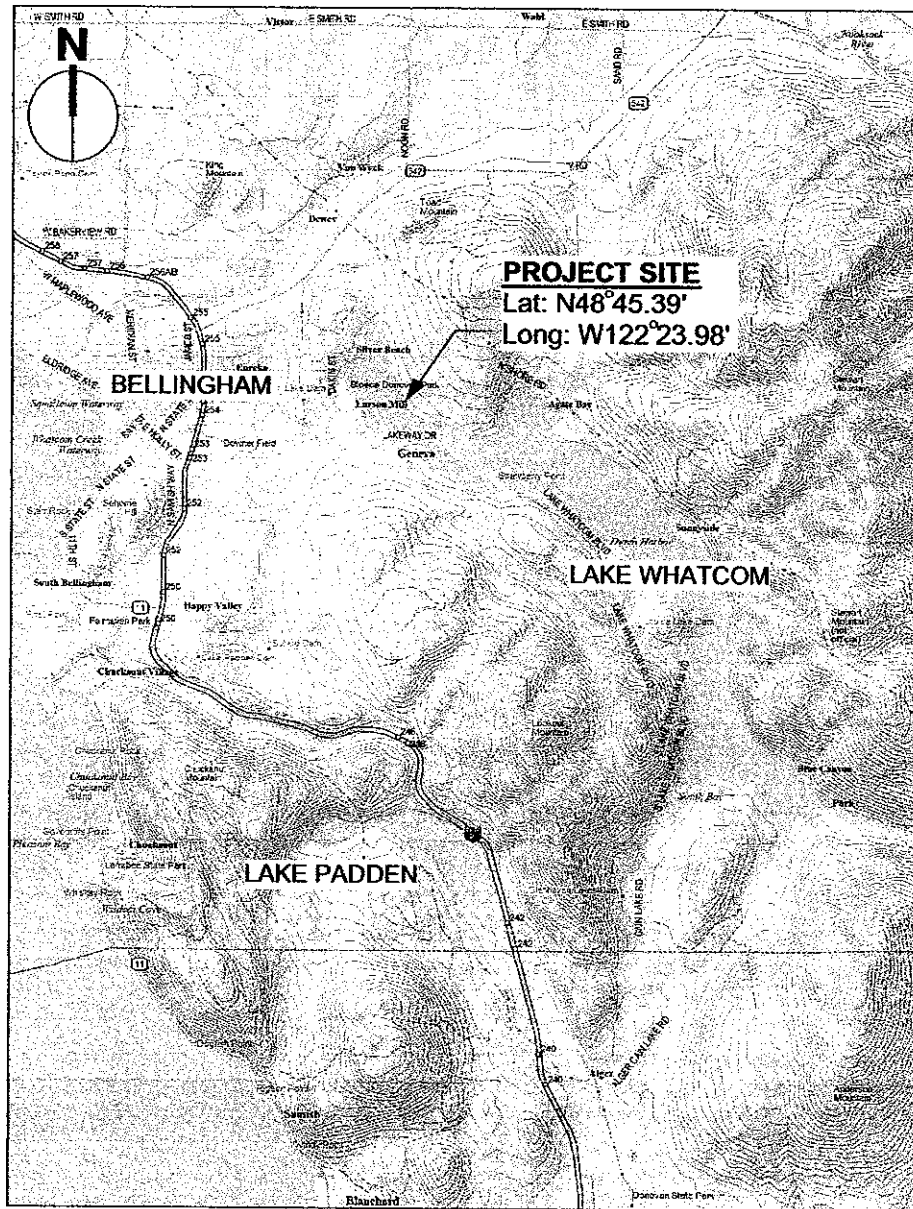
- ✓ Does not present a safety hazard to boaters of adjacent properties and general public.

ADDITIONAL STAFF ANALYSIS ON COMPLIANCE WITH THE CITY'S SMP CAN BE FOUND IN EXHIBIT D.

VIII. STAFF RECOMMENDATION

Staff recommends approval of the proposal with the following conditions:

1. The pile installation and upland abutment shall comply with BMC 16.80.120, Season Restrictions on Land Disturbing Activities.
2. During the pile installation, no heavy equipment is permitted within the 25 foot shoreline buffer or within areas of the property designated Native Vegetation Protection Areas or phosphorous limiting facilities.
3. The applicant shall comply with all other local, state, and federal regulations and obtain all other required permits from the governing agencies.



PURPOSE: CONSTRUCTION OF A NEW FIXED PIER AND FLOATING DOCK.

DATUM: MSL

ADJACENT PROPERTY OWNERS:

- ① James & Linda Gebhardt
 2124 Northshore Dr.
 Bellingham, WA 98226
- ② Peggy J. Larsen
 1702 Northshore Dr.
 Bellingham, WA 98226

VICINITY MAP

OWNER AND ADDRESS:

WAYNE & IRENE HWANG
 5847 178th AVE. SE
 BELLEVUE, WA 98006

IN: LAKE WHATCOM

AT: 2130 NORTHSHORE DR.
BELLINGHAM, WA 98226

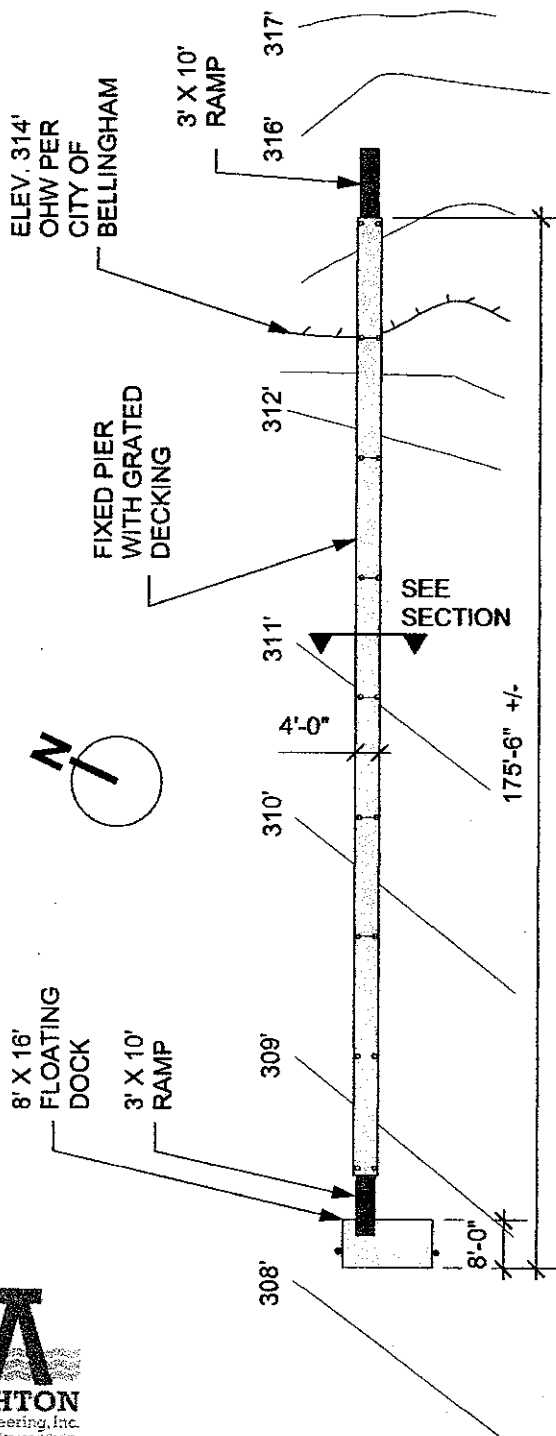
COUNTY: WHATCOM STATE: WA

APPLIC. BY: ASHTON ENGINEERING INC.

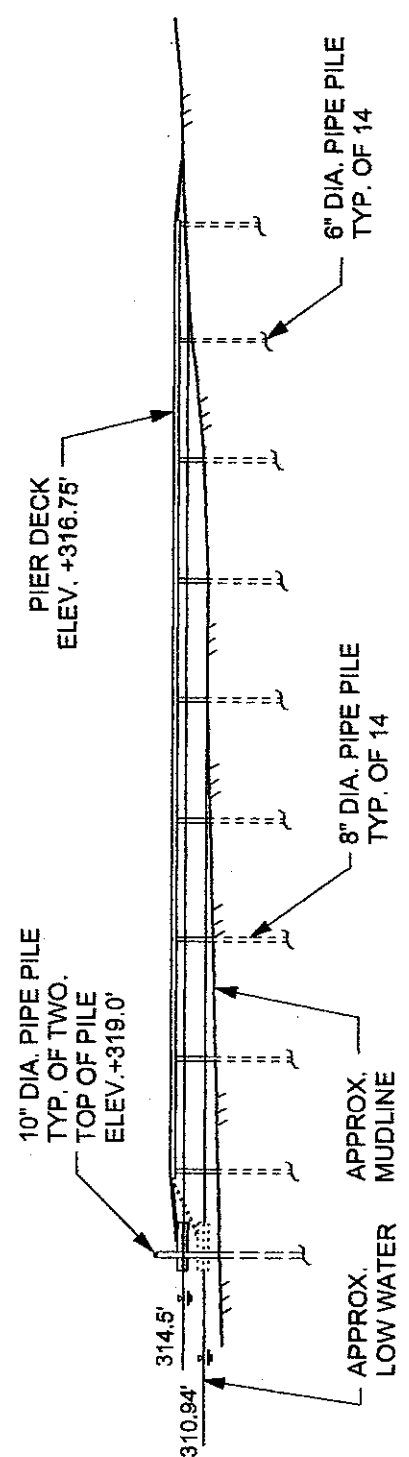
JOB NO.: 20910.19

SHEET 1 OF 4

6 AUG 2010



A Pier Plan



B Pier Elevation

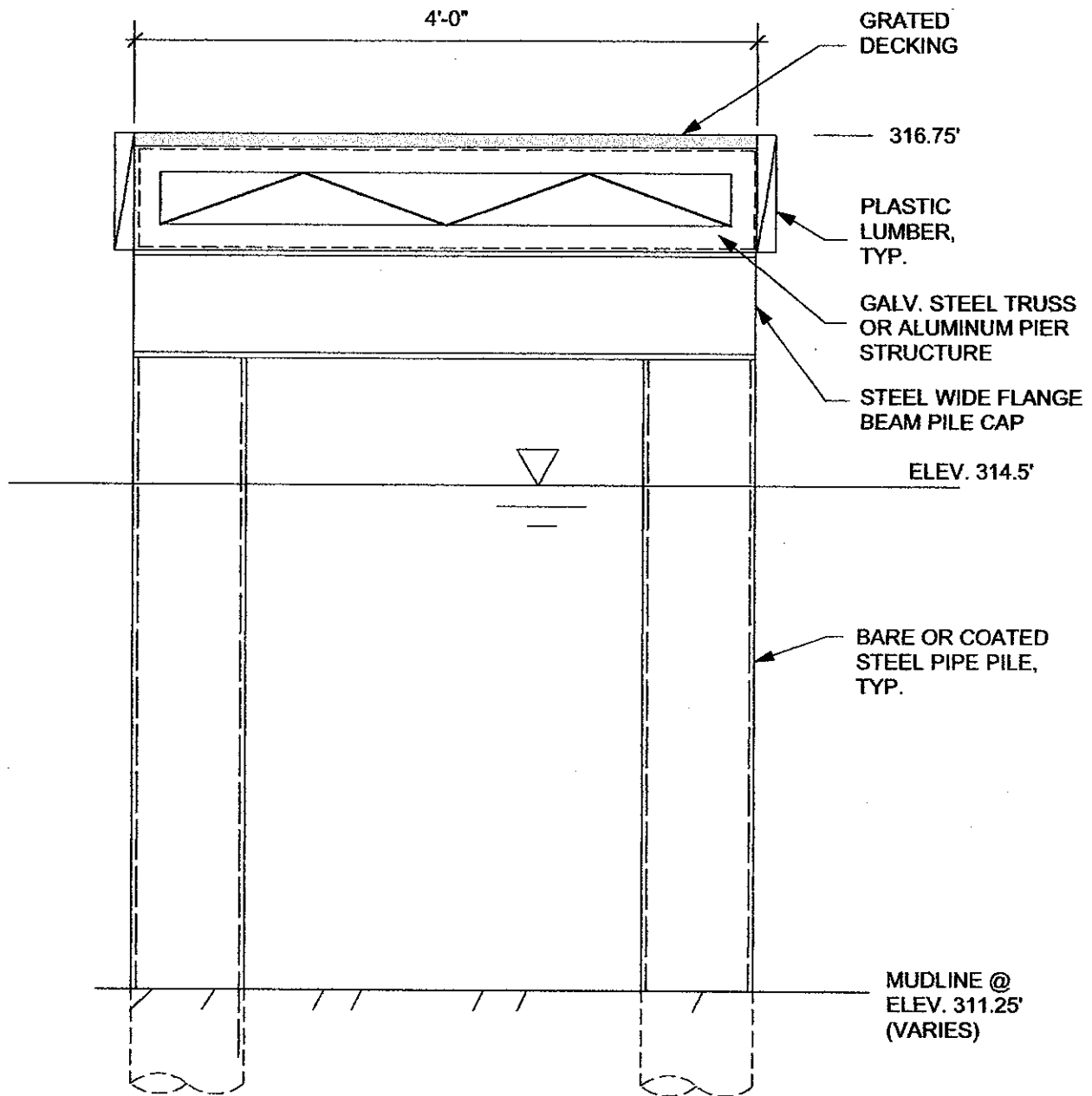


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PLAN & ELEVATION

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 WAYNE & IRENE HWANG
 5847 178th AVE. SE
 BELLEVUE, WA 98006

IN: LAKE WHATCOM
AT: 2130 NORTHSHORE DR.
 BELLINGHAM, WA 98226
COUNTY: WHATCOM **STATE:** WA
APPLIC. BY: ASHTON ENGINEERING INC.
JOB NO.: 20910.19
SHEET 3 OF 4 **6 AUG 2010**



PURPOSE: CONSTRUCTION OF A NEW FIXED PIER AND FLOATING DOCK.

DATUM: MSL

ADJACENT PROPERTY OWNERS:

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1702 Northshore Dr.
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PIER SECTION

OWNER AND ADDRESS:

WAYNE & IRENE HWANG
5847 178th AVE. SE
BELLEVUE, WA 98006

IN: LAKE WHATCOM

AT: 2130 NORTHSORE DR.
BELLINGHAM, WA 98226

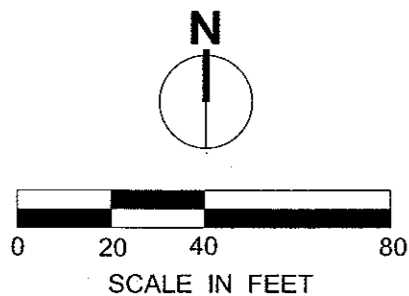
COUNTY: WHATCOM **STATE:** WA

APPLIC. BY: ASHTON ENGINEERING INC.

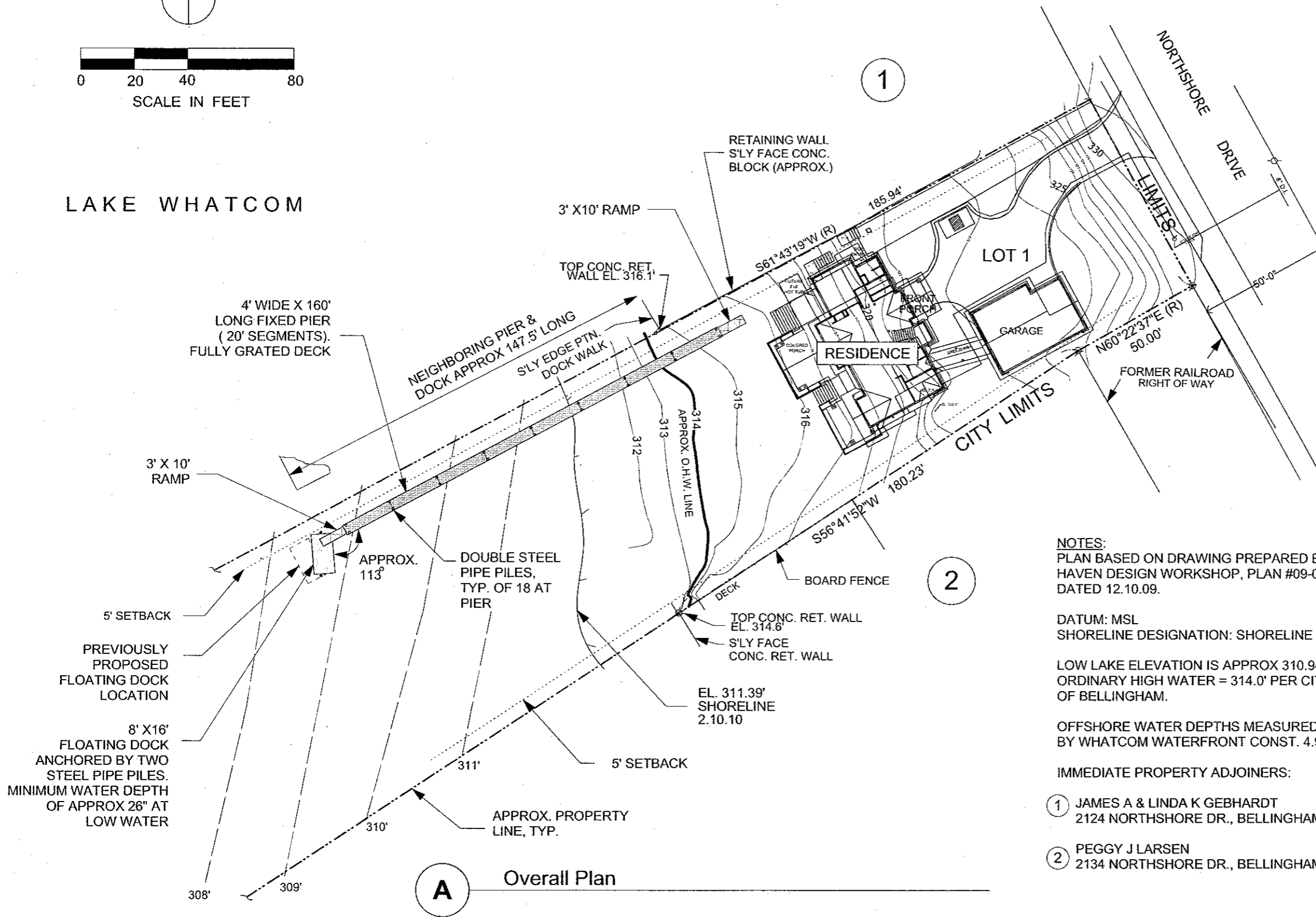
JOB NO.: 20910.19

SHEET 4 OF 4

6 AUG 2010



LAKE WHATCOM



NOTES:
 PLAN BASED ON DRAWING PREPARED BY HAVEN DESIGN WORKSHOP, PLAN #09-026 DATED 12.10.09.

DATUM: MSL
 SHORELINE DESIGNATION: SHORELINE RESIDENTIAL

LOW LAKE ELEVATION IS APPROX 310.94'
 ORDINARY HIGH WATER = 314.0' PER CITY OF BELLINGHAM.

OFFSHORE WATER DEPTHS MEASURED BY WHATCOM WATERFRONT CONST. 4.9.10.

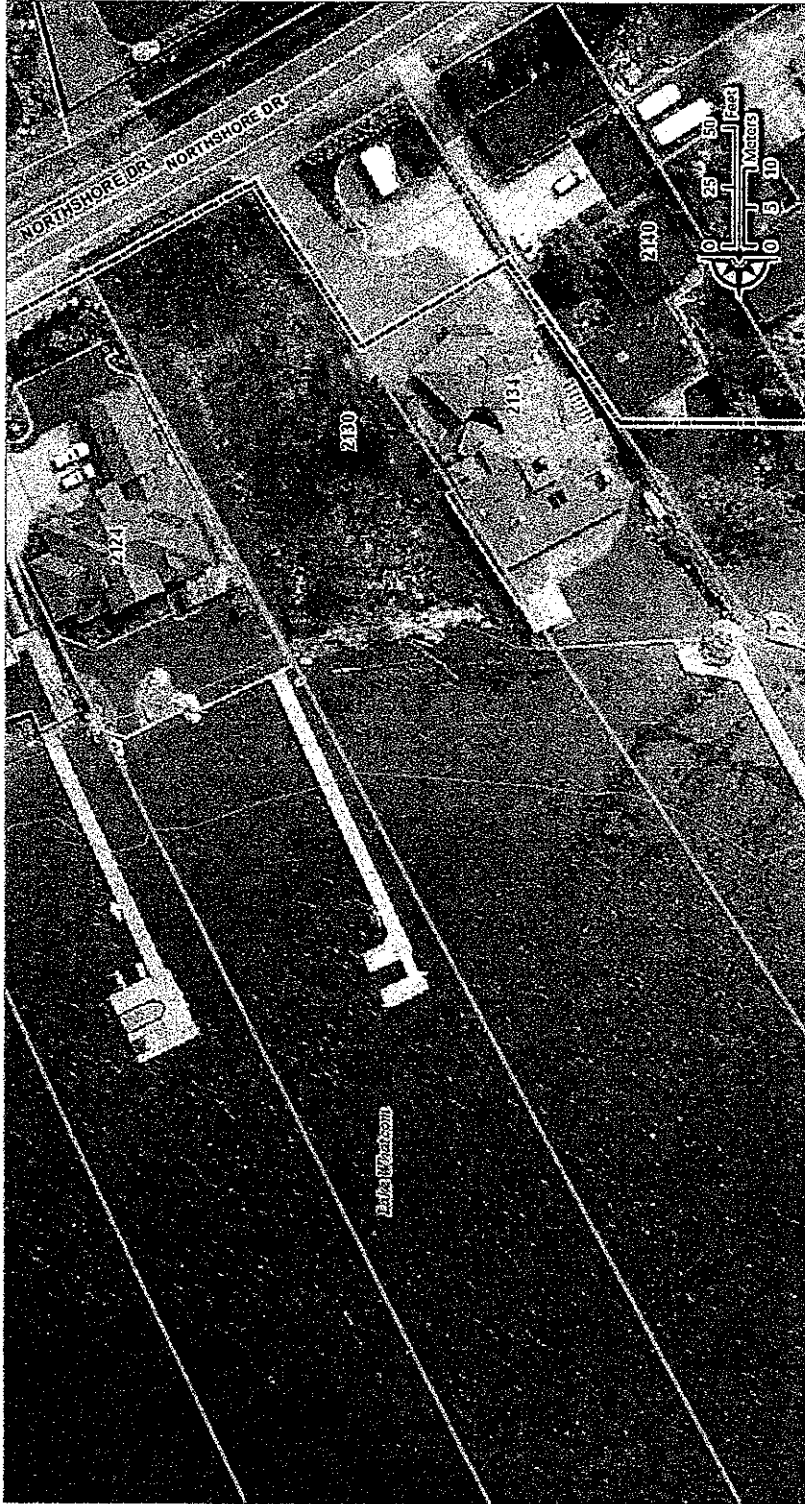
- IMMEDIATE PROPERTY ADJOINERS:
- ① JAMES A & LINDA K GEBHARDT
2124 NORTHSHORE DR., BELLINGHAM, WA 98226-9417
 - ② PEGGY J LARSEN
2134 NORTHSHORE DR., BELLINGHAM, WA 98226-9418



201 S. 7th St.
 Lynden, WA 98264
 360.354.8179

Project Name:	Hwang Water Access	
Project Location:	2130 Northshore Dr. Bellingham, WA	
Drawing Title:	Overall Plan	
No.	Issue/ Revision	Date
1		8.6.10
2	Relocate dock & pier	10.27.10
Job No: 20910.19		
Sheet: 2 OF 4		

EXHIBIT C



- Pieces**
- Hospital
 - Schools & Universities
 - City Limits
 - Urban Growth Area
 - WA Counties
- Basemap**
- City Limits
 - Urban Growth Area
 - Populated Area
 - Indian Reservation
 - Forest Service Lands
 - National Park Service Lands
 - Water Bodies
 - Culverts
 - Shorelines, Streams
- Line Type, Accuracy**
- Lot Line, High
 - Lot Line, Low
 - Property Line, High
 - Property Line, Low
 - ROW, High
 - ROW, Low
 - VROW, High
 - VROW, Low
- Other Symbols**
- Schools
 - Fire Stations
 - Park Areas
 - Airport
 - Care Facilities
 - Fire Protection

The City of Bellingham has compiled this information for its own use and is not responsible for any use of this information by others. The information found herein is provided simply as a courtesy to the public and is not intended for any third party use in any official, professional or other authoritative capacity. Persons using this information do so at their own risk and by such use agree to defend, indemnify and hold harmless the City of Bellingham as to any claims, damages, liability, losses or suits arising out of such use. Contact the Whatcom County Assessors office (360-676-6790) for the most up to date parcel information. Printed at Oct 26, 2010, 10:21 am from CityIQ.

EXHIBIT D

Compliance with the applicable regulations within the City's 1989 Shoreline Master Program

Section 23: URBAN ENVIRONMENT I:

A. DEFINITION: Areas, which are currently developed to an Urban density of where intense development would be consistent with the Master Program.

B. PURPOSE AND INTENT: The purpose of the Urban Environment I is to allow for intense shoreline development while at the same time enhancing the shoreline and recognizing its aesthetic attributes.

C. REGULATIONS: Unless permitted by Section 26 of this ordinance, no fills, hard surfacing, permanent structures or storage shall be located within 25 feet of the ordinary high water mark.

Permanent structures shall be set back from the ordinary high water mark 25 feet or one foot for each foot of building height, whichever is greater. This required setback shall not exceed 50 feet.

STAFF RESPONSE: The proposal is consistent with this section.

Section 26: GENERAL REGULATIONS:

A. The following activities are allowed within the setbacks required in Section 18 through 25 of this ordinance or in any water body, EXCEPT in a Natural Environment.

7. Over-water construction including: Piers docks, floats, breakwaters, jetties and groins are permitted within Urban I, Urban Maritime and Urban Multi-Use Environments and those areas of Conservancy I designation located from the north section line of Section 14 Township 37 north, Range 2 east northerly to the south right-of-way line of Willow Road and from the extended north line of Lot 7, Block 3, Division No. 2 northerly to the southerly line of Cowgill Avenue extended westerly subject to pertinent provisions contained herein.

STAFF RESPONSE: The proposal is located within an Urban I shoreline designation.

Section 27: USE ACTIVITY REGULATIONS:

N. PIERS: The following regulations shall apply to the installation of all piers, docks, and floats on the shorelines of the City.

1. Piers, docks or floats shall be constructed so as to cause minimum



EXHIBIT E

Planning

Permit Center
 210 Lottie Street
 Bellingham, WA 98225
 phone: 360-778-8300
 fax: 360-778-8301
 www.cob.org

Land Use Application

Check all permits you are applying for in the boxes provided. Submit this application form, the applicable materials listed in the corresponding permit application packet(s) and application fee payment.

<input type="checkbox"/> Accessory Dwelling Unit <input type="checkbox"/> Binding Site Plan <input type="checkbox"/> Clearing Permit <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Critical Area Permit <input type="checkbox"/> Critical Area Exemption <input type="checkbox"/> Design Review <input type="checkbox"/> Grading Permit <input type="checkbox"/> Home Occupation <input type="checkbox"/> Institutional <input type="checkbox"/> Interpretation <input type="checkbox"/> Landmark - Historic Certificate of Alteration <input type="checkbox"/> Legal Lot Determination <input type="checkbox"/> Nonconforming Use Certificate	<input type="checkbox"/> Parking Adjustment Application <input type="checkbox"/> Planned Development <input type="checkbox"/> Rezone <input checked="" type="checkbox"/> SEPA <input checked="" type="checkbox"/> Shoreline Permit <input checked="" type="checkbox"/> Shoreline Exemption <input type="checkbox"/> Subdivision-Short Plat/Lot Line Adjustment <input type="checkbox"/> Subdivision-Preliminary Plat <input type="checkbox"/> Subdivision-Final Plat <input type="checkbox"/> Variance <input type="checkbox"/> Wireless Communication <input type="checkbox"/> Zoning Compliance Letter <input type="checkbox"/> Other: _____	Office Use Only Date Rcvd: <u>8/9/2010</u> Case #: <u>SEP2010-31, SHR2010-33</u> Process Type: <u>11</u> Neighborhood: <u>Silver Beach</u> Area Number: <u>3</u> Zone: <u>ERS</u> Pre-Ap. Meeting: <u>N/A</u> Concurrency: <u>N/A</u>
--	--	--

Project Address: 2130 PORTSHORE DR., BELLINGHAM, WA 98226

Tax Assessor Parcel Number(s): 3803275294280000

Project Description: CONSTRUCTION OF A NEW RESIDENTIAL FIXED PIER AND FLOATING DOCK

Applicant/Agent Primary Contact for Application
 Name BILL HAYNES, ASHTON ENGINEERING
 Address 201 S. 7th ST.
 City/State/Zip LYNDEN, WA 98264

Phone 360-354-8179
 FAX " " " " " "
 Email wah@ashtonengr.com

Owner(s) Applicant Primary Contact for Application
 Name WAYNE + IRENE HWANG
 Address 5647 173th AVE SE
 City/State/Zip BELLEVEUE, WA 98006-5932

Phone 425-890-9060
 FAX _____
 Email irenehwang@yahoo.com

Property Owner(s)

I am the owner of the property described above or am authorized by the owner to sign and submit this application. I grant permission for the City staff and agents to enter onto the subject property at any reasonable time to consider the merits of the application and post public notice. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete and correct.

I also acknowledge that by signing this application I am the responsible party to receive all correspondence from the City regarding this project including, but not limited to, expiration notifications. If I, at any point during the review or inspection process, am no longer the Applicant for this project, it is my responsibility to update this information with the City in writing in a timely manner.

Signature by Owner/Applicant/Agent William A. Hager Date 9 Aug. 2010
 City and State where this application is signed: Lynden WA.
 City State



Permit Center
210 Lottie Street
Bellingham, WA 98225
phone: 360-778-8300
fax: 360-778-8301
www.cob.org

SHORELINE EXEMPTION APPLICATION

A determination of exemption is written approval from the Planning and Community Development Department Planning Director that confirms the proposed activity is exempt from a Shoreline Permit. The exemption can specify conditions that assure the activity complies with the provisions of the Shoreline Master Program (SMP). In all cases, the activity is required to implement best management practices to avoid degradation of the shoreline.

Approval from the Planning Director is required prior to any work within the Shoreline Jurisdiction. NOTE: Other federal, state, and local regulations may apply.

REVIEW PROCESS:

The City will use a Type I or Type II process to review the application. A Type II process is required for projects that include a SEPA threshold decision. Type I is used for all other projects.

BEFORE YOU APPLY:

A Pre-Application Conference is required for Type II project applications, unless a written waiver is granted by the Planning Director. Pre-Application Conference form and Waiver Application are available at the Permit Center.

APPLICATION REQUIREMENTS:

Additional information may be required by staff in order to evaluate a project for consistency with the SMP.

- A completed Land Use Application form ✓
- NA Pre-Application Conference or waiver (Type II)
- SEPA Environmental checklist (Type II) ✓/cs
- Mailing list and labels (Type II) ✓
- Application fee payment ✓
- All of the materials and information required by this form ✓

SITE PLAN REQUIREMENTS:

On an 11"x17" scaled site plan identify the site boundary and all items below that apply to your exemption request.

- 4 scaled plans (min. 1"=20') with north arrow.
- 2 reduced 8 1/2 x 11" site plans.
- Property lines including dimensions of the project site.
- Ordinary high water mark.
- Typical cross section or section showing:
 - a. Existing ground elevations.
 - b. Proposed ground elevation.
 - c. Height of existing structures.
 - d. Height of proposed structures.
- Where appropriate, proposed land contours using 5 foot intervals in water area and 10 foot intervals on areas landward of ordinary high water mark, if development involves grading, cutting, filling, or other alteration of land contours.
- Show dimensions and locations of all existing structures, which will be maintained.
- Show dimensions and locations of proposed structures.
- Identify source, composition, and volume of fill material.
- Identify composition and volume of any extracted materials and identify proposed disposal area.
- Location of proposed utilities, such as sewer, septic tanks and drainfields, water, gas, electricity.
- If the development proposes septic tanks, does proposed development comply with local health and state regulations.
- Shoreline designation according to the Master Program.
- Show which areas are shorelines and which are shorelines of statewide significance. Lake Whatcom and Bellingham Bay seaward of extreme low tide are shorelines of statewide significance.

B. VICINITY MAP:

- Indicate site location using natural points of reference (roads, state highways, prominent landmarks, etc.).
- If the development involves the removal of any soils by dredging or otherwise, identify the proposed disposal site on the map. If the disposal site is beyond the confines of

the vicinity map, provide another vicinity map showing the precise location of the site and its distance to the nearest city or town.

- Give a brief narrative description of the general nature of the improvements and land use within one thousand feet in all directions from development site (i.e., residential to the north, commercial to the south, etc.).

PROJECT DATA:

1. Name of adjacent water body:

LAKE WHATCOM

2. Describe the current use of the property, including existing structures:

RESIDENTIAL - SINGLE FAMILY HOME CURRENTLY UNDER CONSTRUCTION

3. Describe the proposed project. Include the size of the property, the project dimensions and materials, and the total area of paving:

CONSTRUCTION OF RESIDENTIAL FIXED PIER AND FLOATING DOCK. THE OVERALL LENGTH OF THE STRUCTURES IS 175' (SEE PLAN)

4. Nature of the existing shoreline. (Describe the type of shoreline, such as marine, stream, lake, lagoon, marsh, bog, swamp, flood plain, floodway, delta; type of beach, such as accretion, erosion, high bank, low bank, or dike; material such as sand, gravel, mud, clay, rock, riprap; and extent and type of bulkheading, if any:

SHALLOW WATER LAKE BOTTOM TO OHW
SHORELINE THEN STEEPER SLOPE TO NORTH-
SHORE DRIVE. BEACH APPEARS TO BE ACCRETION
TYPE WITH SAND, GRAVEL AND MUD SEDIMENTS.

5. In the event that any of the proposed buildings or structures will exceed a height of thirty-five feet above the existing grade level, indicate the approximate location of and number of residential units, existing and potential, that will have an obstructed view. AVERAGE GRADE LEVEL DETERMINATION: The natural or existing topography of the portion of the lot, parcel, or tract of real property, which will be directly under the proposed structure shall be used in calculating average grade level. "Natural or existing topography" shall mean the topography of the building site prior to any excavation, grading or filling. Calculation of average grade level shall be made by averaging the elevations at the center of all exterior walls of a building or structure:

NOT APPLICABLE

6. Does SEPA apply? Y If so, provide a completed SEPA checklist concurrent with this application.



New SFR Dock at 2130 Northshore Drive
Wendy Harris to: lkershner
Cc: planning, "David Jefferson", DPike, citycouncil

09/06/2010 08:17 PM

History: This message has been forwarded.

In re:SHR2010-00033& SEP2010-00031

Ms. Kershner:

I received notice in the mail of a shoreline permit application and SEPA process for a dock, pier and ramps connected to single family residence being constructed at 2130 Northshore Drive, Bellingham, WA, 98226. I was concerned to see that the City proposes to handle this under the Optional DNS process.

Given the 303(d) impaired status of the Lake, the established fact that overwater structures such as docks and piers are known to have harmful ecological impacts, the on-going TMDL, the status of Lake Whatcom as a SSWS and a GMA critical area, the requirement to review this project under a cumulative impact analysis, and the fact that the City's current SMP fails to meet the minimal standards for no net loss and overwater structures under the Shoreline Management Act, it is difficult for me to understand why the City has determined there will be no significant environmental impact from this proposal. I am also disappointed to see that Lake Whatcom shoreline development continues to be processed under the Optional DNS process, which reduces the time for public comments and eliminates the requirement for a public hearing.

Could you please send me an electronic copy of the staff report, property owner applications, SEPA application, including checklist, and other relevant information regarding this project? In particular, I would like to see the basis upon which the staff determined that this project, which would result in an additional 800 square feet of impervious surface on and over the Lake to serve the needs of a SFR, would not result in a loss of Lake Whatcom's ecological functions such that the size of the proposal should not be reduced, or other forms of mitigation imposed?

There have already been two industrial accidents this year involving overwater structures along the Lake's shorelines. One of these accidents involved the Bloedel breakwater project, which was handled by the City under Optional DNS procedures. This was extremely frustrating for me as I had submitted a written comment opposing the Optional DNS process for Lake Whatcom shoreline construction. What additional efforts are being made under the current Optional DNS process to ensure that this does not result in yet another accident that threatens public health and safety?

Could you also provide me with basic information regarding the SFR currently being built at this address? Is this a new home or a tear-down? What is the size of the home, how much of a shoreline buffer does it allow, when did the building permit vest and is it subject to current Silver Beach building and stormwater provisions? Has mitigation been required for the SFR? Did the City require a cumulative impact analysis and no net loss analysis before approval of the SFR?

Thank you for your time and effort. Please accept this email as both a request for information, and submission of a public comment on this project.

Sincerely,
Wendy Harris



Lake Whatcom SEPA Policy

Wendy Harris to: citycouncil, dpike, planning
Cc: sepaunit, lkershner, rgro461

09/07/2010 12:32 AM

History:

This message has been replied to and forwarded.

Reference is made to my below email. I am extremely concerned that the City continues to permit unmitigated shoreline development on Lake Whatcom when current science establishes that the long-term, cumulative impacts result in increased degradation of Lake water quality and other ecological functions.

I request that the City adopt a SEPA policy for Lake Whatcom that severely limits any shoreline development without requiring some form of mitigation. This is particularly necessary for projects involving expansion or redevelopment of non-conforming structures and new construction of docks, piers and other over-water structures. Unless and until the City requires off-setting mitigation for the impacts of development, restoration of Lake Whatcom will not be possible.

Such action is amply supported by numerous studies of Lake Whatcom, including the TMDL Water Quality Study. These studies have established the connection between development, creation of impervious surfaces, stormwater run-off (non-point source pollution) and degradation of Lake Whatcom. Therefore, the issuance of a SEPA DNS, particularly under the Optional process, which decreases the period of public comment and eliminates the requirement for a public hearing, is indefensible.

In fact, I boldly suggest that the City implement an interim moratorium on issuance of a SEPA Determination of Nonsignificance, or issuance of a shoreline exemption permit, based on public health and safety concerns, until the City's revised SMP is approved by the Department of Ecology. The City's existing 1989 SMP is not compliant with the Shoreline Management Act. While it is customary to process shoreline development permits under out-dated standards while an existing SMP is being revised and reviewed by DOE, such development does not normally occur on an impaired body of water that supplies drinking water to 50% of a County at the same time that the City and County are working on a federally mandated water quality restoration plan.

It might be argued that the City has enacted protective development standards under the revised Silver Beach Ordinance. However, the effectiveness of these regulations can not be established because the City lacks a "no net loss" baseline standard that allows for quantifiable measurement of the ecological impact of additional development along Lake Whatcom's shorelines. Nor does the Silver Beach Ordinance protect the public against the harm that results from the construction of new or increased single family docks, piers, floats or ramps.

Thus, the City knows that development causes harm, but is unable to establish under any quantifiable standards that a SEPA DNS is adequate to protect Lake Whatcom from degradation. Nor can the City establish that a SEPA DNS prioritizes state wide

interests over local interest, preserves the natural character of the shoreline, or results in long-term over short term benefit, as required for development on a Shoreline of Statewide Significance. Accordingly, the City's current practice of issuing a SEPA DNS for Lake Whatcom development is a violation of the SMA, the Clean Water Act and the GMA, and should be prohibited.

Sincerely,
Wendy Harris
Bellingham Resident

----- Original Message -----

From: Wendy Harris

To: lkershner@cob.org

Cc: planning@cob.org ; David Jefferson ; DPike@cob.org ; citycouncil@cob.org

Sent: Monday, September 06, 2010 8:17 PM

Subject: New SFR Dock at 2130 Northshore Drive

In re:SHR2010-00033& SEP2010-00031

Ms. Kershner:

I received notice in the mail of a shoreline permit application and SEPA process for a dock, pier and ramps connected to single family residence being constructed at 2130 Northshore Drive, Bellingham, WA, 98226. I was concerned to see that the City proposes to handle this under the Optional DNS process.

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There have already been two industrial accidents this year involving overwater structures along the Lake's shorelines. One of these accidents involved the Bloedel breakwater project, which was handled by the City under Optional DNS procedures. This was extremely frustrating for me as I had submitted a written comment opposing the Optional DNS process for Lake Whatcom shoreline construction. What additional efforts are being made under the current Optional DNS process to ensure that this does not result in yet another accident that threatens public health and safety?

Could you also provide me with basic information regarding the SFR currently being built at this address? Is this a new home or a tear-down? What is the size of the home, how much of a shoreline buffer does it

allow, when did the building permit vest and is it subject to current Silver Beach building and stormwater provisions? Has mitigation been required for the SFR? Did the City require a cumulative impact analysis and no net loss analysis before approval of the SFR?

Thank you for your time and effort. Please accept this email as both a request for information, and submission of a public comment on this project.

Sincerely,
Wendy Harris



Re: 2130 Northshore Dr. Response
Wendy Harris to: LKershner

09/10/2010 09:36 PM

History: This message has been replied to.

Ms. Kershner:

Thank you for the attached application and checklist and your thoughtful reply.

Could you please forward a copy of the staff report when it is completed? Will it be completed before the SEPA threshold determination is made, or is it only for purposes of the shoreline exemption hearing?

The shoreline exemption application states that the pre-application conference or waiver is "NA." Isn't one or the other required since this is a Type II process?

I believe the SEPA notice referred to three ramps, but the application and checklist only reflect 2 ramps?

Also, the checklist and application fail to reflect the Kokanee native to Lake Whatcom, as well as the cutthroat trout. Will this oversight be corrected?

How can the City make an optional DNS determination before it has analyzed approximately 800 square ft of dock, float and ramps, particularly when this is being done in association with a new 5000 square foot house which is only set back 35 feet from the shoreline?

In your email, you state that the City is "anticipating" NNL standards will be met." Isn't the City required to establish NNL before issuing a DNS, or permitting projects that simply minimize shoreline functions where no offsetting projects to increase shoreline function exist? The revised Silver Beach ordinance does not mitigate for docks and piers. What specific actions will be taken by the City to substantiate NNL for this project and at what point will this be done? The WDFW policy, which you have cited, was not drafted with regard to Lakes that are impaired under water quality standards for drinking water, and therefore, is unlikely to meet NNL standards for this particular project.

Thank you. I am very appreciative of your time and effort in providing the attached information.

Wendy Harris.

----- Original Message -----

From: LKershner@cob.org

To: w.harris2007@comcast.net

Sent: Friday, September 10, 2010 5:04 PM

Subject: 2130 Northshore Dr. Response

Ms. Harris,

The following is a response to your request for information for permit numbers SHR2010-00033 and SEP2010-00031, for the property at 2130 Northshore Drive. The following permits have a 30 day notice period, and in accordance with BMC 21.10.110 (D)(1), "the Planning Commission Shoreline Committee shall hold a public meeting and make recommendations to the Director on shoreline permits." Once a meeting date is scheduled, notice will be not less than 10-days prior to that meeting, typically scheduled on same nights Planning Commission is scheduled.

A staff report has not yet been generated for the application. The Shoreline application and SEPA checklist are attached to this email.

The single family residence (SFR) currently under construction is a new home. The interior floor area of the residence is 4,720 square feet. The application was submitted April 23, 2010 and was issued on June 25, 2010, and was therefore permitted under the amended BMC 16.80 (Lake Whatcom Reservoir Regulatory Chapter) and 15.42 (Stormwater Management).

According to the issued stormwater and building permit, the new SFR project has been engineered to limit stormwater runoff and phosphorus transport from the total site to levels associated with a predeveloped forested condition per BMC 15.42.060(A)(3).

5,226 square feet/30.8% of the property has been placed in a permanent conservation easement identified as NVPA (Native Vegetation Protection Area), and will be converted into a natural forested condition as specified in an ISA certified arborist report. Mitigation was not required for the SFR because it complies with the Bellingham Municipal Code specifically BMC chapters 16.80 and 15.42. (SEPA does not apply to new SFR's.)

Previously, the site was grassed with little to no existing native vegetation. Code requirements will result in nearly 1/3 of site in native vegetation - an improvement in function.

The setback from the ordinary high water mark for the SFR is 35 feet.

The new dock & float does require a shoreline permit and SEPA review and determination. The analysis on the dock and float structure has not been completed. However, said structure has been designed consistent with WDFW policy on dimensional standards to minimize impacts to existing fisheries cutthroat and kokanee as well as existing near-shore functions, and in fact, the pier is one foot narrower than allowed in the 2009 SMP.

A 4-foot wide pier, 8'x16' float - grating to allow light pass through, no treated wood on float, (minimal design) we anticipate no-net-loss of existing ecological function. Shoreline stabilization is not required to land the pier on upland areas.

You will be notified when SEPA determination is made. Staff report is meant to be available about one-week prior to meeting.

Let me know if you have any questions, thank you,

Lindsay Kershner, Planner
Planning and Community Development
City of Bellingham
Tel: (360) 778-8369
email: LKershner@cob.org



2130 Northshore Shoreline Permit
Lindsay M Kershner to: w.harris2007

09/17/2010 04:39 PM

From: Lindsay M Kershner/planning/cob
To: w.harris2007@comcast.net

Hi Wendy,

The staff report will be created for the shoreline permit planning commission hearing. Two ramps are proposed for the dock. On page 8 of the checklist, the applicant indicated that bass, salmon, and trout have been observed on or near the site or are known to be on or near the site.

Notice will be given when the Shoreline Committee Planning Commission hearing is scheduled and a staff report with findings and a staff recommendation will be generated for the hearing. Written comments on the permits may be submitted up until the hearing and you may comment in person at the hearing.

I will be on vacation starting 9/20 and will return on 10/11. Please submit comments to Steve Sundin while I am away.

Thank you,

Lindsay Kershner, Planner
Planning and Community Development
City of Bellingham
Tel: (360) 778-8369
email: LKershner@cob.org

Ms. Lindsay Kershner
Planning and Community Development Department
City Hall
210 Lottie Street
Bellingham, WA 98225



September 28, 2010
via email: lkershner@cob.org

RE: SHR2010-00033, SEP2010-00031
Dock at 2130 Northshore Drive

Dear Ms. Kershner,

We own the property immediately adjacent to and North of the subject property. Our dock is approximately five (5) feet North of the common property line at the bulkhead and 10 feet at the end of the dock. Our dock with floating section extends 147.5 feet from the bulkhead.

The proposed dock extends approximately 162 feet water-ward of our bulkhead. This represents a 15 foot extension beyond the end of our dock. Given the docks only 10 to 15 feet apart this will represent a boating safety and circulation issue relative to accessing our dock from the lake.

Both docks should extend the same distance into the lake unless the proposed dock is shifted to the South property line. We recognize the reason for the length of the proposed dock is to reach adequate depth in time of low water. As an alternative, we request the authorization to extend the floating portion of our dock 12' by increasing the width of the floating portion. This will bring the docks into alignment and resolve the circulation problem.

We await your response. If you have questions, please call either of us; Jim at 319-7308 (C) and 380-1234 (W), or Linda at 393-2680 (C) and 714-1126 (H). Thank you!

Sincerely,

Handwritten signatures of Jim and Linda Gebhardt in cursive script. The signature on the left is for Jim and the one on the right is for Linda.

Jim and Linda Gebhardt
2124 Northshore Dr.
Bellingham, WA 98226