

# SHORELINE COMMITTEE AGENDA ITEM COVER SHEET

Meeting Date	Staff Contact	
4/09/2009	STEVEN SUNDIN, 778-8359	
<b>Subject:</b>		
Development of a duplex on a 16,380 square foot lot. Total footprint including driveway is approximately 7,590 square feet. An existing single-family residence will be removed from the site.		
<b>APPLICANT:</b> Tom Lingbloom. <b>LOCATION:</b> 3045 Eldridge Avenue, Area 17, Birchwood Neighborhood. Urban Shoreline Designation (Whatcom County SMP)		
<b>Attachments:</b>		
1. EXHIBIT A Vicinity map / site plan / aerial photograph		
2. EXHIBIT B Whatcom County and City SMP compliance		
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
Tim Stewart, Director	TWS	4/2/09
Alan Marriner, Legal	AM	4/1/09
Steven Sundin, Planning	SS	4-01-09
<b>Previous Commission Meeting or Action:</b>		
None.		
<b>Recommended Action:</b>		
Approve as proposed.		

1 **SHORELINE COMMITTEE STAFF REPORT**

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3 **Agenda Topic: 3045 Eldridge Duplex**

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5 **For: April 9<sup>th</sup>, 2009**

6  
7 **Staff Contact: Steven Sundin, Planner**

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9 **I. SUMMARY OF PROPOSAL**

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11 Development of a 3,450 square foot duplex on an approximate 17,500 square foot lot. Total  
12 footprint including the driveway is approximately 7,590 square feet. Project also includes  
13 demolition of an existing single family residence.

14  
15 The property is approximately 100-feet from the OHWM of Bellingham Bay and the proposed  
16 duplex is approximately 140-feet from the OHWM of Bellingham Bay.

17  
18 Engineered stormwater management is required. Stormwater runoff will be conveyed via mini-  
19 residential pump to the stormwater main in Eldridge Avenue. An emergency overflow system  
20 will be installed in order to convey high-flows / pump failure via a tight-line pipe to the existing  
21 swale alongside the BNSF railroad.

22  
23 The height of the proposed duplex is approximately 27 feet and the rear yard setback adjacent  
24 to the steep slope is proposed to match the rear yard setback of the existing adjacent home to  
25 minimize the obstruction of views.

26  
27 Although the shoreline itself is located in Whatcom County the property is within the city limits.  
28 The Whatcom County shoreline designation is URBAN for this shoreline reach. When these  
29 situations occur regardless of where the shoreline / critical area is located – if the property is  
30 within the city then the city is SEPA lead agency and manages the permitting system. The  
31 County and City coordinate on these types of projects to make sure that there is agreement in  
32 terms of what rules apply and who regulates.

33  
34 **II. SHORELINE COMMITTEE ROLE**

35  
36 The Shoreline Committee will review this proposal and the staff recommendations as specified  
37 in SECTION VII and forward their recommendations to the Planning and Community  
38 Development Director.

39  
40 A Critical Area Permit is also required for this project because the development footprint is  
41 within 50-feet of the top of the bluff which is considered a Geologic Hazard. The Shoreline  
42 Committee DOES NOT have an advisory capacity on this permit. However, the applicant has  
43 submitted the required geo-technical analysis in order to approve the development in its  
44 proposed location. A decision on the shoreline and critical area permit will be simultaneous.

45  
46 **III. ATTACHMENTS:**

47  
48 EXHIBIT A Vicinity map / site plan / aerial photograph EXHIBIT C Public Comments  
49 EXHIBIT B Whatcom County & City SMP compliance

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51 **IV. RECOMMENDATION:**

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53 Approve as proposed with conditions in Section VII.

1 **V. ISSUES**

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3 This is a permitted use in this sub-area and it also maximizes the available density. There is no  
4 disruption to existing marine shore processes or the stability of the bluff. Views from abutting  
5 residences are not impacted. Public views are not available in this location except those that are  
6 glimpsed by automobiles traveling on Eldridge Avenue.  
7

8 Site generated stormwater management is appropriate by pumping to an existing main in  
9 Eldridge Avenue as opposed to loading the top of the bluff with water and thereby increasing  
10 possibility of slope failure.

11  
12 **VI. ANALYSIS SUMMARY**

- 13  
14 ✓ The project complies with Whatcom County's Shoreline Master Program provisions.  
15 ✓ The project also complies with the City's SMP provisions.  
16 ✓ The project has been engineered to manage stormwater to avoid negative impacts to the  
17 shoreline bluff and shoreline processes.  
18

19 **VII. STAFF RECOMMENDATION**

20  
21 Staff recommends approval of the project as proposed with the following conditions:

- 22  
23 1. A City Critical Area Permit shall be issued concurrently with the Shoreline Permit.  
24 2. Approval of the stormwater management system is required prior to issuance of a  
25 building permit for the proposed duplex.  
26 3. Orange construction fencing shall be installed to depict the geologically hazardous area  
27 buffer prior to permit issuance. The installed orange construction fence shall remain in  
28 place until the final building inspection is completed. The extent of said buffer is 32-feet  
29 back (north of) from top of bank.  
30 4. In accordance with the Archaeological Assessment recommendations of the subject  
31 property prepared by Drayton Archaeological Research dated 2/5/2009 the following  
32 shall be required: In the event that archaeological materials are encountered during the  
33 development of the property, an archaeologist should immediately be notified and work  
34 halted in the vicinity of the find until the materials can be inspected and assessed in  
35 regards to National Register of Historic Places criteria. At that time the appropriate  
36 persons are to be notified of the exact nature and extent of the resource so that  
37 measures can be taken to secure them. In the event of inadvertently discovered human  
38 remains or indeterminate bones, work must stop immediately. Any remains should be  
39 covered and secured against further disturbance, and communication established with  
40 the Bellingham Police Department, the State Archaeologist at SHPO, the Lummi Nation  
41 Tribal Historic Preservation Officer and the Nooksack Cultural Resources Officer.  
42  
43

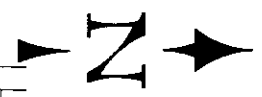
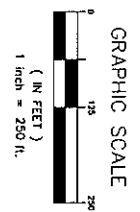
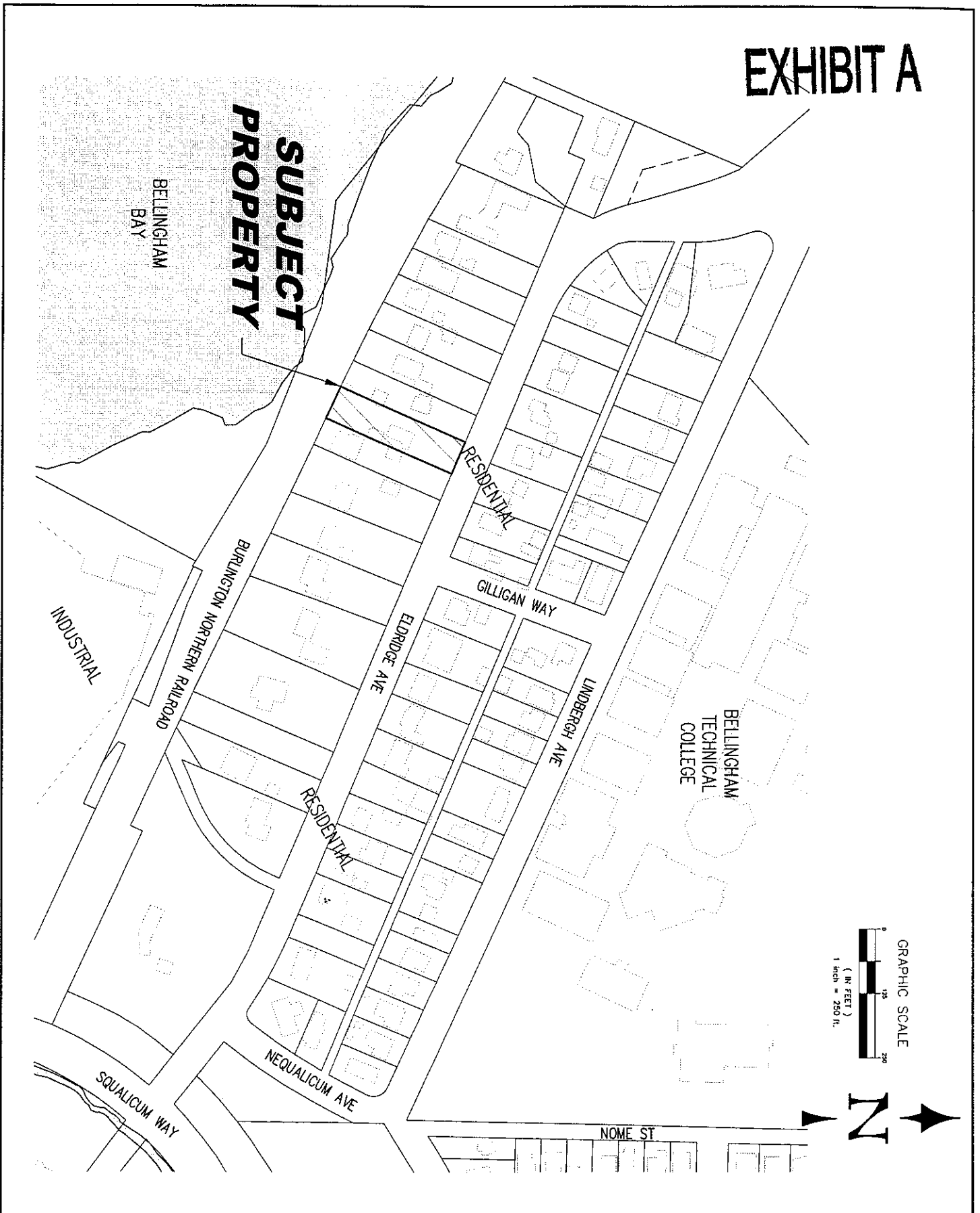
44 Prepared by:

45   
46 \_\_\_\_\_  
47 Steven Sundin, Planner  
48

Approved by:

  
\_\_\_\_\_  
Tim Stewart, Director

# EXHIBIT A

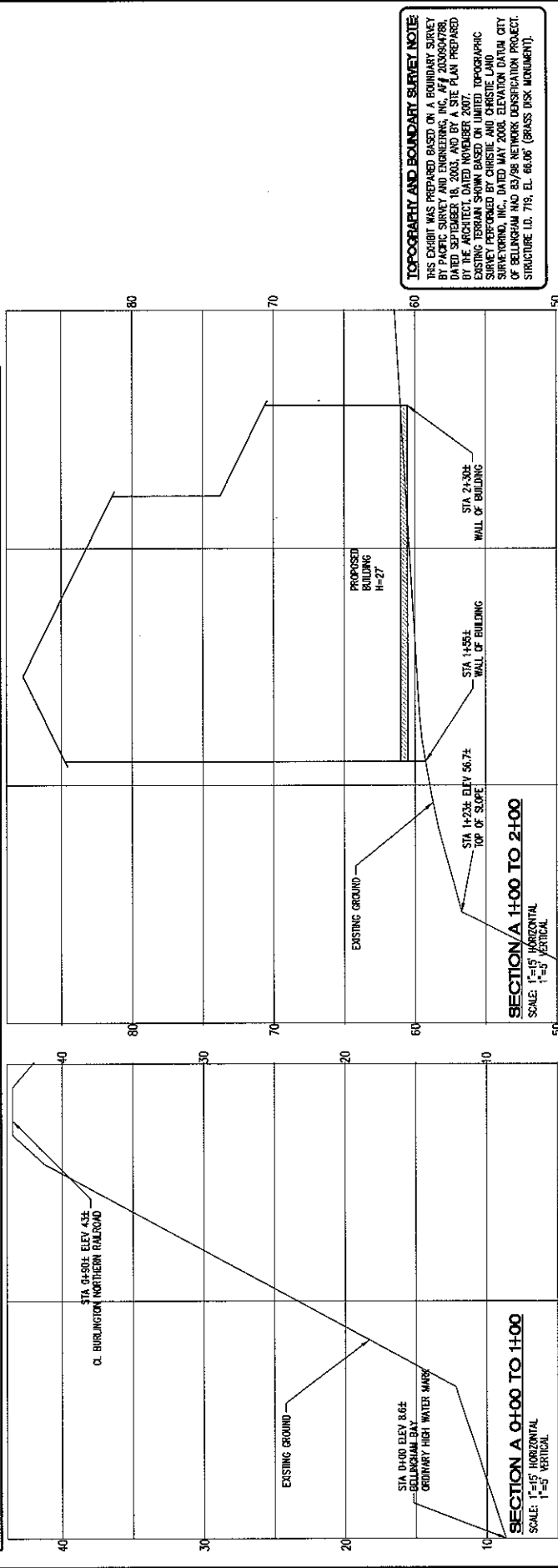
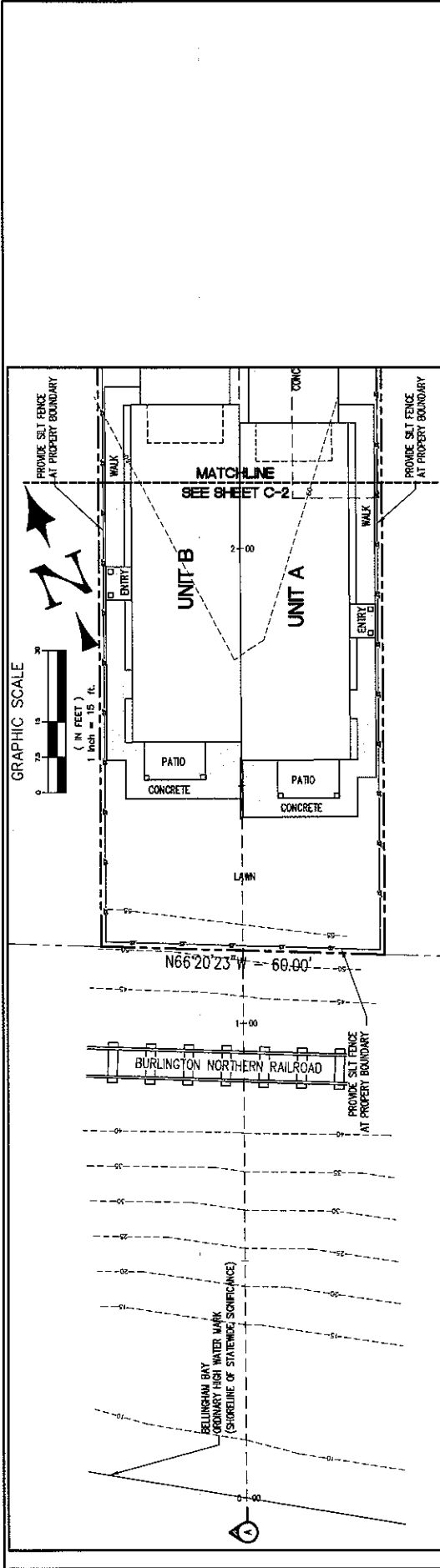


JOB NO.:	C08082
CITY FILE NUM.	XXX
DESIGNED BY:	NL
DRAWN BY:	BJS
CHECKED BY:	NL

**JWEB ENGINEERING LTD**  
consulting civil engineers  
140 WEST KELLOGG ROAD, BELLINGHAM, WA 98226  
Ph: (360) 671-7008  
Fax: (360) 671-7081  
NOTE: (1) ALL DIMENSIONS & TO (ALL RIGHTS RESERVED)

**SCANNED**  
FGI - VICINITY MAP  
30' EDGRIDGE AVE SHORELINE PERMIT  
BELLINGHAM, WA 98225  
PORTION OF THE SE 1/4 OF SEC 23, TWP 38N, R0E 2E, W.M.  
DATE: JULY 2001 SCALE: 1" = 30'

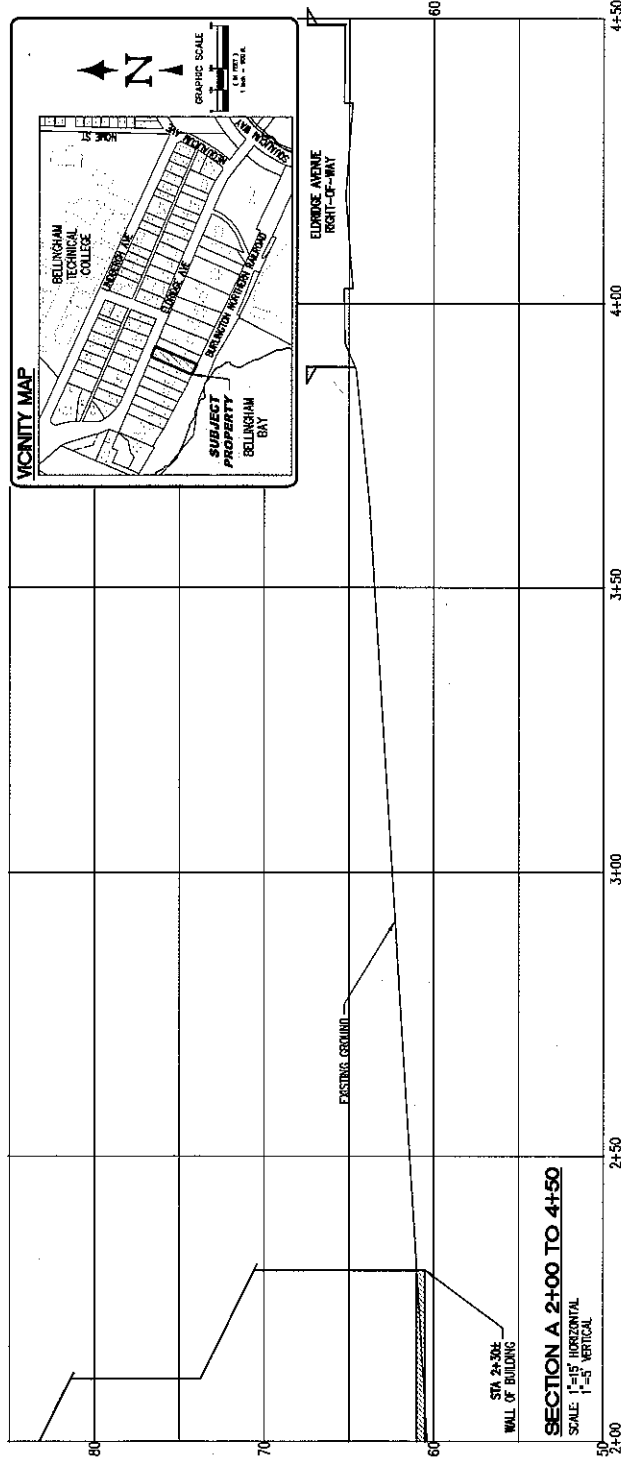
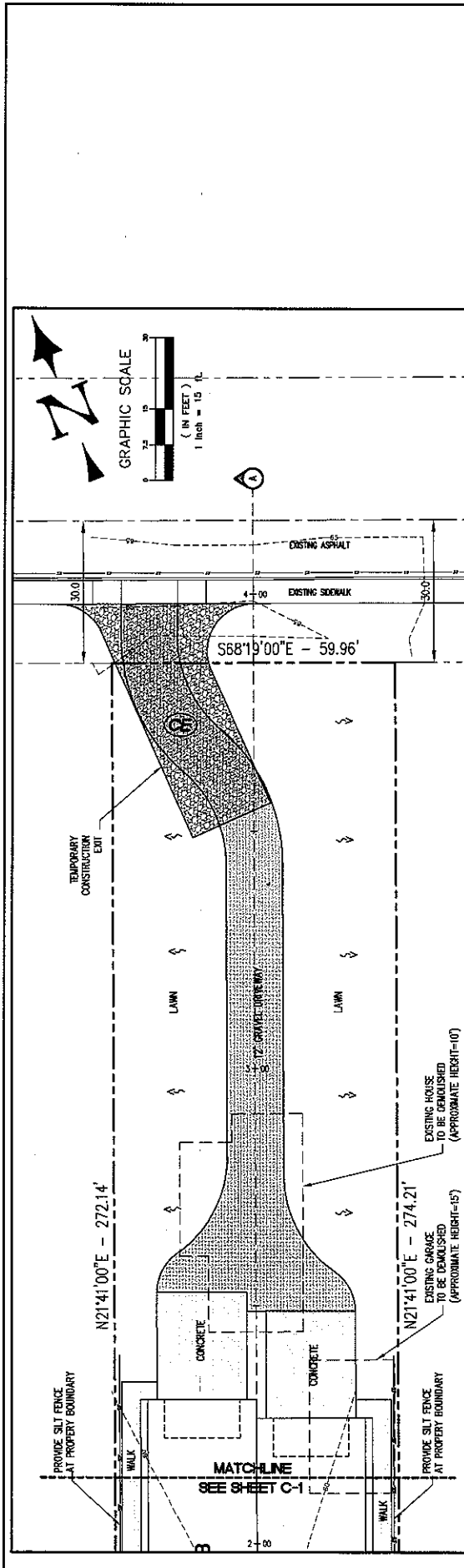
V: N/A



<b>DRAWING:</b> C-1	
<b>SHEET:</b> 1 of 2	
<b>DATE:</b> JULY 2008	
<b>SCALE:</b> AS NOTED	
<b>DATE:</b> JULY 2008	
<b>PROJECT:</b> 3048 ELDREDGE AVE SHORELINE PERMIT 3048 ELDREDGE AVE BELLINGHAM, WA 98225 PORTION OF THE BELT OF SEC. 2A, TWP. 36N, R. 2E, W. 12E	
<b>CLIENT:</b> DENNIS SOBCHUK 3119 ELDREDGE AVE BELLINGHAM, WA 98225	
<b>ENGINEER:</b> W. E. B. ENGINEERING LTD consulting civil engineers 148 WEST BELLECO ROAD, BELLINGHAM, WA 98225 Ph: (360) 871-7081 Fax: (360) 871-7081	
<b>DESIGNED BY:</b> [Signature]	<b>CHECKED BY:</b> [Signature]
<b>DRAWN BY:</b> [Signature]	<b>CREATED BY:</b> [Signature]

**DESTROY ALL PRINTS BEARING PREVIOUS PERMISION NUMBERS**

3-4

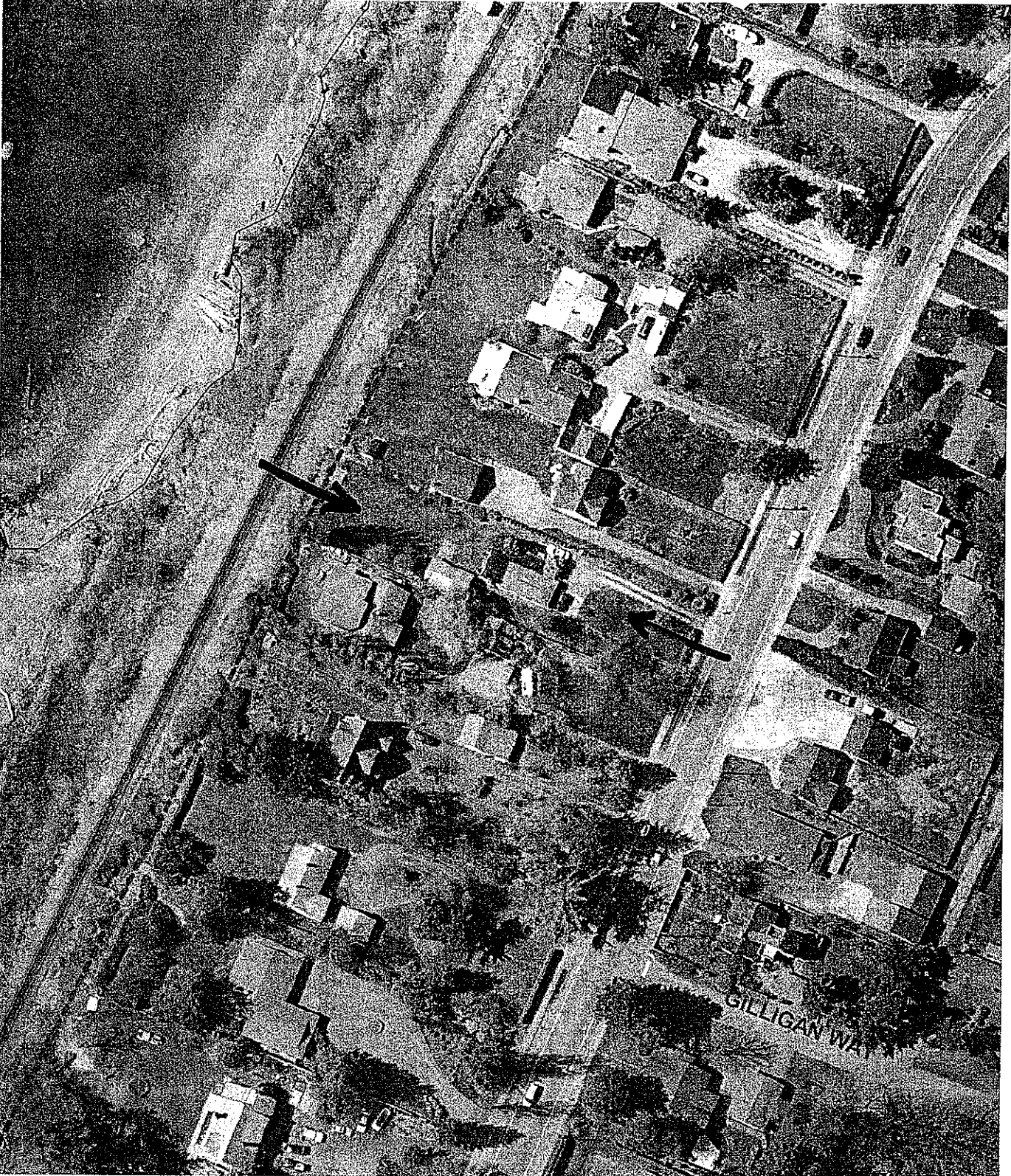


**TOPOGRAPHY AND BOUNDARY SURVEY NOTE:**  
 THIS EXHIBIT WAS PREPARED BASED ON A BOUNDARY SURVEY BY PACIFIC SURVEY AND ENGINEERING, INC. #F 203000788, DATED SEPTEMBER 16, 2003, AND BY A SITE PLAN PREPARED BY DENNIS SOBCHUK, REGISTERED PROFESSIONAL ENGINEER, EXISTING TERRAIN SHOWN BASED ON UNITED TOPOGRAPHIC SURVEY PERFORMED BY CAROLIE AND CHRISTIE LAND SURVEYING, INC. DATED MAY 2008. ELEVATION DATUM CITY OF BELLINGHAM HAS 83/98 NETWORK DENOTATION PROJECT. STRUCTURE I.D. 718, EL. 66.05' (BRASS DISK MONUMENT).

<b>SHORELINES SITE PLAN</b> 3045 ELDRIDGE AVE SHORELINE PERMIT 3045 ELDRIDGE AVE BELLINGHAM WA 98225 PORTION OF THE S.E. 1/4 OF SEC. 28, T14N, R12E, W2E, W.M. DATE: 11-11-13 SCALE: H. 1"=15' V. 1"=5' 4-21-2009		DRAWING: C-2 SHEET: 2 of 2
<b>DENNIS SOBCHUK</b> 3119 ELDRIDGE AVE BELLINGHAM, WA 98225		DESIGNED BY: NL CHECKED BY: NL DRAWN BY: B.S. DATE: 07-17-08 PHONE: (360) 471-7008 FAX: (360) 471-7008 WWW: WWW.WEBENGINEERING.COM
<b>WEB ENGINEERING LTD</b> consulting civil engineers 148 WEST BOLLING ROAD, BELLINGHAM, WA 98225		JOB NO.: CITY FILE NO.: DESIGNED BY: CHECKED BY: DRAWN BY: DATE:
EXISTING UTILITIES NOTES: THE LOCATION OF EXISTING UTILITIES ARE SHOWN AS AN APPROXIMATION ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL UTILITIES. ALL UTILITIES SHALL BE DELETED FROM THE CONSTRUCTION AREA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES. ALL UTILITIES SHALL BE DELETED FROM THE CONSTRUCTION AREA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES. ALL UTILITIES SHALL BE DELETED FROM THE CONSTRUCTION AREA.		

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# EXHIBIT A



# EXHIBIT B

## SHORELINE MASTER PROGRAM COMPLIANCE (Whatcom County):

### **Chapter 23.30.40: Designation Criteria and Policies: Urban Shoreline Area:**

- (a) – The Urban Shoreline Area is defined as an area of intensive development including but not limited to urban density residential, commercial and industrial uses.
- (b) – The purpose of the Urban designation is to ensure optimum regional benefits through intensive development which is appropriate and which enhances the area.
- (c) – The following are secondary criteria for Urban designations:
  - 1. Areas with potential for a type of urban development which would be consistent with this Program and other public plans; or
  - 2. Areas which do not contain natural limitations to urban use, and which have adequate utilities and access; or
  - 3. Areas where present urban development is scattered and where in-filling with new development would be consistent with this Program as well as preferable to further scattering of development.
- (d) – The following policies are adopted for Urban areas:
  - 1. New urban character development should be directed toward already developed or developing areas where compatible.
  - 2. Physical and visual access to shorelines for the public should be strongly encouraged and planned for.
  - 3. Multiple use of shorelines should be sought and encouraged.
  - 4. Additional density should be permitted and encouraged in exchange for additional open space and public access to shorelines.

**STAFF RESPONSE:** The proposal is consistent with the purpose and intent of the Urban shoreline designation. Redevelopment of the site does not require modification to the steep slopes or disturbance within the required setbacks. The proposed development at its closest point to the shoreline is approximately 140-feet from the OHWM of Bellingham Bay. No portion of the proposed development including stormwater infrastructure, concrete patios or decks are located within 32-foot buffer measured from the top of the bluff. Please see EXHIBIT A.

### **Chapter 23.90.10: General Policies:**

**Use Conflicts** – Developments should be located, designed, constructed and managed to minimize adverse effects on other appropriate shoreline uses, whether existing or planned, and to provide safe, healthy conditions. Unavoidable impacts or use conflicts should be held to publicly acceptable minimums by utilizing a variety of mitigation measures such as buffer areas, site design, landscaping and setbacks. Intensive shoreline uses should locate near existing uses of a similar character, or in new locations which are consistent with this Program.

**Hazardous, Sensitive or Unsuitable Areas** – Natural features or conditions associated with shorelines are often environmentally sensitive or potentially hazardous to development. Such areas and features include natural wetlands, accretion shoreforms, floodways, alluvial fans, steep slopes, unstable soils, ground and surface water, fish and wildlife habitat and shore processes. Many such areas are often unique or scarce, highly productive biologically, visually attractive, valuable for public access, open space

or recreation, and in many instances hazardous or otherwise unsuitable for intensive use or development. Such areas should be maintained in a natural condition. In limited instances where alternatives are infeasible, some minimal development activity may be allowed, provided optimum mitigation is achieved. Such development, if property conducted, should not impair natural features, recreation or aesthetic values or result in hazardous conditions, and should adequately protect resources over the long term.

**Site Preparation** – Land clearing, grading, filling, and alteration of natural drainage or other features should be limited to the minimum amount necessary to accommodate approved development. Surfaces cleared of vegetation should be immediately revegetated with native or compatible plants. Landscaping projects requiring substantial earth modification and grading should be carefully and professionally designed to prevent maintenance problems or damage to shore features and processes.

**Views and Aesthetics** – Development should not detract from shoreline scenic and aesthetic qualities which are derived from natural or cultural features, such as shoreforms, natural vegetative cover, scenic vistas, diverse landscapes, historic structures, and rural and wilderness-like shores. These and other scarce or valuable features should be conserved or enhanced by development and utilized for open space, fish and wildlife habitat, public access or recreation purposes. Over water construction should be required, visual compatibility in design of development with its surroundings should be encouraged and scenic views should not be obstructed. Also, protection of the view of the shoreline from the water surface should be considered.

**Public Access (b)** – Area and/or facility requirements should be commensurate with the scale and character of the development and should be a reasonable, fair and effective means of mitigating any such impacts identified during public review of the proposal.

**STAFF RESPONSE:** The subject site although considered potentially hazardous due to steep slopes is an existing developed site which through the proposed design will accommodate approximately 48.8% open space. Many of the surrounding properties are developed as single family residences. The proposed design does not impact the adjacent property owners in terms of views or aesthetics any more than an exempt single family residence could based upon the proposed setbacks, building height, open space, and building square footage.

**Chapter 23.90.40: General Regulations:**

**Hazardous, Sensitive or Unsuitable Areas (a)** – Development shall be located designed, constructed and maintained to prevent hazardous conditions and to substantially conserve wetlands, fish and wildlife habitat, shore processes and other sensitive natural features which are valuable in the region.

**(c)** – Professional design of development may be required by the Administrator in order to protect shore features and other users and to ensure such development is not subject to nor creates hazardous conditions unsuitable to development.

**STAFF RESPONSE:** Staff required the applicant to submit a completed Critical Area Permit prepared by a licensed geologist identifying consistency with the Geologically Hazardous Area performance measures to ensure the proposed development is designed to prevent impacts to the adjacent historic marine bluff.

**Chapter 23.90.40: General Regulations:**

**Public Access (a)** – In the review of all shoreline substantial development or conditional use permits consideration of public access shall be required. Provisions for adequate public access shall be incorporated into a shoreline development proposal for each

shoreline substantial development or conditional use permit (including land division) unless the applicant demonstrates one or more of the following apply:

1. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
2. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
3. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
4. Unacceptable environmental harm will result from the public access which cannot be mitigated;
5. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.

**Based on the following characteristics of the subject site, staff has determined public access to the shoreline is not required in accordance with the above provisions in the SMP:**

- **The BNSF railroad tracks separate the subject property and adjacent property towards the OHWM of Bellingham Bay, which creates a safety hazard for pedestrian access;**
- **The subject property does not border the shoreline and to access the shoreline from the subject property the construction of a bridge including an easement over the BNSF railroad tracks and private property owners would be required.**
- **The cost associated with the construction of a bridge and obtaining easements over the railroad tracks and adjacent properties is unreasonably disproportionate to the total long-term cost associated with the creation of one additional dwelling unit;**
- **Access from the subject site to the shoreline would result in further environmental harm to the adjacent geologically hazardous area regulated under the critical areas ordinance and also result in significant conflict between current adjacent uses and the proposed future use of the site.**

**Chapter 23.90.60: Setbacks, Height, and Open Space Standards for Shoreline Development: Shore Setbacks:**

Table 23.90.60 establishes the minimum required shore setbacks for development, including all structures and substantial alteration of natural topography. Shore setbacks shall be measured from OHWM; Provided that, on natural wetlands, such setback shall be measured from the edge of the wetland, and on erosional or otherwise geologically unstable banks more than ten feet high and sloping at more than 30 (thirty) percent, such setbacks shall be measured from the bank rim or crest of such slope; Provided further that, no shore setback shall exceed the geographic limit of the Act's jurisdiction. **Height Limit for Duplex's – 30 feet. Please see EXHIBIT F.**

**Chapter 23.100.180.10: Utilities – Policies: Storm Drainage:** Storm drainage systems and outfalls required for approved development should be designed and constructed in a manner that will avoid adverse impacts to water quality, and other shore resources and users in compliance with the Ecology Stormwater Management Manual for the Puget Sound Basin, Public Rule 91-75, and other applicable regulations. Stormwater collection facilities should include grass swales, oil separators or other devices where necessary to prevent the discharge

of pollutants into water bodies, streams and wetlands.

**STAFF RESPONSE:** The revised stormwater drainage system has been redesigned to pump runoff from the proposed development to existing stormwater infrastructure located in Eldridge Avenue in order to comply with critical area performance standards. All stormwater infrastructure requires review and approval from the Public Works Dept. for compliance with the Washington State Dept. of Ecology's Stormwater Management Manual for Western Washington (2005 Edition) which will take place under the subject building permit review.

**SHORELINE MASTER PROGRAM COMPLIANCE (City):**

**Section 27: Use Activity Regulations:**

- Q. RESIDENTIAL DEVELOPMENT: The following regulations shall apply to all residential development on the shorelines of the City.
1. Residential development over water is prohibited.
  2. Residential development including single family subdivisions shall be designed to provide a common water-front area in an manner which will offer equal access for all residents of the subdivision to all properties within the subdivision abutting a water body.
  3. Residential development on the shorelines shall not exceed 35 feet in height except in the Urban Multi-Use Environment.

**Section 26: General Regulations:**

- G. PUBLIC ACCESS: Public access shall be encouraged wherever possible. The Bellingham Open Space Plan shall be used as a guideline for where access is most desirable.
1. No development shall block or interfere with the normal public use of or public access to publicly owned shorelines and water bodies.
  2. All developments shall be designed to protect and enhance views and visual access to the water and shorelines.
  3. All developments, including recreational, multi-family residential, commercial or industrial, located along public shorelines or unique shoreline areas shall be required to provide view corridors, public accessways, trail easements or other amenities upon a determination by the City that the action would enhance public enjoyment of the shoreline, not unduly conflict with the proposed use, adjacent uses or public safety nor adversely impact the shoreline environment and is consistent with the City of Bellingham Open Space Plan.
  4. Any required public access easement shall be of a size and design appropriate to the site, size, and general nature of the proposed

development. Such easements shall be recorded on a property deed or face of a plat as a condition running in perpetuity with the land.

5. Signs which indicate the public's right of access shall be installed as required by the Director of Planning and Economic Development Department.
6. Public use on private property which is a condition of a shoreline permit may be limited to daylight hours or otherwise restricted to prevent use conflicts.
7. Where possible, public access sites shall have direct and easy access from the street.
8. Public access may be considered unfeasible and not be required where;
  - a. Unavoidable hazards to the public in gaining access exist.
  - b. Inherent security requirements of the use cannot be satisfied.
  - c. Unavoidable interference with the use would occur.
  - d. The cost of providing the access is unreasonably disproportionate to the total cost of the proposed development.
  - e. Where damage to the natural ecology of the area would result and could not be mitigated.
  - f. In the above, the applicant shall first demonstrate and the City shall determine that all reasonable alternatives have been exhausted, including but not limited to 1) maintaining a gate and limiting hours of use, or modifying operations and scheduling 2) designed separation of uses and activities, i.e. fences, terracing, use of one-way glazings, hedges, landscaping, etc. 3) provision of or contribution to an access at a site geographically separated from the proposal.
9. Public access to the shoreline shall be required on all public property, except as indicated above or as follows:
  - a. In harbor areas completely occupied by water-dependent uses.
  - b. In street ends or waterways occupied by water-dependent uses under permit or lease.
10. On property where public access is infeasible, the applicant may be permitted to provide off-site public access in the form of view platform, interpretive display or other public access enhancement consistent with the Open Space Plan in lieu of on-site access.

11. Required public access sites shall be fully developed and available for public use at the time of occupancy of the development unless the required public access site is on an undeveloped segment of a trail route designated in the Bellingham Open Space Plan. In this case, the required public access shall be fully developed and available for use when the trail segment is developed.
12. Where public access is not required on-site due to one of the factors cited in 8 or 9 above, a payment in lieu may be required prior to permit approval to provide a similar or equivalent amenity.
13. "Required public access" shall include not less than a pedestrian bicycle pathway of suitable surfacing and standards to meet the intended purpose, adequate signage to inform the public of the public access, design features and landscaping to make the facility in harmony with the shoreline setting, and where appropriate, facilities which are designed to meet the anticipated use including use by disabled persons.

Where required public access is located on a trail route indicated in the City of Bellingham Open Space Plan, the access-way shall connect to adjoining trail sections including access points and vistas, either existing or planned. If the required access does not connect to a continuous public trail, the required access shall connect to a public right-of-way.

14. Future actions by the applicant shall not diminish the usefulness or value of the public access site.

**STAFF RESPONSE: The proposed duplex is well within the height limitation. The proposed duplex is not required to provide public access for several reasons. First, public access would conflict with abutting uses where currently no public access exists. Second, access in the form of a trail or viewpoint would conflict with the requirements to maintain an appropriate buffer at the top of the bluff. (The stormwater features that were initially proposed within the 32-foot required buffer have been removed and are now utilizing the pumping system.) Finally, public access in this location is presently not available nor are there any available connections within any proximity of the project. Requiring new public access as part of this proposal would be unduly disproportionate both financially and in terms of impact mitigation not to mention this site does not physically abut shorelines.**