



Permit Center

210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: (360) 778-8382

Email: permits@cob.org Web: www.cob.org/permits

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"/> Minor Critical Area Permit <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 type="checkbox"/> SEPA <input type="checkbox"/> Shoreline Permit <input type="checkbox"/> Shoreline Exemption <input type="checkbox"/> Short Term Rental <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 (Subdivision) <input type="checkbox"/> Wireless Communication <input type="checkbox"/> Zoning Compliance Letter <input type="checkbox"/> Other: <u>Street Vacation</u> | Office Use Only Date Rcvd: _____ Case #: _____ Process Type: _____ Neighborhood: _____ Area Number: _____ Zone: _____ Pre-App. Meeting: _____ Concurrency: _____ |
|---|--|---|

Project Information

Project Address _____ Zip Code _____

Tax Assessor Parcel Number (s) _____

Project Description _____

Applicant / Agent

☒ Primary Contact for Applicant

Name _____

Mailing Address _____

City _____ State _____ Zip Code _____

Phone _____ Email _____

Owner (s)

☐ Applicant

☐ Primary Contact for Applicant

Name _____

Mailing Address _____

City _____ State _____ Zip Code _____

Phone _____ Email _____

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 _____, Date _____

City and State where this application is signed: _____, _____
City State



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PRELIMINARY PLAT APPLICATION (PROCESS TYPE III-B)

This application form is for a preliminary plat and preliminary cluster plat requiring a Type III-B process.

Pre-Application Steps:

- ☐ Pre-Application conference or waiver. Identify permit number: PRE_____
- ☐ Pre-Application neighborhood meeting or waiver. Identify permit number: PRE_____ Conducted February 24th, 2021, see attached notice.
- ☐ Transportation concurrency certificate, if applicable. Identify permit number: CON_____

Application Submittal Requirements:

- ☐ A completed Land Use Application form.
- ☐ A completed Preliminary Plat Application, including all information required by this form.
- N/A ☐ A completed Legal Lot Application form, unless specifically waived.
- ☐ Written response to the performance criteria pursuant to BMC 23.08.030.
- ☐ Written response to the decision criteria pursuant to BMC 23.16.030.
- ☐ A completed Departure and/or Variance Application form(s), if a departure and/or variance is requested.
- ☐ SEPA Checklist, if applicable.
- ☐ Application fee payment.
- ☐ Mailing list and labels as described in the attached mailing list instructions.

Note: A number of individuals outside the 500' mailing radius requested to be added to the notification list. These individuals names and mailing addresses have been added to the attached mailing list.

Project Data:

1. Name of Plat _____
2. Number of Lots _____
3. Civil Engineer information:
Name: _____
Address: _____
Phone number: _____
Email: _____
4. Surveyor information:
Name: _____
Address: _____
Phone number: _____
Email: _____

Submittal Requirements:

The submittal requirements shall be prepared and submitted in electronic format as a .pdf document that conforms to the provisions of Title 23 BMC, unless otherwise determined by the city:

- ☐ The application submittal materials required by this form.
- ☐ A vicinity map that clearly identifies the proposal in relation to the surrounding land for a distance of at least a quarter of a mile and additional area, as necessary, to show connecting streets or arterials. *See Sheet 1 of the preliminary plat plan set.*
- ☐ An existing conditions map prepared by a Washington State certified land surveyor or licensed engineer that includes the following : *See Sheet 2 of the preliminary plat plan set.*
 - ☐ Scale between 1" = 10' and 1" = 20'.
 - ☐ All parcels and ownership of those parcels within 300 feet of the preliminary plat boundaries. *See table on Sheet 2 of the preliminary plat plan set.*
 - ☐ Rights of way, including widths, name and improvements.
 - ☐ Utilities, including public and private water, sewer and stormwater mains and services.
 - ☐ Public and private easements affecting the subject site.
 - ☐ Critical areas on and affecting the site, including buffers and building setbacks.
 - ☐ Topography at 5-foot intervals.
- N/A* ☐ Existing structures on-site and their distances to proposed and existing property lines. *No structures on site.*
- N/A* ☐ Location and dimensions of existing on-site parking areas. *No existing parking on site.*
- ☐ A plat map prepared by a Washington state certified land survey or licensed engineer, that includes the following:
 - ☐ Scale between 1" = 10' and 1" = 20'.
 - ☐ Legal description of the area being subdivided.
 - ☐ Proposed lots and tracts.
 - ☐ Proposed lots that are identified and labeled as Lot 1, Lot 2, etc. and tracts as Tract A, Tract B, etc.
 - ☐ Proposed area of each lot and tract.
 - ☐ Statement for the intended purpose of each tract (i.e. stormwater, open space etc.)
 - ☐ Existing and proposed public rights of way, state highways and public open space tracts, trails and parks pursuant to BMC 23.08.030(E), (F) and (G).
 - ☐ Existing and proposed utility easements that affect the proposed preliminary plat.
 - ☐ Critical areas on and affecting the site, including buffers and building setbacks.
- N/A* ☐ Existing structures and their distances to proposed and existing property lines. *No existing structures on site.*
- ☐ A street and utility service plan prepared by a Washington state licensed engineer that includes the following:
 - ☐ Scale between 1" = 10' and 1" = 20'.
 - ☐ Existing and proposed public infrastructure necessary to serve the proposed preliminary plat, including rights of way, water, sewer, stormwater, etc.
 - ☐ Existing and proposed street improvements consistent with the city of Bellingham's approved street construction details.
 - ☐ Topography at 5-foot intervals.
- ☐ A preliminary clearing and grading plan pursuant to BMC 23.08.030(C) and (D) that shows retention of natural features and existing and proposed grades of lots and public rights of way.

- ☐ Preliminary stormwater management report consistent with Chapter 15.42 BMC for proposals that will generate 5,000 square feet of new or replaced impervious surfaces.
- ☐ A plat certificate, subdivision guarantee or Title report dated within 30 days of application submittal.
- ☐ All other applications determined necessary to process the proposed preliminary plat consistent with the Bellingham Municipal Code.
- ☐ Additional material as determined by the city to review the proposal consistent with the Bellingham Municipal Code.



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CRITICAL AREA PERMIT

(PLEASE PRINT CLEARLY OR TYPE IN BLUE OR BLACK INK)

The intent of the Critical Area Ordinance (Bellingham Municipal Code 16.55) is to designate and classify environmentally sensitive and hazardous areas and to protect, maintain, and restore these areas and their functions and values while also allowing for reasonable use of public and private property. To determine if a proposed activity or area is subject to the ordinance contact the Planning Division staff.

SUBMITTAL CHECKLIST – Your application will not be accepted unless all of the following are submitted:

- ☐ Pre-Application conference or waiver
 - Required for applications that include a SEPA checklist (*Type II*).
- ☐ Land Use Application form and associated information outlined in the Critical Area Permit Packet
 - All requested information must be provided.
- ☐ Filing fee
 - Applicable fee as calculated by Planning staff. (*See separate Fee Schedule*)
- ☐ List of surrounding property owners (*For Type II & Type III-A applications only*)
 - Complete the attached Names and Mailing Addresses of Surrounding Property Owners for property **within 500 feet**.
- ☐ SEPA Environmental checklist
 - Submit if required (*including any wetland impacts – consult Planning Staff*)
- ☐ Critical Area Report & Maps (*Two 11" x 17" or larger scaled copies and one 8 ½" x 11" reduction*)
 - See the attached Critical Area Report and Map Checklist for requirements.
- ☐ Specific Report
 - The following reports are required depending on the type of critical area(s) impacted:
 - ☐ Wetlands and their buffers ☐ Frequently flooded areas ☐ Geologically hazardous areas
 - ☐ Fish and wildlife habitat conservation areas (*including streams*)
 - Reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area. (*See the specific checklist for report requirements*)
- ☐ Associated Land Use Applications
 - Consult with Planning staff to determine if other land use permits are required.
 - All Type II applications must be submitted concurrently.



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CRITICAL AREA REPORT CHECKLIST

A Critical Area Report is required for all applications (BMC 16.55.210). The report must be prepared by a “qualified professional”, as defined in BMC 16.55.510. All reports may require additional information as determined by the Planning Director. The Planning Director may approve a Critical Area Report supplemented by or composed of any previous studies required by other laws and regulations.

At a minimum, the report shall contain the following (BMC 16.55.210 C):

- ☐ The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
- ☐ Maps and site plans (*Two 11” x 17” or larger scaled copies and one 8 ½” x 11” reduction*)
 - Vicinity map clearly showing the location of the property.
 - Critical areas map showing all critical areas, required buffers, and existing topography based on City or surveyed data.
 - Site plan detailing the development proposal (including stormwater facilities) and the limits of construction. This map should be overlaid on the critical area/topographical map.
 - Topography map showing the location and extent of all grading, cut and fill, and post construction contours.
- ☐ The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
- ☐ Identification and characterization of all critical areas, water bodies, and buffers adjacent to the proposed project area;
- ☐ A statement specifying the accuracy of the report, and all assumptions made and relied upon;
- ☐ An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development;
- ☐ An analysis of site development alternatives including a no development alternative;
- ☐ A description of reasonable efforts made to apply mitigation sequencing pursuant to *Mitigation Sequencing* [Section 16.55.250] to avoid, minimize, and mitigate impacts to critical areas;
- ☐ Plans for adequate mitigation to offset any impacts, in accordance with *Mitigation Plan Requirements* (BMC 16.55.260) and additional requirements specified for each critical area.
- ☐ A discussion of the performance standards applicable to the critical area and proposed activity;
- ☐ Financial guarantees to ensure compliance; and
- ☐ Any additional information required for the critical area as specified in the corresponding chapter.

These items
are not
applicable as
NO impacts
to critical
areas are
proposed.



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MITIGATION REPORT REQUIREMENTS

N/A - No impacts are proposed to the critical areas on-site.

See each Critical Area section for specific mitigation requirements. When mitigation is required, the applicant shall also submit a mitigation plan, prepared by a "qualified professional", as defined in BMC 16.55. The mitigation plan shall include:

- ☐ Detailed summary of the project, including the impacts to the critical area, and the proposed mitigation to compensate for lost functions and values to appear in the beginning of the report.
- ☐ Rationale for selecting the mitigation site.
- ☐ Complete site characterization of the proposed mitigation site to include parcel size, ownership, soils, vegetation, hydrology, topography, and wildlife.
- ☐ Goals, objectives, performance standards and dates of completion of the mitigation proposal.
- ☐ Report and maps of the critical area to be impacted.
- ☐ Monitoring, maintenance, and contingency plan. The monitoring schedule (dates, frequencies and protocols) must be included and a monitoring report submitted accordingly. Monitoring and maintenance shall be required for at least five years unless otherwise stipulated by another government agency.
- ☐ Map of development, with scale, shown in relation to critical area.
- ☐ Financial guarantees ("surety") for 150 percent of the total costs to ensure the mitigation plan is fully implemented, including, but not limited to, the required monitoring and maintenance periods.



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SPECIFIC REPORT REQUIREMENT – WETLANDS AND WETLAND BUFFERS

In addition to the Critical Area Report and associated maps, submit a specific report based on the type of critical area. This supplemental report must also be prepared by a “qualified professional”, as defined in BMC 16.55.510. All reports may require additional information as determined by the Planning Director.

A wetland delineation report shall provide an analysis of all wetlands and buffers on site and within one hundred fifty (150) feet of the lot or parcel boundaries including, at a minimum, the following information:

☐ Critical Area Report and Maps (See separate checklist for requirements)

☐ Wetland Delineation Report

- The wetland boundaries shall be surveyed by a licensed surveyor or using an equivalent method with an accuracy of +/- one (1) foot of a survey.
- Determination of each wetland size.
- Description of each wetland class and category.
- Description of overall water sources and drainage patterns on site.
- Description of vegetation, hydrologic conditions, and soil and substrate conditions.
- Description of wildlife and habitat.
- Topographic elevation, at two-foot contours.
- Functional assessment of the wetland and adjacent buffer using a local or state agency-recognized method and including the reference of the method and all data sheets.
- Show the standard buffer requirements for each wetland.

N/A ☐ Wetland Mitigation Requirements – provide information described in BMC 16.55.350 in addition to the Mitigation Report Requirements Checklist.



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SPECIFIC REPORT REQUIREMENT – GEOLOGICALLY HAZARDOUS AREAS

In addition to the Critical Area Report, submit a specific report based on the type of critical area. This supplemental report must also be prepared by a “qualified professional”, as defined in BMC 16.55.510. All reports may require additional information as determined by the Planning Director.

☐ Critical Area Report and Maps (See separate requirement checklist)

☐ Site and Construction Plans.

- All geologically hazardous areas within the zone or distance of potential significant influence, as determined by a professional engineer/geologist
- The type and extent of geologic hazard areas, any other critical areas, and buffers on, adjacent to, or within a zone or distance of potential significant influence as determined by a professional engineer/ geologist,
- Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain, if available;
- The topography, as determined by a professional engineer or geologist, of the project area and all hazard areas addressed in the report; and
- Clearing limits.

☐ Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region. The assessment shall include, but not be limited to:

- A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;
- A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and
- A description of the vulnerability of the site to seismic and other geologic events.

☐ Analysis of Proposal. The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.

☐ Minimum Buffer and Building Setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis.

N/A ☐ Provide information described in BMC 16.55.430 E when relevant, in addition to the Mitigation Report Requirements checklist.

Where a valid Critical Area Report has been prepared, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required Critical Area Report, if deemed still valid and appropriate by a professional engineer or geologist. The applicant shall submit a Hazards Assessment detailing any changed environmental conditions associated with the site based on best professional judgment of the engineer/ geologist.

In addition to the above information, additional technical information must be provided for the following specific hazards (BMC 16.55.440):

- ☐ Erosion and landslide hazard areas
- ☐ Seismic hazard areas
- ☐ Mine hazard areas
- ☐ Other geologically hazardous areas



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SPECIFIC REPORT REQUIREMENT - FISH AND WILDLIFE HABITAT CONSERVATION AREAS (INCLUDING STREAMS)

In addition to the Critical Area Report, which is required for all applications, a specific report must be submitted based on the type of critical area. This supplemental report must also be prepared by a “qualified professional”, as defined in BMC 16.55.510. All reports may require additional information as determined by the Planning Director.

Certain Critical Area applications may also require a Shoreline Substantial Development Permit as provided under the Shoreline Master Program (BMC 16.40). This may be the case for actions located in, on, over or near Chuckanut Creek, Squalicum Creek, Whatcom Creek, Lake Whatcom, Lake Padden and Bellingham Bay. Verify with Planning staff whether a Shoreline Substantial Development Permit is required for the project.

- ☐ Critical Area Report and Maps (**See separate requirement checklist**)
- ☐ Fish and Wildlife Conservation Report
 - This report shall include all habitat conservation areas and recommended buffers within three hundred (300) feet of the project area.
 - The report shall include all shoreline areas, floodplains, other critical areas, and related buffers within three hundred (300) feet of the project area.
 - Detailed description of vegetation on and adjacent to the project area and its associated buffer;
 - Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
 - A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;
 - A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality;
 - A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with *Mitigation Sequencing* [Section 16.55.250]; and
 - A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.



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SHORELINE PERMIT APPLICATION

(PLEASE PRINT CLEARLY OR TYPE IN BLUE OR BLACK INK)

Pre-Application Steps:

- X ☐ Pre-Application conference or waiver
- X ☐ Transportation concurrency certificate, if applicable

Application Requirements:

- X ☐ A completed Land Use Application form
- X ☒ All of the materials and information required by this form
 - ☐ SEPA Checklist, if applicable
 - ☐ Application fee payment
 - ☐ Mailing list and labels for 500 foot radius

Project Data:

1. Name of adjacent water body: _____

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

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

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):

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:
-
-
-

6. Project diagrams: **Draw all maps to scale**, clearly indicating scale on the lower right hand corner of the map. Attach all maps to the application. Maps shall be 8 ½" X 11" to 11" X 17" in size. Four copies are required. One map set should be 18" X 24" for use at the Shoreline Committee Meeting.

A. **SITE PLAN MAP** Include on map:

1. Site boundary.
2. Property dimensions in vicinity of project.
3. Ordinary high water mark.
4. Typical cross section or section showing:
 - a. Existing ground elevations.
 - b. Proposed ground elevation.
 - c. Height of existing structures.
 - d. Height of proposed structures
5. Where appropriate, proposed land contours using five-foot intervals in water area and ten-foot intervals on areas landward of ordinary high water mark, if development involves grading, cutting, filling, or other alteration of land contours.
6. Show dimensions and locations of existing structures, which will be maintained.
7. Show dimensions and locations of proposed structures.
8. Identify source, composition, and volume of fill material.
9. Identify composition and volume of any extracted materials and identify proposed disposal area.
10. Location of proposed utilities, such as sewer, septic tanks and drainfields, water, gas, electricity.
11. If the development proposes septic tanks, does proposed development comply with local health and state regulations.
12. Shoreline designation according to the Master Program.
13. 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

1. Indicate site location using natural points of reference (roads, state highways, prominent landmarks, etc.)
 2. If the development involves the removal of any soils by dredging or otherwise, please 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.
 3. 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.).
7. A filing fee shall be required at the time of application as determined by Council (see separate fee sheet). Please indicate project valuation:
- ☐ Less than \$100,000 This valuation is for the scope of work located within the Shoreline Jurisdiction, not the entire project cost.
 - ☐ \$100,000 or more but less than \$500,000
 - ☐ \$500,000 or more: List valuation: _____

I, _____, am the above-named applicant for a permit to construct a substantial development pursuant to the Shoreline Management Act of 1971 and the Bellingham Shoreline Master program, and hereby state that the foregoing statements, answers, and information are, in all respects, true and correct to the best of my knowledge and belief.



Signature

Date



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SUBDIVISION VARIANCE APPLICATION

(Process Type III-A and III-B)

This application form is for variances pursuant to Chapter 23.48 BMC.

Application Submittal Requirements:

- ☐ A completed Land Use Application form.
- ☐ A completed Subdivision Variance Application form including all information required by this form.
- X ☐ Identification of requested variance(s).
- ☐ Written response to the variance criteria pursuant to BMC 23.48.040 for each variance requested.
- X ☐ Application fee payment.
- X ☐ Concurrent submittal of a land division application.

Variance Procedures

Subdivision variances are Type III-A or Type III-B processes subject to BMC 21.10.120 and shall be submitted in conjunction with an application for a land division proposal. In all situations, the hearing examiner will consider and make the final permit decision for all land division applications, except binding site plans, when a subdivision variance is proposed.

The applicant is responsible for demonstrating, in writing, how the requested variance meets the variance criteria pursuant to BMC 23.48.040.

Required plans

The requested variance shall be identified on the plans submitted with the land division application.

NOTE:

1. An approved variance shall be valid for the same period of time as the associated decisions for the land division.
2. This is a quasi-judicial proceeding and therefore, the applicant should not discuss the variance request or any associated land use application with the Hearing Examiner prior to the public hearing.
3. The applicant or an authorized representative must be present at the public hearing.

Project Data:

Name and/or permit number of land division associated with this request:

See below for a discussion of each variance request.*

Requested variances.

Provide a list of the requested variances, which includes the following information for each requested variance:

Variance #1 (Requested variance):

Code provision/regulation: BMC _____

Applicant's response to variance criteria: _____

Variance #2 (Requested variance):

Code provision/regulation: BMC _____

Applicant's response to variance criteria: _____

*The project includes three (3) separate variance requests, all related to road improvements. These include:

- Variance from BMC 23.08.060.E.2, which limits the number of lots that can take access from a private shared easement. Limitation is four lots. The project includes a private shared road serving 8 lots.
- Variance from BMC 23.08.070.B, which requires all rights of way within and abutting a land division to be improved in accordance with BMC Title 13. BMC Title 13.08.030.B.3 requires that the abutting frontage (Viewcrest Road) be improved to a 3/4 standard, that the unvacated portion of the 10th Street right of way be improved to a full standard, and that various unvacated rights of way in the southwest corner of the Property be improved to a full standard. We are proposing an alternative improvement standard for Viewcrest Road and that the other unvacated rights of way within the plat remain unimproved.
- BMC Title 13.08.030.B.4 requires that newly dedicated public roads (west and east road within the plat) be improved to a full standard (in this case a residential street standard). We are proposing an alternative improvement standard for both internal public roads.

See the attached project narrative for a detailed discussion of these variance requests and the attached variance exhibits for illustrations of each variance request.



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STREET AND/OR ALLEY VACATION PROCEDURES

PETITION

1. Petition/application forms are attached at the end of these procedures.
2. A vacation is initiated by property owners or by a resolution of the City Council. The vacation petition must be signed by the owners of more than two-thirds of the property abutting the street or alley to be vacated. One hundred percent participation is strongly recommended.
3. The petition/application must contain:
 - a. Signature and proof of ownership for all petitioners. Supply an affidavit, title report or copy of a deed of conveyance, and the most current tax statement or reassessment must be submitted for each signature.
 - b. A vicinity map showing the proposed vacation.
 - c. An application fee in the amount set by the City Council (see separate Fee Schedule handout) after initial review of the petition by the Technical Review Committee (TRC)* - representatives from Planning, Public Works, Fire, and Parks and Recreation.

* The application will be reviewed by the Technical Review Committee for compliance with the Street Vacation Policies on page 4 of this application. The applicant will be notified of the TRC recommendation by Planning. If the TRC recommends against the street or alley vacation, the applicant may wish to reconsider going forward.

REVIEW PROCEDURE

After TRC review, and upon receipt of the application fee by the Planning Division, notice of the vacation and a request for comments is sent to all utilities.

PROPERTY APPRAISAL

1. Appraisal/Fair Market Value - The payment for a street vacation, unless otherwise provided by the City Council, is one-half (1/2) of the appraised value of the area proposed for vacation.

Before scheduling the vacation at the Hearing Examiner, Planning will order an appraisal from a local certified MIA appraiser. The applicant pays for the appraisal before the appraiser initiates the work. The appraisal process usually takes a minimum of six weeks.

An appraisal may not be required in cases where the TRC determines that it is not necessary to determine fair market value. In these cases, payment usually will be based on one-half (1/2) of the current assessed value of the abutting properties.

HEARING EXAMINER

1. After appraisal is completed and payment for the vacation is deposited with the City Finance Director, the petition and all pertinent materials including a staff report are forwarded to the Hearing Examiner for consideration.
2. Public hearing procedures apply. In addition to mailing notices to all petitioners and all owners of land (as per the Assessor's records) abutting the portion of the street or alley sought to be vacation at least 10 days prior to the hearing, Planning posts, within 20 days of the hearing date, a notice in three of the most public places in the City and on the street or alley to be vacated.
3. If the vacation was initiated by the City Council by resolution rather than by petition, owners of all land abutting the portion of the street or alley to be vacated are given notice by mail at least fifteen (15) days before the date fixed for the hearing. If fifty (50) percent of the abutting property owners file written objection to the proposed vacation with the City Clerk prior to the time of the hearing, the City is prohibited from proceeding.
4. The Hearing Examiner provides a recommendation to the City Council. This recommendation includes findings and conclusions.

CITY COUNCIL

1. The City Council schedules a daytime meeting of one of the Council's committees to review the Hearing Examiner's report. The committee recommends approval, denial, or a formal hearing to the full Council.
2. If the proposal is recommended for approval, it will most commonly go on the Consent Agenda that evening, and be voted on with other issues in a block. No hearing will be held.
3. If the proposal is recommended for denial or a formal hearing, it will most commonly be scheduled for a Closed Record Public hearing, that evening or some other night. The Council may not accept new information at this Closed Record Public Hearing.
4. The City Council may, by vote and upon approval of the Mayor, approve a vacation ordinance. If the vacation is not approved, the deposited amount (exclusive of the application fee) is refunded to the petitioner.

CITY COUNCIL ADOPTED STREET VACATION POLICIES

It is the policy of the City of Bellingham to grant vacation of a street right of way when it is determined both that such right of way is not needed presently or in the future for public access (including vehicular, pedestrian, and visual access) and that such vacation advances the public good. All of the following policies should be met prior to the vacation of a right of way.

1. The proposed vacation should be determined to be necessary to the public good either in terms of needed development or when such vacation will result in a better or more desirable situation. In some instances a more desirable situation may be a better road pattern in terms of safety, or when an exorbitant amount of land is devoted to unneeded right of way.
2. The right of way must be determined to be of no value to the circulation plan of the City either now or in the foreseeable future. The circulation plan is assumed to include vehicular, pedestrian, or other modes of transportation.
3. No vacation will be allowed if such action land locks any existing parcel, lot of record, or tract. Access to a right of way of less than 30 feet in width does not constitute adequate access. One ownership of all the lots on a right of way does not circumvent this policy and in this it will be necessary to vacate lots prior or together with vacation action.
4. State law (R.C.W. 35.79.035) "(1) A city or town shall not vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water unless: (a) The vacation is sought to enable the city or town to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses; (b) The city or town, by resolution of its legislative authority, declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: Port, beach or water access, boat moorage, launching sites, park public view, recreation, or education; or (c) The vacation is sought to enable a city or town to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline to which the street or alleys sought to be vacated abut, had the properties included in the plan not been vacated. ...".
5. Right of way adjacent or leading to any park, open space, view, natural area, or any other natural or man-made attraction should not be vacated.
6. Notification of street vacation requests will be sent to the Planning Commission. The Commission may choose to schedule review of street vacations that have significant issues related to land use and the implementation of the Comprehensive Plan. The Commission will hold a public meeting and make a recommendation to the City Council on these vacations.
7. The petition should contain the approval of all the abutting property owners and proof of ownership must accompany the petition.
8. Vacation is not mandatory even though 100% of the abutting owners request the vacation.
9. Proposed or possible use of the vacated right of way is not relevant to City action (court opinion).
10. Easements for utilities will be retained as a matter of procedure unless vacation of such easement is specifically requested by the petitioners and approved by the City Engineer.
11. The following may be accepted by the City Council as appropriate trade for a Street Vacation: Payment, land, or major improvements to public facilities. In all cases, fair market value of the right of way and of the item to be traded shall be established. Proposed public improvements shall be reviewed and recommended by the affected City Department(s), and shall exceed the established value of the right of way proposed for vacation. Provision of such compensation or departmental approval of proposed improvements does not mandate street vacation approval by the City Council or Mayor.



Permit Center

210 Lottie Street, Bellingham, WA 98225
Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: (360) 778-8382
Email: permits@cob.org Web: www.cob.org/permits

STREET AND/OR ALLEY VACATION PETITION

(PLEASE TYPE OR PRINT CLEARLY IN BLUE OR BLACK INK)

The undersigned, owners of property abutting on the hereinafter described streets and/or alleys sought to be vacated, hereby petition to vacate: (legal description required)

and to make such orders and to take such action as may be necessary to accomplish said vacation. Proof of ownership is attached.

The rights of way proposed for vacation abut only the proposed development Property. One abutting property owner.

Abutting Property Owner #1

Address and Legal Description of Signator's Property _____

(Proof of ownership and tax statement attached)

Signature of Property Owner

Mailing Address of Property Owner

Printed Name of above Signature

City State Zip

Abutting Property Owner #2

Address and Legal Description of Signator's Property _____

(Proof of ownership and tax statement attached)

Signature of Property Owner

Mailing Address of Property Owner

Printed Name of above Signature

City State Zip

Abutting Property Owner #3

Address and Legal Description of Signator's Property _____

(Proof of ownership and tax statement attached)

Signature of Property Owner

Mailing Address of Property Owner

Printed Name of above Signature

City State Zip

(Additional copies may be necessary if there are more than 3 property owners)

Check the boxes that apply:

This property is also subject to

- ☐ building permit (address _____)
- ☐ short plat or lot adjustment
- ☐ site plan review
- ☐ change in land use designation
- ☐ other (specify) Preliminary Plat Application

The City staff person most familiar with this application is _____



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STREET AND/OR ALLEY VACATION PETITION

(PLEASE TYPE OR PRINT CLEARLY IN BLUE OR BLACK INK)

The undersigned, owners of property abutting on the hereinafter described streets and/or alleys sought to be vacated, hereby petition to vacate: (legal description required)

See attached street vacation exhibits and project narrative for details on the vacation request.

and to make such orders and to take such action as may be necessary to accomplish said vacation. Proof of ownership is attached.

The rights of way proposed for vacation abut only the proposed development Property. One abutting property owner.

Abutting Property Owner #1

Address and Legal Description of Signator's Property See attached deed and assessor .
information.

(Proof of ownership and tax statement attached)

[Signature]
Signature of Property Owner

ROGAN SOMES
Printed Name of above Signature

901 HARNIS AVE
Mailing Address of Property Owner
Bellingham WA 98225
City State Zip

Abutting Property Owner #2

Address and Legal Description of Signator's Property _____

(Proof of ownership and tax statement attached)

Signature of Property Owner

Printed Name of above Signature

Mailing Address of Property Owner

City State Zip

Abutting Property Owner #3

Address and Legal Description of Signator's Property Same as other owners

(Proof of ownership and tax statement attached)


Signature of Property Owner

Elizabeth Jones
Printed Name of above Signature

5319 Worthington Drive
Mailing Address of Property Owner

Bethesda, MD 20816
City State Zip

(Additional copies may be necessary if there are more than 3 property owners)

Check the boxes that apply:

This property is also subject to

- ☐ building permit (address _____)
- ☐ short plat or lot adjustment
- ☐ site plan review
- ☐ change in land use designation
- ☒ other (specify) Preliminary Plat Application

The City staff person most familiar with this application is Kathy Bell/Steve Sundin

Abutting Property Owner #3

Address and Legal Description of Signator's Property Same as other owners

(Proof of ownership and tax statement attached)

Susan Jones, FAIA
Signature of Property Owner

1820 - 41st Ave. E.
Mailing Address of Property Owner

Susan H. Jones
Printed Name of above Signature

Seattle, WA 98112
City State Zip

(Additional copies may be necessary if there are more than 3 property owners)

Check the boxes that apply:

This property is also subject to

- ☐ building permit (address _____)
- ☐ short plat or lot adjustment
- ☐ site plan review
- ☐ change in land use designation
- ☒ other (specify) Preliminary Plat Application

The City staff person most familiar with this application is Kathy Bell/Steve Sundin

Abutting Property Owner #3

Address and Legal Description of Signator's Property Same as other owners

(Proof of ownership and tax statement attached)

Ann C Jones-Richardson 807 Chuckanut Shore Road
Signature of Property Owner Mailing Address of Property Owner

Ann C. Jones-Richardson Bellingham WA 98229
Printed Name of above Signature City State Zip

(Additional copies may be necessary if there are more than 3 property owners)

Check the boxes that apply:

This property is also subject to

- ☐ building permit (address _____)
- ☐ short plat or lot adjustment
- ☐ site plan review
- ☐ change in land use designation
- ☒ other (specify) Preliminary Plat Application

The City staff person most familiar with this application is Kathy Bell/Steve Sundin