



PLANNING COMMISSION

AGENDA

City Hall Council Chambers, 435 Martin Street, Suite 4000
Thursday, February 22, 2018

7:00 P.M.

Planning Commissioners

Chair

J Calvin Armerding

Vice-Chair

Kevin Owens

Richard May

John LeBrun

Sue Sturgill

Steve Hrutfiord

Larry Wonnacott

*For information regarding this
Agenda, please call:
(360-332-8311)*

All proceedings are recorded.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **AUDIENCE COMMENTS**
(regarding items not on the agenda)
4. **PUBLIC HEARING**
 - Marin Watermark Shoreline Substantial Development Application
5. **UNFINISHED BUSINESS**
 - None
6. **INFORMATIONAL ITEMS**
 - Schedule
7. **APPROVAL OF MINUTES**
 - Minutes January 25, 2018
8. **ADJOURNMENT**



STAFF REPORT TO PLANNING COMMISSION

MEETING DATE: February 22, 2018

SUBJECT: **Marin Condominiums Shoreline Permit**

PROPONENT: Marin Watermark LLC (Chris Franiek)

APPLICATION TYPE(S): Shoreline Substantial Development Permit

FILE NUMBER(S): SMP-4-17

REQUEST: Approval of an application to complete the final building in a fifty-four (54) unit condominium complex comprised of three (3) buildings on 3.7 acres, originally approved by the City on January 24, 2006. The final and third building consists of 18 multifamily units. The first two buildings have been constructed and are not part of this application.

LOCATION: 9545 Semiahmoo Parkway, Blaine, WA 98230. North of Semiahmoo Parkway on the shore of Semiahmoo Bay approximately 1,000 feet south of the northern terminus of Semiahmoo Spit.

SUBMITTED BY: Community Development Services

PREPARED BY: Alex Wenger, AICP, Shoreline Administrator

AGENDA LOCATION:

☒ Public Hearing ☐ New Business ☐ Unfinished Business

ATTACHMENTS:

- A. Shoreline Substantial Development Application
- B. Site Plan and Elevation Drawings
- C. SEPA Determination
- D. Conditions of Approval from 2006 permits

NOTE: The materials that constitute the official record are on file with the Community Development Services Department and may be reviewed upon request.

SUMMARY

The Marin Watermark project is the completion of the final building of a three building complex on Semiahmoo Spit. Two Shoreline Substantial Development Permits have been previously issued for the project, the first in 2006 and the second in 2011. An extension was granted to the 2011 permit, which expired December 13, 2017.

The first two buildings have already been completed on the 54-unit project and the surrounding grounds fully landscaped. The last building is the farthest north located next to Semiahmoo Resort. The last remaining building area has a completed foundation and parking garage. The foundation is fenced off and the surrounding grounds are not maintained or landscaped. See Figure 1; the existing foundation is labeled “1” on the Project Site.

The City issued a building permit on December 13, 2017 to build the structural shell for the building. The building permit does not include finishes or architectural treatments. These elements have been deferred and will be reviewed at a later date. The building permit is valid for six months, until June 13, 2018, if construction activity is not initiated. The building permit can also be extended by action of the Building Official.

Figure 1 (location/setting)



PROCEDURAL INFORMATION

History

All three buildings were originally approved in 2006 under a Shoreline Substantial Development Permit (SSDP), a Planned Unit Development (PUD), a General Binding Site Plan (GBSP), and a Major Development Review (MDR).

The Major Development Review is a process, not a permit, and is no longer valid as the MDR process has been removed from the City's code. The other permits (PUD and GBSP) are complete or still active.

Process & Review Authority

The Community Development Services Department determined the Shoreline Substantial Development application complete on January 17, 2018. Blaine Municipal Code Section 2.56.050 (D) and 17.02.050(D) states that the Planning Commission is the final review authority for Shoreline Substantial Development applications.

The State Environmental Review Policy (SEPA) was completed in 2006 and a revised Mitigated Determination of Non-Significance was issued October 20, 2008. Please see Attachment C.

The Planning Commission should review the applicable sections of the Blaine Municipal Code and the regulations and policies for residential development contained in the SMP.

The Commission can approve, approve with conditions, or deny the applications. The Commission can also approve variations of the requested applications. During their review, the Commission may request the applicant modify the proposal or request additional information to facilitate further decision making.

ANALYSIS

Background

The Marin Watermark project is a large complicated project. It is reasonable that such a development takes time to complete. In addition, the Great Recession occurred during the development process. The current applicant represents a different ownership group than the previous applicants, and is requesting the third shoreline substantial development permit in the last 12 years. If a new shoreline permit is granted, the applicant and owner of the property will have two years to begin construction and five years to complete the project. A one year extension is possible.

Considering the City has approved two shoreline permits already for the same project, and the City's Shoreline Management Master Program has not changed since 1996, it is reasonable to assume the project complies with the City's shoreline and zoning regulations.

The following is a summarized review of the applicable regulations.

Zoning and the Resort Semiahmoo Master Plan

Typically, the relevant BMC sections and other regulatory documents would be evaluated to determine if the project is permissible. The Commission would review zoning, Comprehensive Plan, and other regulatory documents, such as the Resort Semiahmoo Master Plan (RSMP). Regarding zoning, multifamily housing is a permitted use in the Marine Planned Recreation zone as it was when the project was approved in 2006(BMC 17.20.020.F). The project was also determined to be compliant with the RSMP and the Comprehensive Plan in 2006. Due to the limited changes Marine Planned Recreation and Resort Semiahmoo Master Plan since that time, it is logical to determine the project compliant with these documents today.

Shoreline Management Master Program

The Shoreline Management Master Program (SMP) has four upland Use Regulations by Environment and one Environment below the Ordinary High Water Mark called the Aquatic Environment. The Project is located in the Rural/Urban Environment, with the waterward 100 feet being within the Rural Environment and landward 100 feet being within the Urban Environment. The following definitions are provided:

The Rural Environment is intended to protect agricultural and open space land from urban expansion and to restrict intensive development along undeveloped shorelines while allowing some development for the public's benefit. The Rural Environment includes those areas characterized by open space and recreational use and areas having high potential for those uses.

The Urban Environment is an area of high-intensity land use including residential, commercial and industrial development. This environment does not necessarily include all shorelines within an incorporated city. It is limited to areas presently subjected to intensive use and to areas which will be necessary for future urban uses which would require a marine location, (marine dependent or marine related) or other commercial development which provides public access.

Staff recommends that the proposed project is generally consistent with the Rural and Urban Environment Designation statements.

The SMP provides specific policies and use regulations for different types of development as listed in the master program. The project proposal qualifies as residential development and staff provides the following comments on the applicable policies and regulations.

The following policies are listed for Residential Development (staff comments *italicized and boxed*):

1. Developers will be encouraged to use shoreline areas as open space.

Staff Comment: There is a 40-foot public access easement along the shore, and a crushed rock trail is already constructed.

- 2-6. Omitted as not applicable.

6. Residential developments proposed for the shoreline area should be developed as planned unit developments.

Staff Comment: A PUD was approved for the site in 2006, and the overall Semiahmoo development is an approved PUD.

The following use regulations are listed for Residential Development (staff comments *italicized*):

1. Setbacks from ordinary high water mark shall be 45 feet for single-family dwellings and 90 feet for multi-family dwellings.

Staff Comment: The closest building is setback 90 feet from the ordinary high water mark (OHWM). Staff meet with the Department of Ecology Shoreline Planner and measured the existing foundation setback to the current OHWM, and verified the structure complies with the setback requirements.

2. Wherever possible, the area within 200 feet of the ordinary high water mark should be used as open space to meet the subdivision regulation requirements.

Staff Comment: The project is not a subdivision.

3. Provisions for public access along the shoreline should be made by the developer; it shall be provided for all multiple-family dwellings.

Staff Comment: As noted, a public access easement already exists and a trail is complete.

4. Height limits shall be 25 feet within 90 feet from the ordinary high water and 40 feet from 90 to 200 feet from ordinary high water, except where additional height up to 45 feet is approved as part of a planned zone master plan.

Staff Comment: The maximum height is 45 feet as previously approved through the PUD.

In conclusion, staff finds the proposal consistent with the Residential Use Policy and Use Regulations.

In addition to the policies and use regulations for residential development along the shoreline, additional standards for development on Semiahmoo Spit are required. These are provided under the Use Regulations for Bars and Spits. Staff has omitted the regulations which are not applicable to the proposed residential development. For the complete listing of the Bars and Spits Use Regulations, see section 6.2 under Natural Systems Regulation on Pg. 29 of the City of Blaine Shoreline Management Master Program.

Bars and Spits Use Regulations

5. Multi-family dwellings shall be allowed only if public access is provided to the shoreline. Detached single-family dwelling units shall be prohibited on a spit.

Staff comment: This is a multi-family development and public access is provided.

6. Wherever possible, the vegetation in the approved setbacks of the shorelines of bars and spits shall be left in as near a natural state as can be attained. Where shorelines designated as rural or natural have been altered, efforts should be made to restore natural vegetation.

Staff comment: The entire shoreline within the project is regulated under the Rural Environmental Use regulation and as such, staff is recommending a Condition of Approval that this area be landscaped with native species that would typically be found in coastal settings. Under this condition of approval, the applicant will be required to submit an updated shoreline restoration landscaping plan to re-establish the native plant community.

9. The following general criteria for public access on bars and spits are applicable:

- a) No new development shall block or interfere with the normal public use of, or public access to, publicly-owned shorelines and water bodies. New uses requiring modification of existing buildings shall provide public access to the extent possible.

Staff comment: Normal public use and access to the public shoreline and City owned tide flats is maintained by the project.

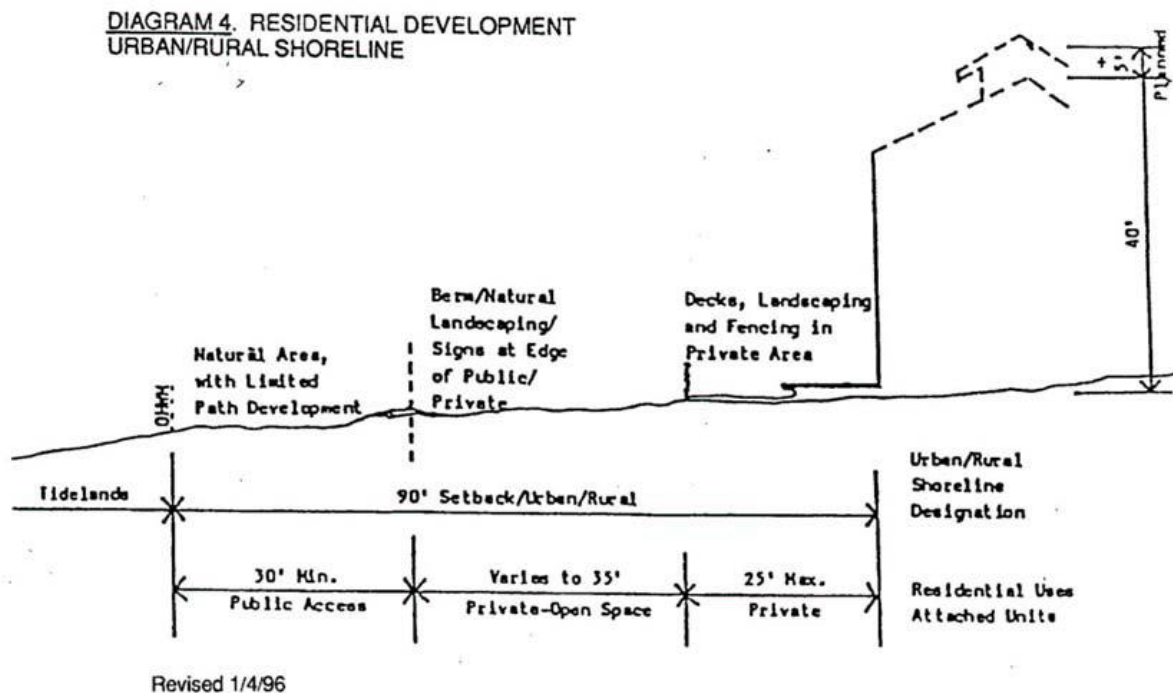
- b) All developments shall be designed to protect and enhance views and visual access and public access to the water and shorelines.

Staff comment: Staff is recommending a Condition of Approval that requires the landscaping plan to provide enhanced viewpoints along the public shoreline trail.

- c) There must be a physical definition of the public and private space. This definition can be achieved through space and/or by screening such as by landforms, landscape plantings, covered walkways or fences.

Staff comment: Staff is recommending a Condition of Approval that requires the landscaping plan to provide physical definition in a similar manner as the first two buildings in the Marin Development. Staff is also recommending that signage in the 90-foot shoreline setback area be limited to 18 inches in height and colored using natural earth tones, similar to the Semiahmoo Shore Development. The City's Shoreline Management Master Program states that "building material (of signs), design, and size of signs should be compatible with the shoreline area..." The intent of this recommendation is to minimize sign pollution in the open space areas and to clarify the allowances for signs provided in the City's Shoreline Management Master Program. See Figure 1.

Figure 1



- d) Any required public access easement shall be of a size and design appropriate to the site, size and general nature of the development. Such easements shall be recorded on a property deed or face of a plat as a condition running in perpetuity with the land.

Staff comment: The Project includes a 40-foot public access easement.

- e) Signs which indicate public parking area and the public's right of access shall be installed and maintained in conspicuous locations at required public access points. Public use may be limited to daylight hours and by other restrictions reasonably related to public safety.

Staff comment: The applicant shall submit a signage plan that indicates the public access points into the property. The signage plan shall be accepted based on a review by Community Development Services and signs installed prior to the approval of occupancy.

- f) Required public access sites shall be fully developed and available for public use at the time of occupancy of the development, or as required by an approved project phasing plan with acceptable security devices to assure timely construction.

Staff comment: Staff is recommending a Condition of Approval that that the current condition of the trails is improved to full width standards. These are 8 feet of compacted gravel width for the shoreline trail along Semiahmoo Bay and 5 feet of compacted gravel width for the public trail next to the Resort.

- g) Public access, where required, should be adequate to maintain an inviting, open, public feeling. Where improved paths are provided, they should be of a large enough scale to encourage use. Points of access to the path system and shoreline should be integrated with and an extension of public-oriented uses. Access points shall be marked and of a scale and character to be clearly public.

Staff comment: This condition will be addressed by the updated signage and landscaping plan.

- h) Facilities for public amenity such as covered walkways, decks, pergolas, viewing areas, benches, trash containers, picnic tables, restrooms, etc. may be approved to be placed in the required setback/ public access easement.

Staff comment: The applicant is not proposing any additional public amenities. Private structures such as decks and pergolas are prohibited within the 90-foot setback area. Staff recommends a condition of approval to reflect this requirement.

Staff recommends that with appropriate conditioning, the project meets the requirements of the Bars and Spits Use Regulations.

A key consideration when evaluating the Marin Watermark shoreline application are the conditions of approval that are tied to the 2006 permits. The PUD, GBSP and MDR approvals are still valid and their conditions of approval still apply as the applications were processed together under consolidated review.

For a full list of conditions that apply to the PUD, GBSP and MDR approvals please see Attachment D. Many of these conditions have been completed and do not need to be included with the 2018 shoreline permit. The Specific Conditions of Approval have been updated and carried over from the 2006 and 2011 permits to ensure consistency with the project and SMP. New Conditions have been added when referenced in the analysis section above.

PUBLIC COMMENT

No public comments have been received as of the drafting of this report.

FINDING OF FACT

1. The Project is contingent upon approval of a Planned Unit Development and Major Development Review approved January 26, 2006 (MDR-3-05).
2. The Project was determined a complete application and a Notice of Completeness was issued January 17, 2018.
3. The Department of Ecology was provided copies of the application and project notices on January 17, 2018.
4. Notice of the Project was properly provided including publishing a Notice of Application and Public Hearing in a newspaper of general circulation (the Bellingham Herald) on January 22, 2018. A notice was mailed using certified mail to all the property owners within 300 feet of the Project and two notices were installed on the subject property using the City's public notice boards. Supplemental notice was also placed on the City's notice board and website.
5. The proposed Shoreline Substantial Development will not interfere with public access to and along the shoreline.
6. All buildings are at least 90 feet from the ordinary high water mark and none will be taller than 45 feet.
7. The Planning Commission held a public hearing for the Project on February 22, 2018.
8. The Planning Commission solicited and considered public input on the project prior to making a final decision.

CONCLUSIONS OF LAW

1. Consistency between the original approvals of a Shoreline Substantial Development Permit, a Planned Unit Development, a General Binding Site Plan and a Major Development Review, and the approval of this Shoreline Substantial Development Permit is essential to maintain the integrity of the proposed development.
2. The City of Blaine issued a Revised Mitigated Determination of Non-significance (MDNS) for the Meritage Condominium project (applies to Marin Watermark) on October 20, 2008.
3. The Planning Commission determined the project generally consistent with the Rural and Urban Environmental Designations of the Shoreline Management Master Program.
4. The Planning Commission determined the project consistent with the Policies and meets the Use Regulations for Residential Development in the Shoreline Management Master Program.
5. The Planning Commission determined the project consistent with the approval criteria of the City of Blaine Shoreline Management Master Program (1996).

CONDITIONS OF APPROVAL:

General Conditions of Approval:

1. The mitigation included in the Revised MDNS dated October 20, 2008 shall be conditions of this approval.
2. No construction shall begin until 21 days after the state receives notice of the Planning Commission action. At the termination of the State's 21-day review period, unless an appeal has been filed, the Administrator shall notify the applicant that construction pursuant to the permit may commence.
3. Construction or substantial progress toward construction must be undertaken within two years after the approval of the substantial development permit pursuant to the City of Blaine Shoreline Management Master Program. Project construction for all work within the shoreline jurisdiction shall be completed within five years from the date of Planning Commission approval. Extensions may be granted pursuant to the City of Blaine Shoreline Management Master Program.

Specific Conditions of Approval:

1. The subject proposal shall provide CC&R's for the proposed project. The City shall review the proposed CC&Rs for consistency with the Conditions of Approval. Prior to recording the CC&Rs the applicant shall obtain written approval from the City of the proposed CC&Rs.
2. Private structures such as decks and pergolas are prohibited within the 90-foot setback area. This requirement shall be reflected in the CC&Rs.
3. Maintenance responsibilities for the stormwater system shall be described in the CC&Rs.
4. Work with the Resort at Semiahmoo to establish a 20 foot public access easement and pedestrian trail to allow public access to the shoreline area. This trail shall be constructed at a minimum 5 feet in width and surfaced with compacted crushed gravel, limestone or paved.
5. The existing trail adjacent to Semiahmoo Bay shall be improved to an 8-foot wide minimum compacted crushed rock surface. Where vegetation has encroached into the 8-foot trail corridor it shall be removed and the gravel surface refreshed with a minimum of 2 inches of additional material depth.
6. Signage on all public access trails to be located at each end of the trail and interspersed in the middle of the trail. Signage in the 90-foot shoreline setback area shall be limited to 18 inches in height and utilize natural earth tone colors. The intent of this condition is to minimize sign pollution in the open spare areas adjacent to the shoreline and the public trail. Public access signs shall be installed at the public access points into the Project. The public access signs shall be designed to be consistent with the existing public access signs on Semiahmoo Spit (see the Semiahmoo Shore Development). To formalize the signage standards, the applicant shall submit a signage plan. The sign plan shall be accepted based on a review by Community Development Services and installed prior to the approval of occupancy of any structure.
7. The area contained in the 40 foot public access easement along the shoreline waterward of the public trail, shall be left in natural vegetation with the exception of potential enhancement projects specifically approved by the Community Development Department.



LAND USE MASTER INVOICE

COMMUNITY DEVELOPMENT SERVICES

435 MARTIN STREET, STE. 3000

BLAINE, WA • 98230

PHONE: (360) 332-8311

FAX: (360) 543-9978

Total Fees

\$ _____

FOR OFFICIAL USE ONLY

RECEIVED

NOV 08 2017

I, the applicant/owner, certify that this application is being made with the full knowledge and consent of all owners of the property in question. I attest that the information provided on this and supplemental application forms and materials is true and accurate. I also agree to provide access and right of entry to City of Blaine employees, representatives or agents for the sole purpose of application review and any required later inspections. This right of entry shall expire when the City (through the Director or designee) concludes the application has complied with all applicable laws and regulations. Access and right of entry to the applicant's property shall be requested and shall occur only during regular business hours.

Project Name: *Marin Watermark*

Site Address/Location/Parcel Number: *9545 Semiahmoo Pkwy Blaine Parcel # 175643/405002 - 408354*

Contact Person: *Chris Franiek*

Phone: *604-263-7443*

Email: *chris@franiek.com*

Mailing Address for Contact Person: *300 - 5970 East Blvd, Vancouver BC V6M 3V4*

Property Owner Name: *Marin Watermark Ltd* Property Owner Signature: _____

PLEASE CHECK ALL THAT APPLY

<input type="checkbox"/> Boundary Line Adjustment - \$275 <input type="checkbox"/> Critical Areas Review (major) - \$275 <input type="checkbox"/> Commercial (Downtown) Design Review - \$200 + \$75/hour <input type="checkbox"/> Covenant to Bind <input type="checkbox"/> Flood Area Development - \$50 <input type="checkbox"/> Land Disturbance (minor) - \$200 <input type="checkbox"/> Land Disturbance (major) - \$500	Hot Key - 243 Hot Key - 048 Hot Key - 022 No Charge Hot Key - 035 Hot Key - 243 Hot Key - 243	<input type="checkbox"/> Pre-Application (1 st free, \$250 after) <input type="checkbox"/> Short Plat - \$525 <input type="checkbox"/> Site Plan Review - \$275 <input type="checkbox"/> Specific Binding Site Plan - \$525 <input type="checkbox"/> Shorelines Exemption - \$50 <input type="checkbox"/> SEPA Review - \$375 <input type="checkbox"/> Signs - \$50 for first 3, \$25 per additional	Hot Key - 243 Hot Key - 243 Hot Key - 219 Hot Key - 243 Hot Key - 035 Hot Key - 048 Hot Key - 023
<input type="checkbox"/> Building or Plat Variance - \$300 <input type="checkbox"/> Conditional Use - \$350 <input type="checkbox"/> Shorelines Conditional Use - \$500 <input type="checkbox"/> Shorelines Variance - \$500	Hot Key - 035 Hot Key - 035 Hot Key - 035 Hot Key - 035	<input type="checkbox"/> Shorelines Substantial Development < \$50K - \$275 <input type="checkbox"/> Shorelines Substantial Development ≤ \$250K - \$550 <input checked="" type="checkbox"/> Shorelines Substantial Development > \$250K - \$900	Hot Key - 035 Hot Key - 035 Hot Key - 035
<input type="checkbox"/> General Binding Site Plan - \$1,500 + \$100/acre for every acre over 3 <input type="checkbox"/> Planned Unit Development - \$800 + \$100/lot or tract <input type="checkbox"/> Preliminary Long Subdivision \$1,500 + \$100/lot or tract <input type="checkbox"/> Final Long Subdivision \$525 + \$50/lot or tract	Hot Key - 243 Hot Key - 243 Hot Key - 243 Hot Key - 243	<input type="checkbox"/> Annexation - \$1,500 + \$50/acre + <input type="checkbox"/> Comprehensive Plan Amendment - Variable \$ _____ <input type="checkbox"/> Land Use & Development Code Amendment - \$500 <input type="checkbox"/> Zoning Map Amendment - Variable \$ _____	Hot Key - 243 Hot Key - 043 Hot Key - 243 Hot Key - 243

MARIN WATERMARK

Suite 300-5970 East Boulevard
Vancouver, B.C. V6M 3V4
Tel: (604) 263-7443

November 2, 2017

City of Blaine
Community Development Services
435 Martin
Blaine, WA 98230

Attention: Alex Wenger

Re: Marin C Shoreline Permit

Please find enclosed the Application and supporting documents for the Shoreline Permit for Marin C as well as a cheque for the Application Fee.

Please contact us when you receive this at 604-263-7443.

Thank you.



Chris Franiek



CITY OF BLAINE

COMMUNITY DEVELOPMENT SERVICES

435 MARTIN ST., STE 3000 • BLAINE, WA • 98230
PHONE: (360) 332-8311 • FAX: (360) 543-9976
www.cityofblaine.com

Shorelines Substantial Development Permit (SSDP)

Application

Master Land Use Invoice required with submittal

FOR OFFICE USE ONLY

Application # _____

RECEIVED

NOV 08 2017



STAMP IN DATE

Project Name: Marin Watermark Construction Value: _____

Owner Information

Name: Marin Watermark Ltd Address: 300- 5970 East Blve City: Vancouver State: BC Zip: V6M3V4

Phone: 604-263-7443 Email: chris@franiek.com (Agent information on Master Land Use Invoice)

Project Location

Address and indentification of the section township and range to the nearest quarter, quarter section:

OR

Latitude and longitude to the nearest minute: 9545 Semiahmoo Pkwy, Blaine WA; Parcel #175643/405102-408354

Adjacent water body(s): Semiahmoo Bay, Strait of Georgia

General description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project: construction of an 18 unit condominium consisting of 1 building, 4 storey high with underground parking

General description of the property as it now exists including its physical characteristics and improvements and structures: underground concrete structure intended for parking and foundation.

General description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics:

Located on Semiahmoo Spit immediately S.E. of the Semiahmoo Resort.

See attached document for requested items below.

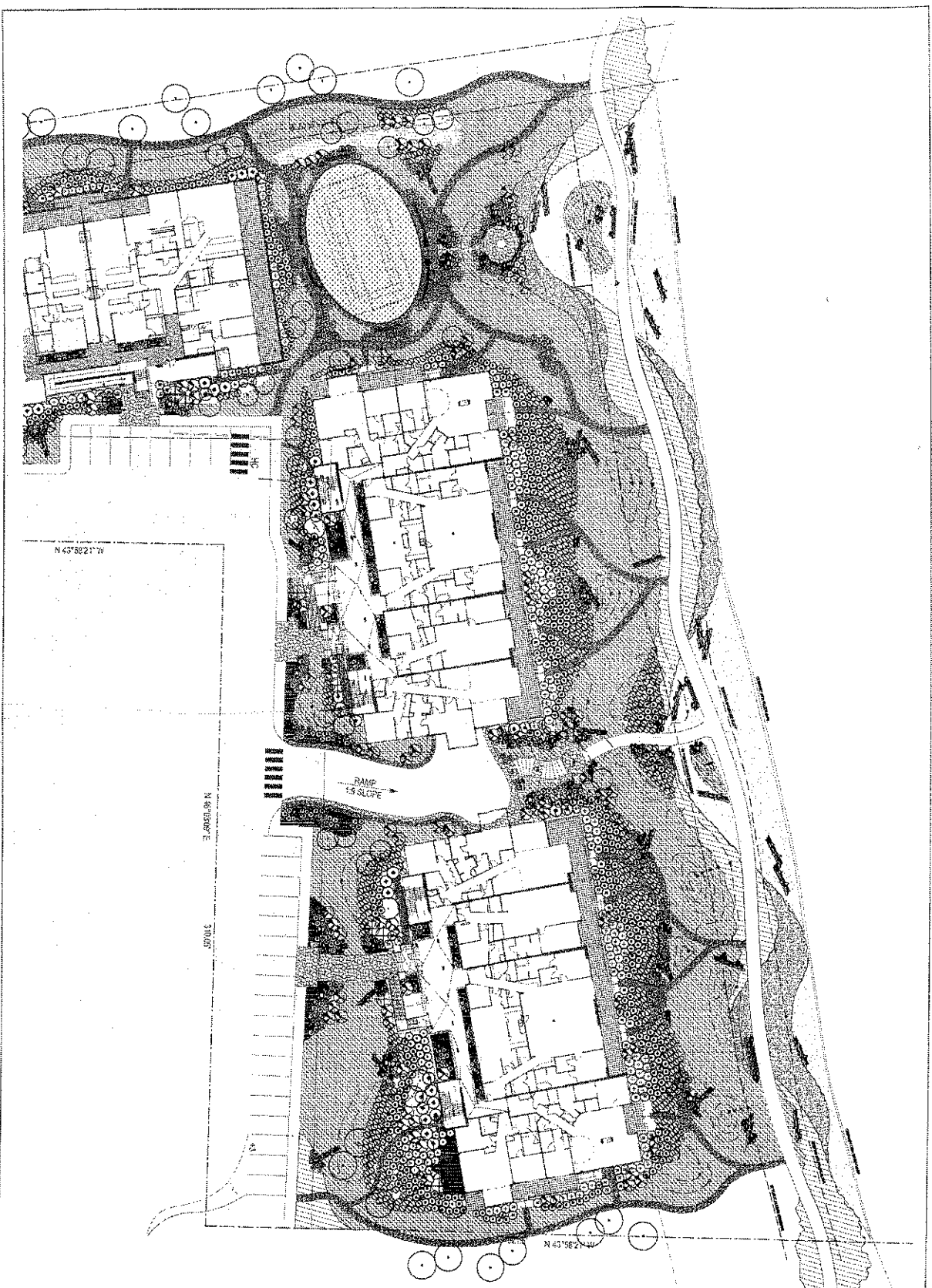
A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:

- ☐ (a) The boundary of the parcel(s) of land upon which the development is proposed.
- ☐ (b) The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.
- ☐ (c) Existing and proposed land contours.
- ☐ (d) A delineation of all wetland areas.
- ☐ (e) A general indication of the character of vegetation found on the site.
- ☐ (f) The dimensions and locations of all existing and proposed structures and improvements including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.
- ☐ (g) A preliminary landscaping plan for the project.
- ☐ (h) A mitigation plan for areas on or off the site to compensate for impacts associated with the proposed project.
- ☐ (i) Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.
- ☐ (j) Quantity, composition and destination of any excavated or dredged material.
- ☐ (k) A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
- ☐ (l) Where applicable, as determined by the Director, a depiction of the impacts to views from existing residential uses and public areas.

Any other information determined necessary by the Director to complete the review process.

MARIN WATERMARK SHORELINE PERMIT APPLICATION

- A) The boundary of the parcels of land upon which the development is proposed.
- see Document A - Site Information
- B) The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project.
- C) Existing and proposed land contours.
- see Document B
- D) A delineation of all wetland areas
- NA
- E) A general indication of the character of the vegetation found on the site
- Weeds
- F) The dimensions and locations of all existing and proposed structures and improvements including but not limited to: buildings, paved or graveled areas, roads, utilities, septic tanks and drain fields, material stockpiles or surcharge, and storm water management facilities.
-see Document A
- G) A preliminary landscaping plan for the project
- see Document C and D
- H) A mitigation plan for areas on or off the site to compensate for impacts associated with the proposed project
- See Document C and D.
- I) Quantity, source and composition of an fill material that is placed on the site whether temporary or permanent.
- No imported fill expected at this time.
- J) Quantity, composition and destination of any excavated or dredged material
- No excavation or dredging anticipated at this time. Foundation is already in place.
- K) A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
- see Document E
- L) Where applicable, as determined by the Director, a depiction of the impacts to views from existing residential uses and public areas.



Prepared By:
BELT COLLINS

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DESIGNED BY
JERRY COLLINS
JERRY COLLINS, INC.
1000 N. 10th Street, Suite 100
Blaine, WA 98225
Phone: (360) 535-1100
Fax: (360) 535-1101
E-mail: jerry@jcollins.com

Project:
**Lot 3 Mortgage
at Serranimo**

Construction Drawings

Sheet

Site Location:
Blaine, Washington

Title:
Planting Plan

Date: **March 24, 2000**
Scale: **1"=20'**
Project No.: **SEA-0003**



Sheet Number:
L 23.0

PROVISIONS FOR THE MAINTENANCE OF COMMON AREAS MERITAGE – LOT 3, SEMIAHMOO SPIT

The following section sets forth guidelines and standards for landscape establishment and maintenance within the 90' Shoreline Setback Zone and the Private Landscape & Common Areas adjacent to the buildings. These guidelines are part of the Schematic Landscape and Public Access Plans for Meritage Lot 3 on Semiahmoo Spit. The objective is to provide groups and types of plantings that recreate as much as possible the look and feel of the natural Spit setting and create and enhance wildlife habitat on the Spit. A plant list has been created, dividing species into zones, which reflect varying degrees of tolerance for the harsher environment of the Spit, see Appendix A: Meritage at Semiahmoo – Plant List. This list is based on Appendix A - Semiahmoo Landscape Master Plan.

Vegetation establishment and maintenance shall be an obligation of the homeowner's association and enforceable by the City through the development's Covenants, Conditions, and Restrictions (CC&Rs). The implementation of all vegetation establishment and maintenance shall preclude the use of fertilizers, herbicides and pesticides.

PUBLIC ACCESS EASEMENT

This area is measured 30 from the ordinary high water mark and includes the "public access zone" and is limited to trail development.

Guidelines

The public access zone shall be landscaped and maintained by the homeowner's association, using native plant material in a naturalistic treatment.

Recommendations for Vegetation Establishment & Maintenance

1. Begin a vegetation management program after grading and construction operations are complete. Start by slowly improving soil fertility by encouraging the growth of nitrogen-fixing plants such as clovers and lupines. The general application of soil fertilizers, pesticides and herbicides is prohibited. In grassland areas, the general application of soil organics is not recommended. In woody shrub/tree plantings, the application of 3" of certified weed free organic mulch is recommended immediately around new plantings.
2. Reduce the quantities of visually jarring and toxic weeds through hand. This operation need only occur a couple times a year, depending on the best time to eradicate the invasive species – preferably before they go to seed. The major noxious weeds and invasive species are listed in Appendix B.
3. Plant desirable native species in a naturalistic treatment. Plant types should be selected from Appendix A – Zone 1: Native Shoreline Terrestrial Plant Zone and/or Zone 2: Native Upland Terrestrial Plant Zone. Lawns and irrigation are not permitted within these zones. Hydroseeding is not recommended because the mulch medium is rich in organic materials and would encourage weeds.
4. The planting of woody species should be grouped to preserve the openness of the spit and avoid blocking views. Woody species should be maintained below 48" in height to maintain an open character to the Spit.
5. All initial planting should be implemented within the time period Sept. 15th – March 15th, to allow plants to begin establishing roots before summer.
6. Lawns and irrigation are not permitted within these this zone.

PRIVATE OPEN SPACE

This area is measured 60' from the Public Access Easement.

Guidelines

The private open space zone will be landscaped and maintained by the homeowner, using native plant material in a naturalistic treatment.

Recommendations for Vegetation Establishment & Maintenance

1. Begin a vegetation management program after grading and construction operations are complete. Start by slowly improving soil fertility by encouraging the growth of nitrogen-fixing plants such as clovers and lupines. The general application of soil fertilizers, pesticides and herbicides is prohibited. In grassland areas, the general application of soil organics is not recommended. In woody shrub/tree plantings, the application of 3" of certified weed free organic mulch is recommended immediately around new plantings.
2. Reduce the quantities of visually jarring and toxic weeds through hand pulling. This operation need only occur a couple times a year, depending on the best time to eradicate the invasive species – preferably before they go to seed. The major noxious weeds and invasive species are listed in Appendix B.
3. Plant desirable native species in a naturalistic treatment. Plant types should be selected from Appendix A: A Partial List of Suggested Plant Species for Dry Uplands and from the Semiahmoo Master Plan (Appendix A). Lawns and irrigation are not permitted within these zones. Hydroseeding is not recommended because the mulch medium is rich in organic materials and would encourage weeds.
4. The planting of woody species should be grouped to preserve the openness of the spit and avoid blocking views. Woody species should be maintained below 48" in height to maintain an open character to the Spit.
5. All initial planting should be implemented within the time period Sept. 15th – March 15th, to allow plants to begin establishing roots before summer.

PRIVATE ZONES

These areas include the 5' planting strip adjacent to all onsite parking, planting buffers between the street and all buildings and private common areas used by and maintained by the residents of Meritage. Plant types include both native and approved ornamental plant material.

Guidelines & Recommendations for Vegetation Establishment & Maintenance

1. Reduce the quantities of visually jarring and toxic weeds through hand pulling. This operation need only occur a couple times a year, depending on the best time to eradicate the invasive species – preferably before they go to seed. The major noxious weeds and invasive species are listed in Appendix B.
2. Plant types should be selected from Appendix A – Zone 3: Ornamental & Native Upland Terrestrial Plant Mix. Plantings can be used judiciously to frame outdoors spaces, screen unsightly elements such as driveways and garages, and provide shade and wind protection. Plants native to the area are highly recommended due to their tolerance of the harsher environment of the Spit.
3. Lawns are discouraged in favor of natural beach grasses that appear more at home in this environment and will thrive in these conditions. If lawns are to be implemented, they should be small, organically shaped and part of a larger landscape composition – for instance, surrounded by a low dune planted with natural grasses.
4. Individual plant drip irrigation is recommended, conserving water and providing deep root-zone irrigation for tree and shrubs. Irrigation needs will be greatly reduced if these techniques are utilized: 1. Use 18+ inches of topsoil for planting beds; mulch planting beds with 3+ inches material. 2. Choose plant types that will tolerate summer drought conditions. 3. Group plants by irrigation needs.

Potentilla pacifica	Pacific Silverweed
Scirpus maritimus	Saltmarsh Bulrush
Trifolium wormskjoldii	Springbank Clover

EXISTING PLANTS SEMIAHMOO SPIT – FROM RESORT SEMIAHMOO MASTER PLAN

Herbaceous – Terrestrial plants growing above high water mark

<i>Botanical Name</i>	<i>Common Name</i>
Ambrosia chamissonis var. bipinnatisecta	Silver Burweed
Elymus mollis	Dunegrass
Atriplex patula var. obtusa	Silver Burweed
Grindelia integrifolia var. macrophylla	Gumweed
Achillea millefolium	Yarrow
Daucus carota	Queen Anne's Lace

Herbaceous – Backshore vegetation

<i>Botanical Name</i>	<i>Common Name</i>
Festuca ovina	Sheeps Fescue
Agrostis alba	Creeping Bentgrass
Cerastium arvense	Chickweed
Plantago lanceolata	English Plantain
Rosa gymnocarpa	Baldhip Rose
Achillea millefolium	Yarrow
Grindelia integrifolia var. macrophylla	Gumweed
Berberis nervosa	Oregon Grape
Symphoricarpos albus	Snowberry

Zone 2: Native Upland Terrestrial Plant Zone

(*Recommended Plant Species)

Plant Characteristics: High Salt Tolerance, High Wind Tolerance, Non-Native/Enhanced Soils with Moderate Nutrient Content, No Irrigation

Trees

<i>Botanical Name</i>	<i>Common Name</i>
Acer macrophyllum	Big Leaf Maple
Abies grandis	Grand Fir
Alnus rubra	Red Alder
*Arbutus menziesii	Pacific Madrone
*Pinus contorta	Shore Pine
Prunus emarginata	Bitter Cherry
Pseudotsuga menziesii	Douglas Fir
Rhamnus purshiana	Cascara
Salix scouleriana	Scoulers Willow
Taxus brevifolia	Pacific Yew
Tsuga heterophylla	Western Hemlock

Shrubs

<i>Botanical Name</i>	<i>Common Name</i>
*Acer circinatum	Vine Maple
*Acer glabrum	Douglas Maple
*Ameranchiar alnifolia	Serviceberry

*Acrostaphylos uva-ursi	Kinnikinnick
Corylus cornuta	Beaked Filbert
*Gaultheria shallon	Salal
*Holodiscus discolor	Oceanspray
*Mahonia nervosa	Oregon Grape
*Oemleria cerasiformis	Osoberry
*Polystichum munitum	Sword Fern
*Quercus garryana	Garry Oak
*Rhododendron macrophyllum	Pacific Rhododendron
Rosa gymnocarpa	Wood Rose
*Rosa rugosa	Rose
Rubus parviflorus	Thimbleberry
Sambucus racemosa	Red Elderberry
*Symphoricarpos albus	Snowberry
Vaccinium ovatum	Evergreen Huckleberry

Herbaceous – Native – High Salt / Brackish Marsh

<i>Botanical Name</i>	<i>Common Name</i>
*Achillea millefolium	Yarrow
*Allium cernun	Nodding Onion
*Ambrosia chamissonis	Silver Burweed
*Bromus tectorum	Cheatgrass
*Cerastium arvense	Field Chickweed
*Elymus mollis	American Dunegrass
*Erigeron glaucus	Seaside Daisy
*Festuca idahoensis	Idaho Fescue
Fragaria chiloensis	Sand Strawberry
*Grindelia integrifolia	Gumweed
*Lomatium nudicaule	Parsley
*Plantago major	Plantain
*Plantago maritime	Seaside Plantain
*Rumex acetosella	Sheep Sorrel

Zone 3: Ornamental & Upland Terrestrial Plant Mix Zone:

Combination: Native Plant Species and Species From Plant List B & C – Semiahmoo Landscape Masterplan, (*Recommended Native Plant Species)

Plant Characteristics: Moderate Salt Tolerance, Moderate Wind Tolerance, Non-Native/Enhanced Soils with Moderate Nutrient Content, % of Drip Irrigation Allowable

NATIVE PLANT LIST (*Recommended)

Trees

<i>Botanical Name</i>	<i>Common Name</i>
Acer macrophyllum	Big Leaf Maple
Abies grandis	Grand Fir
Alnus rubra	Red Alder
*Arbutus menziesii	Pacific Madrone
*Pinus contorta	Shore Pine
Prunus emarginata	Bitter Cherry
Pseudotsuga menziesii	Douglas Fir
Rhamnus purshiana	Cascara
Salix scouleriana	Scoulers Willow
Taxus brevifolia	Pacific Yew

Tsuga heterophylla

Western Hemlock

Shrubs

<i>Botanical Name</i>	<i>Common Name</i>
*Acer circinatum	Vine Maple
*Acer glabrum	Douglas Maple
*Ameranchiar alnifolia	Serviceberry
*Actrostaphylos uva-ursi	Kinnikinnick
Corylus cornuta	Beaked Filbert
*Gaultheria shallon	Salal
*Holodiscus discolor	Oceanspray
*Mahonia nervosa	Oregon Grape
*Oemleria cerasiformis	Osoberry
*Polystichum munitum	Sword Fern
*Quercus garryana	Garry Oak
*Rhododendron macrophyllum	Pacific Rhododendron
Rosa gymnocarpa	Wood Rose
**Rosa rugosa	Rose
Rubus parviflorus	Thimbleberry
Sambucus racemosa	Red Elderberry
*Symphoricarpos albus	Snowberry
Vaccinium ovatum	Evergreen Huckleberry

Herbaceous – Native – High Salt / Brackish Marsh

<i>Botanical Name</i>	<i>Common Name</i>
*Achillea millefolium	Yarrow
*Allium cernun	Nodding Onion
*Ambrosia chamissonis	Silver Burweed
*Bromus tectorum	Cheatgrass
*Cerastium arvense	Field Chickweed
*Ellymus mollis	American Dunegrass
*Erigeron glaucus	Seaside Daisy
*Festuca idahoensis	Idaho Fescue
Fragaria chiloensis	Sand Strawberry
*Grindelia integrifolia	Gumweed
*Lomatium nudicaule	Parsley
*Plantago major	Plantain
*Plantago maritime	Seaside Plantain
*Rumex acetosella	Sheep Sorrel

ORNAMENTAL PLANT LIST

See Semiahmoo Landscape Master Plan
Plant List B& C

APPENDIX A: MERITAGE AT SEMIAHMOO – PLANT LIST

Zone 1: Native Shoreline Terrestrial Plant Zone

(Starting at High Water Mark / Edge of Vegetation) (* Recommended)

Plant Characteristics: High Salt Tolerance, High Wind Tolerance, Native Soils with Low Nutrient Content, No Irrigation Allowed.

Trees

<i>Botanical Name</i>	<i>Common Name</i>
<i>Acer macrophyllum</i>	Big Leaf Maple
<i>Abies grandis</i>	Grand Fir
<i>Alnus rubra</i>	Red Alder
* <i>Arbutus menziesii</i>	Pacific Madrone
* <i>Pinus contorta</i>	Shore Pine
<i>Prunus emarginata</i>	Bitter Cherry
<i>Pseudotsuga menziesii</i>	Douglas Fir
<i>Rhamnus purshiana</i>	Cascara
<i>Salix scouleriana</i>	Scoulers Willow
<i>Taxus brevifolia</i>	Pacific Yew
<i>Tsuga heterophylla</i>	Western Hemlock

Shrubs

<i>Botanical Name</i>	<i>Common Name</i>
* <i>Acer circinatum</i>	Vine Maple
* <i>Acer glabrum</i>	Douglas Maple
* <i>Ameranchiar alnifolia</i>	Serviceberry
* <i>Acrtostaphylos uva-ursi</i>	Kinnikinnick
<i>Corylus cornuta</i>	Beaked Filbert
* <i>Gaultheria shallon</i>	Salal
* <i>Holodiscus discolor</i>	Oceanspray
* <i>Mahonia nervosa</i>	Oregon Grape
* <i>Oemleria cerasiformis</i>	Osoberry
* <i>Polystichum munitum</i>	Sword Fern
* <i>Quercus garryana</i>	Garry Oak
* <i>Rhododendron macrophyllum</i>	Pacific Rhododendron
<i>Rosa gymnocarpa</i>	Wood Rose
** <i>Rosa rugosa</i>	Rose
<i>Rubus parviflorus</i>	Thimbleberry
<i>Sambucus racemosa</i>	Red Elderberry
* <i>Symphoricarpos albus</i>	Snowberry

Herbaceous – Native – High Salt / Brackish Marsh

<i>Botanical Name</i>	<i>Common Name</i>
<i>Atriplex patula</i>	Saltweed
<i>Cakile edentula</i>	Sea Rocket
<i>Carex lyngbyei</i>	Lyngby's Sedge
<i>Deschampsia caespitosa</i>	Tufted Hairgrass
<i>Distichlis spicata</i>	Saltgrass
<i>Grindelia integrifolia</i>	Gumweed
<i>Orthocarpus castillejoideus</i>	Paintbrush Owl-Clover
<i>Plantago maritime</i>	Seaside Plantain

Appendix B: NOXIOUS WEEDS – INVASIVE PLANT SPECIES

Weeds to Hand Pull

Botanical Name

Hypericum perforatum

Carduus spp.

Cirsium spp.

Sonchus asper

Conyza canadensis

Rumex crispus

Conium maculatum

Vervascum thapsus

Common Name

Klamath Weed

Thistles

Thistles

Sonchus Asper

Horseweed

Dock

Poison Hemlock

Mullien

Weed to Cut Back

Botanical Name

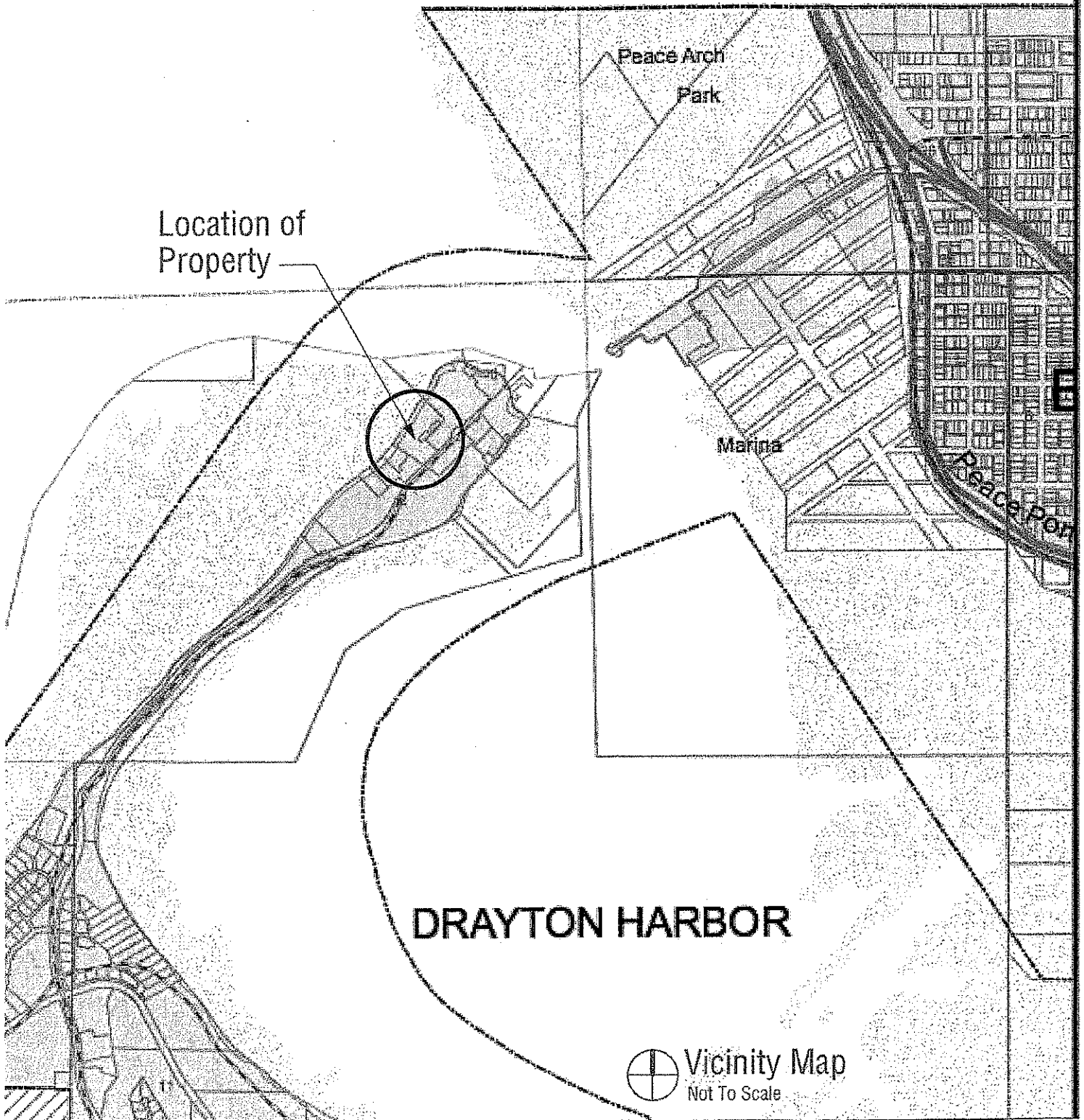
Cytisus scoparius

Rubus discolor

Common Name

Scot's Broom

R1W | R1E



RMAC
Ross McClure Cornwell Architects

Ross McClure Cornwell Architects, PLLC • 1225 Railroad Avenue • Edmonds, WA 98226
 P:360.676.7733 • F:360.738.0419 • mccornwell.com

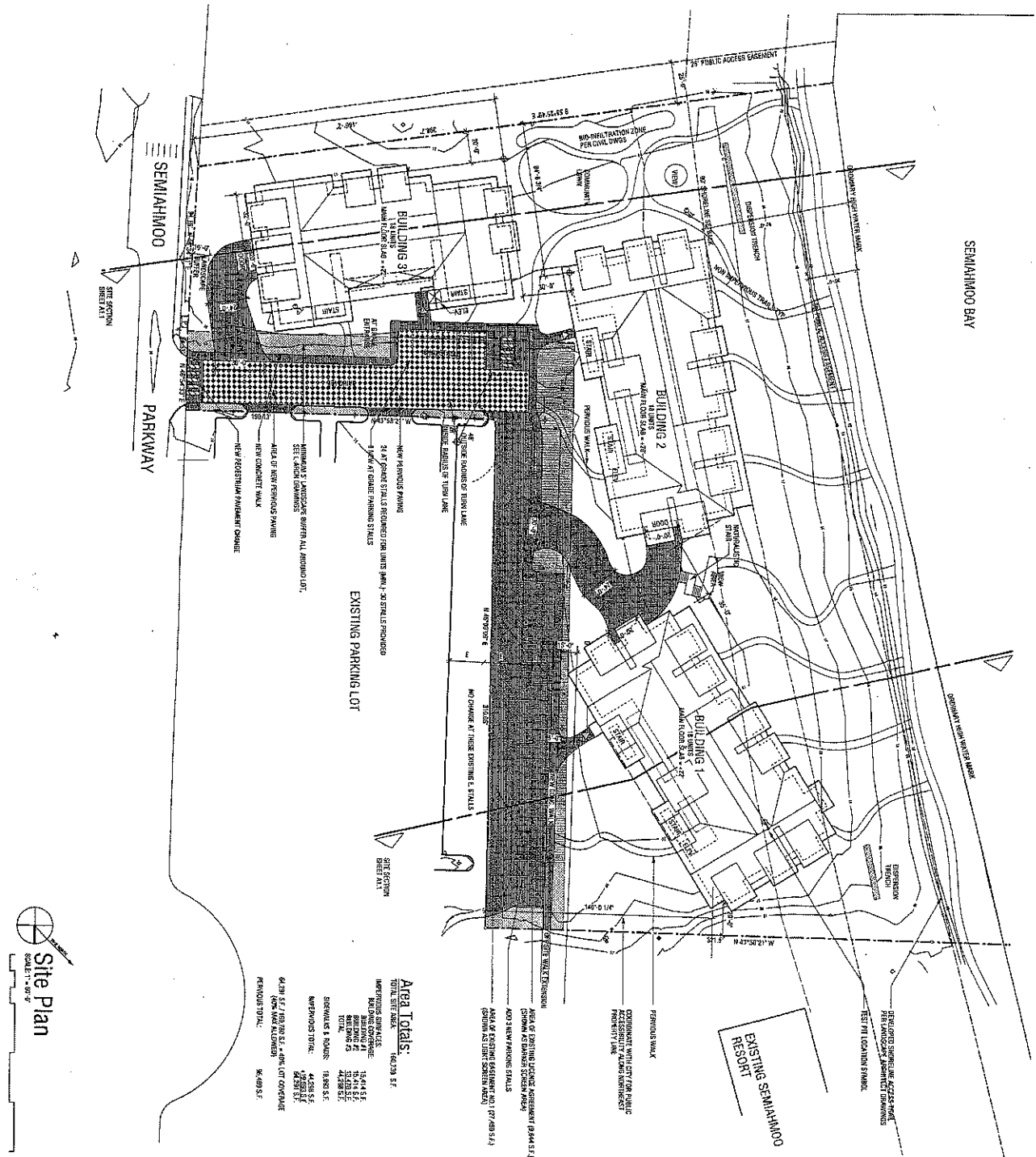
Lot 3

Semiahmoo Spit, Blaine, WA
 Meritage Semiahmoo LLC

Job No: 0512 Date: 09 June, 2005

Sheet Title: Vicinity Map ASK #01

Attachment B - Site Plan and Elevation Drawings



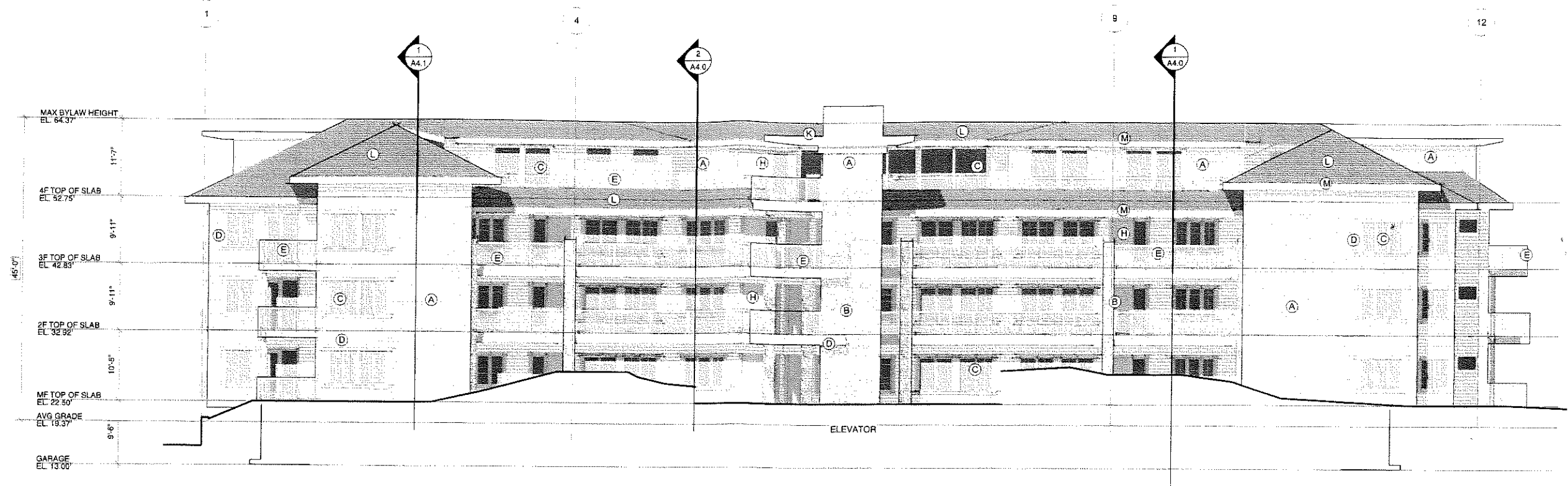
A1.0

SITE PLAN

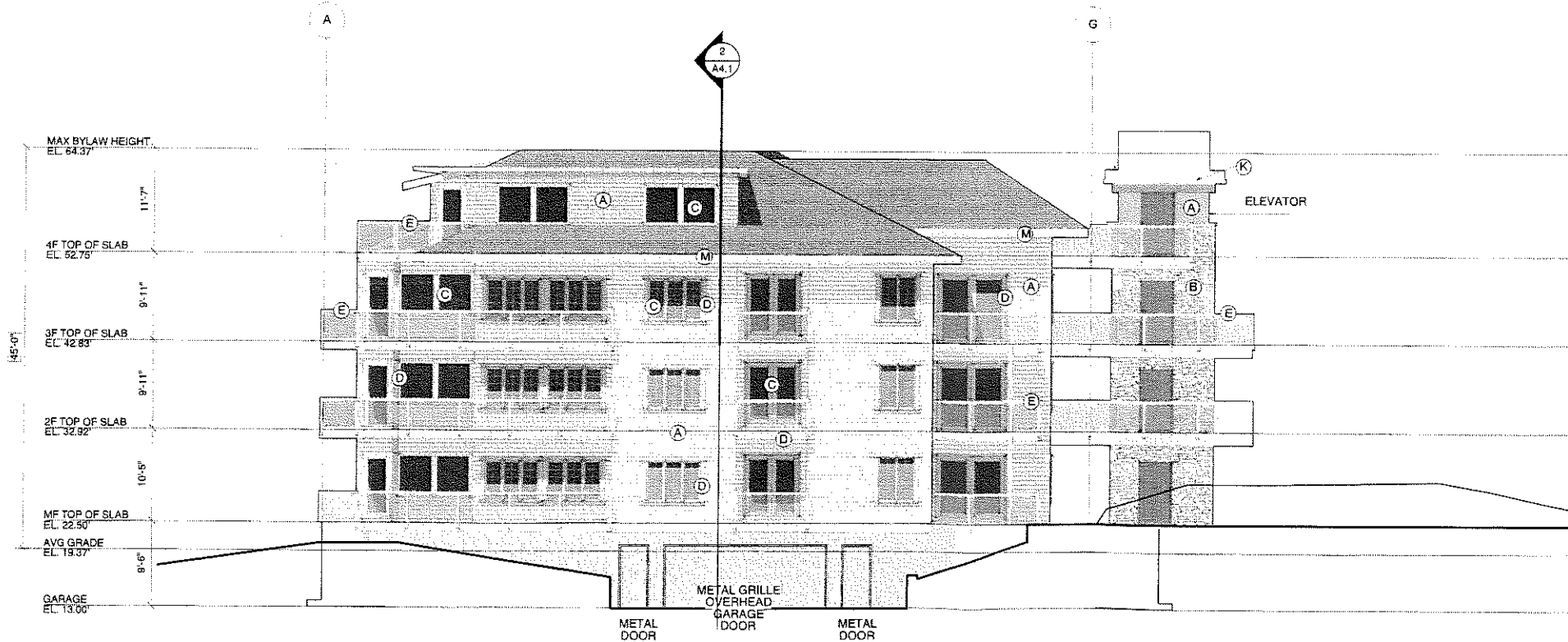
Meritage
Lot 3, Semiahmoo Parkway, Blaine, WA 98222

Ross McClure Cornwell Architects

Ross McClure Cornwell Architects, PLLC - 1722 Railroad Avenue - Bellingham, WA 98225
PHONE: 360.733.7333 • FAX: 360.733.7344 • info@mcclurecornwell.com



1 EAST ELEVATION
Scale: 1/8" = 1'-0"



2 SOUTH ELEVATION
Scale: 1/8" = 1'-0"

EXTERIOR MATERIAL SCHEDULE

- A CEMENTITIOUS SIDING - PRE-FINISH 'HARDIE'
- B STONE VENEER - 2 1/2" CULTURED STONE
- C WINDOWS - DG VINYL - (EUROLINE) TEXTURED WOOD GRAIN
- D WOOD TRIMS - PAINTED
- E METAL-GLASS RAILING - PRE-FINISH ALUMINIUM
- F EXPOSED CONCRETE - CLEAR SEAL
- G UNIT SIGNAGE - ACRYLIC SURFACE MOUNTED
- H WOOD ENTRY DOOR - CLEAR SEAL, WOOD GRAIN
- I LANDSCAPE METAL FENCE - HORIZONTAL WOOD GRAIN
- J FLASHING - PRE-FINISH ALUMINIUM
- K SHINGLE ROOFING - ASPHALT
- L METAL GUTTERS - PRE-FINISH ALUMINIUM

PROJECT
MARIN WATERMARK

CLIENT
MARIN WATERMARK
LTD

ISSUED
DATE: ISSUED FOR
18 03 22 - BUILDING PERMIT APPLICATION

DRAWING
SOUTH/EAST
ELEVATIONS

DRAWN BY REVIEWED BY

RECEIVED

SMP-3-11
OCT 07 2011



CITY OF BLAINE

COMMUNITY DEVELOPMENT DEPARTMENT

344 H STREET • BLAINE, WA • 98230

PHONE: (360) 332-8311 • FAX: (360) 332-8330

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REVISED

SEPA MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

Pursuant to the provisions of WAC 197-11-34(3), the City of Blaine SEPA official hereby withdraws the MDNS issued for this project proposal effective December 7, 2007 and issues the following **revised SEPA determination (revision to condition # 17)**. Notification of this new threshold determination has been sent to other agencies and published on the City's website. An appeal of this decision must be submitted to the Community Development Department by November 3, 2008.

Application:	Shorelines Substantial Development Permit, Planned Unit Development amendment & General Binding Site Plan for the Meritage Condominiums
Applicant:	Shaw Holdings L.L.C. 4108 Hannegan Road Bellingham, WA 98226
Agent:	Brad Cornwell, RMC Architects 1223 Railroad Avenue Bellingham, WA 98225
Date of Issuance:	Original Issuance-November 10, 2005 Revision-October 20, 2008
Project Location:	The site is located on Semiahmoo Spit immediately SE of the Resort at Semiahmoo. Lot 3, Semiahmoo Spit
Project Description:	<p>The proposal is for a 54 unit condominium development consisting of three separate 3-story buildings with underground parking located beneath the structures.</p> <p>According to the Resort Semiahmoo Master Development Plan the project site is included as a portion of the <u>Bay Condominiums</u>, Zone B, which is approved for multi-family development.</p>
Lead Agency	City of Blaine Michael Jones, SEPA Administrator

Responsible Official: 344 H Street
Blaine, WA 98230
Phone: (360) 332-8311

City of Blaine Permits: Shoreline Substantial Development , Planned Unit Development amendment,
General Binding Site Plan, and Building Permits

Zoning: Marine Planned Recreation (MPR)

Comprehensive Plan Designation: Marine Planned Recreation (MPR)

Notes:

A. This finding is based on Review of the following documents, which are incorporated by reference:

- Geotechnical Engineering Services Meritage Lot 3 at Semiahmoo Spit, Blaine, Washington, June 9, 2005
- Cultural Resource Assessment of the Proposed "Villa" Residential Development at Semiahmoo Spit, Blaine, Whatcom County, Washington.
- Meritage condominiums, SEPA Checklist, June 8, 2005
- Meritage condominiums, Shoreline Substantial Development Permit, August 10, 2003
- Semiahmoo Spit and Uplands Master Plan, Final Environmental Impact Statement, March 13, 1985
- Semiahmoo Spit and Uplands Master Plan, Draft Environmental Impact Statement, December 4, 1984
- The Resort Semiahmoo Master Development Plan, 10 Year Milestone Report: 1984 – 1994, November 1995
- City of Blaine Comprehensive Plan, Amended 1999
- The Resort at Semiahmoo, Master Development Plan, March 1, 1985
- Spit Planned Unit Development Number One, Final PUD Submittal 1985 Projects.
- Stormwater Management Manual for Western Washington, August 2001
- Lot 3 -Meritage – Transportation Analysis, The Transpo Group, April 29, 2005.
- Meritage, Lot 3 at Semiahmoo Spit Blaine, Washington, Preliminary Stormwater Design Report, David Evans & Associates, June 2005
- Habitat and Bird Survey and Impact Assessment for Meritage Lot 3 Development at Semiahmoo Spit, Blaine, Washington
- Public Comments received by the City addressing the project proposal

B. Issuance of this threshold determination does not constitute approval of any permits. This proposal will be reviewed for compliance with all applicable City codes, which regulate development activities, including, but not limited to, the International Building and Fire Codes, Development Standards, Shoreline Master Program, and the Blaine Municipal Code (BMC).

Mitigated Determination of Non-Significance:

Having considered the potential severity of any potential environmental impact resulting from the proposal as well as its likelihood of occurring, and potential mitigation measures proposed by the Applicant, the responsible official of the lead agency finds, based on the information submitted and other resource documents that the above-described proposal will not have a

probable significant adverse impact on the environment; provided the applicant complies with the attached conditions and mitigation. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c).

Mitigating Conditions

1. Water and Sewer Service Availability Letters. As a prerequisite to the City's approval of the General Binding Site Plan (GBSP), the Applicant must acknowledge receipt of separate water and sewer service availability letters for the proposed 54 condominium units from the Public Works Department.
2. Archaeological Monitoring of Land Disturbing Activities. The Applicant shall ensure that a professional archaeologist is present at all times during land disturbing activities (e.g., clearing, filling, grading, excavating, trenching) to monitor those activities. If the archaeologist observes any pre-contact, historic period archaeological deposits and/or human remains in any part of the project area, the Applicant shall immediately halt ground disturbing activities in an area large enough to maintain integrity of the deposits and/or remains, and shall immediately notify the Lummi Nation and other tribal interests, OAHF, and the City of Blaine to consult on the proper means to proceed. The archaeologist shall prepare and submit to the same parties an Archaeological Monitoring Report following City approval of the GBSP. This Report shall include prescribed measures to ensure the integrity of the deposits and/or remains.
3. Updated Preliminary Stormwater Design Report. The Applicant shall submit an Updated Preliminary Stormwater Design Report (UPSDR) to the Public Works Department for review and subsequent revisions/comments or approval. The Public Works Department must approve the UPSDR before the Applicant may perform land disturbance activity on the project site. The UPSDR shall demonstrate how stormwater will be managed on the site after the completion of construction. The UPSDR shall address all changes in the proposed GBSP design. In addition, the UPSDR shall provide a conceptual outline of the Construction Stormwater Pollution Prevention Plan (CSWPPP), together with a description of the types of construction stormwater pollution prevention measures that the Applicant proposes for the CSWPPP (see MDNS Condition #4).

The UPSDR shall also include a description of the dust suppression measures that would be employed if the City eventually determines that the Applicant must provide dust control measures during construction. The Applicant shall submit a final Dust Suppression Plan as required by MDNS Condition #5.

A civil engineer licensed to practice in the State of Washington shall prepare the UPSDR under the requirements of the latest edition of the Washington State Department of Ecology Stormwater Management Manual for Western Washington, particularly Chapter 3, and shall respond to any relevant conditions of GBSP approval. As a minimum, the UPSDR shall include a Permanent Stormwater Control Plan, the Construction Stormwater Pollution Prevention Plan (see MDNS Condition #4), an Operation, Maintenance, and Repair Manual, a detailed Stormwater Quality Monitoring Plan (see

MDNS Condition #6), and a Dust Suppression Plan (see MDNS Condition #5). If a conflict exists between a standard in the latest edition of the Stormwater Management Manual for Western Washington and a City stormwater regulation, the higher/more stringent standard, as determined by the Public Works Department Director, shall prevail.

The UPSDR shall also address stormwater source control and stormwater treatment if the Washington State Department of Ecology Stormwater Management Manual for Western Washington threshold evaluation process dictates these actions. If qualifying as noted, the Applicant shall:

- Clearly identify the stormwater source control methodologies and stormwater treatment best management practices (BMPs) that the Applicant will use on this development, and
- Select BMPs to assure that stormwater runoff generated from roads, driveways and parking areas receives effective treatment prior to introduction to groundwater, and
- Given the proposed project's proximity to Drayton Harbor and to Semiahmoo Bay, make provisions to remove fecal contamination to a level that does not degrade water quality or contribute to current fecal coliform loading levels. The UPSDR shall include the opinions of experts consulted, including the State's Puget Sound Action Team, in the selection of these particular methods and BMPs. Detailed treatment specifications shall be submitted as part of the Final Stormwater Design Report (see MDNS condition #7).

4. Construction Stormwater Pollution Prevention Plan. The Applicant shall submit a draft Construction Stormwater Pollution Prevention Plan (CSWPPP) to the Public Works Department for review and subsequent revisions/comments or approval. The Public Works Department must approve the CSWPPP before the Applicant may perform land disturbance activity on the project site. The CSWPPP shall generally describe how the Applicant will manage stormwater on the site during the time periods that land disturbing activity is taking place, including: measures to protect disturbed areas, control and direct stormwater runoff through construction areas, and provide water quality treatment for runoff from the site. Measures may include, but are not limited to: filter fencing, straw bale barriers, brush barriers, gravel filter berms, sediment traps, stabilized construction entrances, rock check dams, interceptor ditches, and mulching and matting of exposed soil. Best Management Practices (BMPs) associated with the CSWPPP shall comply with the latest edition of the Washington State Department of Ecology Stormwater Management Manual for Western Washington.
5. Dust Suppression Plan. The Applicant shall submit a draft Dust Suppression Plan (DSP) to the Public Works Department for review and subsequent revisions/comments or approval. The Public Works Department must approve the DSP before the Applicant may perform land disturbance activity on the project site. The DSP shall address methods to control dust generated on and off the site during construction.

6. Stormwater Quality Monitoring Plan. The Applicant shall submit a draft a Stormwater Quality Monitoring Plan (SWQMP), together with the UPSDR (see MDNS Condition #3), to the Public Works Department for review and subsequent revisions/comments or approval. The Public Works Department must approve the SWQMP before the Applicant may perform land disturbance activity on the project site. The SWQMP shall address monitoring methodology and frequency to monitor ground water and surface water quality degradation that results from fecal coliform contaminated stormwater. As recommended by the State of Washington Department of Ecology, the Applicant shall place a series of permanent 4" diameter monitoring wells along the waterward perimeter of the development. The Applicant shall establish baseline/background fecal coliform concentrations prior to any land disturbance. Once land disturbing activities begin, the Applicant shall arrange to sample for, and measure, fecal coliform concentrations during severe storm events for 1 year after the Applicant completes construction of all condominium units.
7. Final Stormwater Design Report. After the Applicant completes the construction/installation of all permanent stormwater facilities, the Applicant shall submit a draft Final Stormwater Design Report (FSDR) to the Public Works Department for review and subsequent revisions/comments or approval. The Public Works Department must approve the FSDR before the City will approve the GBSP.
8. The Draft and Final EIS for the Resort Semiahmoo Master Development Plan recommends that earthwork activities be conducted only during dry (summer) weather periods. Further analysis supports this precaution. Consequently, as water quality mitigation, the Applicant shall not clear, grade, or excavate between October 30th and March 1st, unless persistent dry weather conditions exist as approved by the City Public Works Department Director (note: see condition #17 for development constraints relating to migratory bird disturbance). These earthwork activities must also cease during extreme wet weather conditions (i.e., ¼ inch or more per hour rainfall) to reduce erosion potential. The Applicant shall establish a manual rain gauge station on the subject property in advance of land disturbance activities, which shall remain in place until plat construction activities are complete.
9. The Homeowners Association shall own, operate, maintain, and repair the permanent stormwater system at its cost. The CC&Rs shall authorize:
 - Anytime access by City staff to inspect and assess stormwater system condition and performance, and
 - City staff to enforce stormwater system operation, maintenance, and repair requirements as outlined in the City approved Stormwater System Operation, Maintenance, and Repair Manual, and
 - The City to assume stormwater system operation, maintenance, and repair duties if the City determines, in its exclusive discretion, that the Homeowners Association is not satisfactorily operating, maintaining, or repairing the stormwater system,

10. A traffic study addressing transportation impacts for Meritage was submitted. The Transpo Group created the report on April 29 addressing trip generation, trip distribution, right turn guidelines, levels of service and queuing for the Drayton Harbor Road/Blaine Road intersection. The Study found that a right turn lane "is currently warranted and would continue to be in the future with the proposed project. The study concludes that "no mitigation is required by the project since its impacts are anticipated to be minor." While traffic generated from the Meritage condominiums contributes only a small part of the increased traffic volume to this intersection, the cumulative impact of additional residential development will require a turn lane in the near future. The report does not address other road or transportation improvements (e.g. internal transit shuttle & ferry service) identified in The Resort Semiahmoo Master Development Plan and Environmental Impact Statement including improvements to the intersections of Bell Road and Peace Portal Way, Bell Road and Drayton Harbor Road, the intersections of Drayton Harbor Road and Harbor View Road, and Harbor View Road and Lincoln Road.

Transportation impact fees paid to the City will provide funding for off-site improvements to roads within the City limits. However, many of these improvements are on roads located in the County. In addition to the payment of traffic impact fees, the developer shall demonstrate, prior to binding site plan approval, how this project will contribute its pro rata share of funds for road and other transportation improvements initially required for the Semiahmoo Development when it was approved in 1986.

11. The General Binding Site Plan identifies building setback lines from the ordinary high water mark (OHWM) for the three condominium structures. The Ordinary High Water Mark is currently being designated by the Department of Ecology. All structures will be setback a minimum of 90 feet from the established Ordinary High Water Mark. In order to preserve and enhance open space along the shoreline and to help protect the marine environment the area between the OHWM and the building setback line shall be identified on the final plat as a conservation easement area, running in perpetuity with the land. Pursuant to the City's Shoreline Management Program and the Resort Semiahmoo Master Development Plan, the conservation easement shall be divided into three zones: Public Access zone (minimum 30 feet landward from the OHWM, provided that this may be expanded landward as necessary, encroaching into the Private Open Space zone, if the available uplands do not allow sufficient construction space for the trail); Private Patio zone (maximum 25 feet waterward from the building setback line); Private Open Space zone (minimum 35 feet, area between landward edge of the Public Access zone and waterward edge of the Private Patio zone). The applicant shall adhere to the specific use and development guidelines within each of these zones, which are defined by the City's Shoreline Management Program and the Semiahmoo Master Plan, and with the following inclusion: (a) in the Private Patio zone, the impervious surface shall not exceed 25 percent of the area of the zone on a particular lot and provided further that the amount of impervious surface (as defined in Chapter 17.142 of the Blaine Land Use and Development Code) allowed on the entire lot is not exceeded. (b) in the Private Patio zone, native vegetation shall be used and lawns shall be prohibited.
12. Required public access sites and related accessory uses shall be fully developed and available for public use at the time of final plat approval or as required through permit

approval with adequate surety to assure timely construction in a form approved by the City.

13. The Semiahmoo Spit is a unique geological formation. It is composed of sand gravel and underlying layers of clay and is subject to active shoreline processes. The Draft Environmental Impact Statement for Marina Facility on Semiahmoo Spit (Marina DEIS) states on page 56 that there have been "...no noticeable physical changes to the shoreline...". "The weakest part of the spit is the narrow causeway where it joins Birch Point. High storm waves frequently overtop this area, and a seawall, as well as riprap, have been placed there to protect the access road to the cannery. Other than at this point, the beaches of the spit are well-established and quite stable (Bauer, 1974b; and Terich, unpublished)." Prior to binding site plan approval the Applicant shall submit a shoreline report that re-analyses the relative stability of the beach and upland area and potential erosion and hazards resulting from both active storm events and annual shoreline processes in this area. The report shall include analysis and conclusions with respect to shoreline, movement, stability and offer mitigating recommendations. The report shall be considered prior to determining the final location of trails structures and related facilities or utilities.
14. The applicant provided a Geotechnical Engineering Report, prepared by GeoEngineers on June 9, 2005. In addition to compliance with the IBC and other relevant building regulations, construction shall comply with the recommendations contained in this report. The CC&R's shall also contain language that informs the property owner of the potential tsunami hazard and to be aware of tsunami evacuation plans for the Spit.
15. A landscape plan was submitted with the proposal. In addition to the landscape plan, a maintenance plan must be created, that shall be an obligation of the homeowner's association and enforceable by the City through the development's Covenants, Conditions, and Restrictions (CC&Rs). The applicant shall include a section in the CC&R's of the Meritage condominiums that specifically addresses the maintenance requirements of this Landscape Plan. The CC&R's shall be reviewed and approved by the Department of Community Development prior to binding site plan approval.
16. Implementation of this plan shall preclude the use of fertilizers, herbicides and pesticides. If corrections or amendments are identified during binding site plan review, a final submission of both plans shall be required prior to commencing land disturbing activities.
17. The parcel proposed to be developed is on Semiahmoo Bay between two large existing structures; the Resort at Semiahmoo to the northeast, and the Beachwalker Condominiums located immediately to the southwest. The three buildings proposed for the project are located on 530 feet of shoreline frontage. Building 1 and 2 are located 90 feet from the shoreline (OHWM). Building 3 is located 195 feet from the shoreline. A parking lot and Semiahmoo Parkway are located immediately behind the lot to the southeast. Drayton Harbor shoreline is approximately 600 feet to the southeast of the property. The project can almost be characterized as infill given that the site is located in the middle of a developed commercial recreation island at the end of the spit. There are currently ongoing urban levels of activity in this area along the shoreline and in the

upland area. Additionally, commercial and recreational boat traffic routinely travel back and forth immediately off the point of the Spit.

In light of these factors, it is reasonable to assume that birds feeding, or resting in this urban area do so despite the human activity that exists on a daily basis. This condition is quite apparent on the mudflats to the north of Marine drive and the marine commercial district where thousands of migratory birds rest and feed during the fall, winter and spring of each year. Several comments on the record can lead to a reasonable conclusion that migratory and especially over-wintering birds adapt to higher levels of activity or noise. When they occur in relatively predictable and modulated frequency, urban, commercial or industrial noise and activities do not appear to have significant impacts on these birds. However, dramatic changes in noise and activity levels disturb feeding and resting patterns.

Several reports and expert testimony were consulted in an attempt to verify these observations. There appears to be general consensus that the intertidal area along the spit provides adequate feeding conditions for the significant numbers of migratory and over-wintering birds that inhabit this area between October and May; that the greatest concentrations of birds are generally found during November, December, January, February, March and April, and; because the birds are moving north in the spring, they are particularly sensitive to disturbance in March and April. For example, brant use the area in their migration north in late March and April of each year. However, collectively the reports appear to be deficient in site-specific data, inconclusive in their analysis, and contain conflicting direction. After reviewing all available expertise, it remains difficult to precisely determine what type of birds inhabit the waters adjacent to the site, when they are there, and what the impact is from humane activity on this site.

There is, however, a consensus (among professionals) that there are significant numbers and species of migratory birds that feed and rest on the water adjacent to this site (Loons, sea ducts, bay ducts, brant). It is also generally accepted that these birds are most vulnerable to disturbance during periods of migration. Consequently, it appears reasonable and prudent that human restraint should be exercised to ensure that cumulatively, human disturbance in the uplands do not result in dwindling numbers beyond sustainable populations.

This information and some basic logic leads to the conclusion that that heavy equipment operation and exterior construction (e.g. grading, framing, and external finishing work) will have the greatest potential to impact migratory bird populations during construction. We also know that, cumulatively, increased urban density can impact these birds in a number of ways. With this in mind, the proponent will be required to utilize the following on-site mitigating measures:

Mitigation prior to construction:

1. Vegetate the first 40 feet of waterfront in native vegetation.
2. Install a sound and site buffer consisting of a noise-dampening wall measuring 8 feet in height, the width of the building footprint and a minimum of 40 feet from the OHWM. The wall can be earth bermed, constructed of straw bales, wood with insulating panels or an alternative design that effectively reduces

visual exposure and noise levels. Storage containers or similar aesthetically displeasing objects are not allowed.

3. Establish a no entry zone with appropriate side yard fencing within the 40 feet.

General restrictions during construction:

1. Stationary noise producing equipment (compressors, generators, etc) must be located on the southeast side of the buildings or inside the buildings when the first floor walls are in place.
2. Nonessential noise producing equipment is prohibited from October 15 to May 15.
3. All vehicle parking shall be restricted to the southeast side of the property,

Periods of no construction activity:

1. No earthwork or exterior construction will be allowed during the periods of the year with the greatest sustained concentrations of migrating birds (December, January, February or March).
2. Deviation: Because building 3 is further isolated from the shoreline, only heavy equipment operation shall be restricted during the above referenced months.
3. Deviation: Because the south face and other discrete portions of Building 2 are shielded from the shoreline by the remainder of the building's mass, exterior work with hand tools shall be permitted on these portions of the building with no seasonal closure. The City shall monitor such activity through periodic inspection.
4. Deviation: Because the berm and fence provide significant screening, exterior masonry work to apply masonry to the foundation façade is permitted with no seasonal closure provided only hand tools are used and no saw-cutting of stone occurs in the vicinity of the north, west, or east sides on the building.

Periods of conditional construction activity:

1. Earthwork and exterior construction on all parts of the building may be allowed during the months November and/or April, with the approval of the City, provided:
A qualified bird biologist monitors the site for a 5-day period immediately before construction and determines that the adjacent intertidal area is not populated with bird species whose migratory journey will be compromised because of the construction activity, and;
All pre-construction mitigation is completed.
2. All earthwork and exterior construction shall be restricted from December 1-March 31 of each year such that it does not disturb migratory waterfowl as determined by the city through a monitoring program as described in EXHIBIT A "A Proposal to Monitor the Wintering Seabird Population at Semiahmoo Spit, Whatcom County."

Unrestricted interior work during construction:

1. Interior work shall be allowed all twelve months.

Mitigating measures during occupancy:

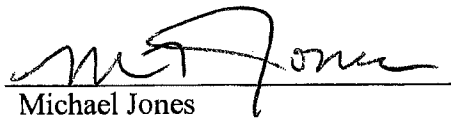
1. Locate the public access trail as far east as can be reasonably accommodated and vegetate the area between the beach and trail with native vegetation.

2. Limit outdoor lighting during the night to negligible levels over the shoreline and intertidal areas.
 3. Prior to occupancy, establish residential best management practices (BMPs) that help minimize migratory bird disturbance. These shall include generally accepted BMPs sanctioned by qualified ecologist with expertise in the field and incorporated into the CC&Rs.
 4. Establish leash and animal management restriction in the CC&Rs
 5. Educational information and materials shall be provided to residents and shoreline users addressing the potential for migratory bird disturbance. The applicant shall garner approval of these educational information and materials from the City's Blaine / Birch Bay Birding Committee prior to final plat approval.
18. Prior to binding site plan approval, the developer shall provide interpretive and informational signage along the spit public trail system (see MDNS condition #18) to advise trail users and residents of the need to minimize activities in the shoreline that disrupt wildlife and provide educational information about the many wildlife inhabitants and their environments. The homeowners association shall be required to maintain said signage, within the boundaries of the Meritage condominium development, as part of its' CC&Rs with a provision therein approved by the City providing for the City enforcement of such provision.
19. A qualified "special inspector" approved by the City shall be assigned the responsibility of overseeing compliance with the conditions of this MDNS and other relevant local, state and federal requirements during plat construction. Visit frequency and responsibilities shall be determined through the preliminary plat review and approval process. The inspector shall report to the Director of Community Development.
20. The City of Blaine Comprehensive Plan, the Resort Semiahmoo Master Development Plan, the City's Urban Waterfront Development Plan and the City of Blaine – Birch Bay Transportation Plan, to name a few, reference to ferry service between Semiahmoo Spit and downtown Blaine. Specifically, the Resort Semiahmoo Master Development Plan, Page 7.14, identifies the provision of ferry service both as a measure to mitigate traffic impacts to the Spit and also to provide an amenity to the Semiahmoo Spit area. Prior to binding site plan approval the applicant shall identify in the Shoreline Public Access Plan for Semiahmoo Spit connections with a Spit-side terminus of a pedestrian ferry service and locations for directional signage to the pedestrian ferry service.

This finding is made pursuant to RCW 43.21C, and WAC 197-11 after reviewing a completed environmental checklist and other information on file with the lead agency. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. This information is available to the public upon request.

This Revised MDNS is issued on October 20, 2008.

Signature of Responsible Official:



Michael Jones
SEPA Official, City of Blaine

October 20, 2008

Date



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www.ci.blaine.wa.us

NOTICE OF DECISION

APPROVAL OF SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT Permit # MDR-3-05

PURSUANT TO SECTION 17.02.050.E AND CHAPTER 17.81, BLAINE MUNICIPAL CODE, APPROVAL HAS BEEN GRANTED BY THE CITY COUNCIL FOR THE FOLLOWING:

Shoreline Substantial Development Permit – Meritage Condominiums

A SHORELINES SUBSTANTIAL DEVELOPMENT PERMIT IS HEREBY GRANTED TO:

Applicant: Shaw Holdings L.L.C.
4108 Hannegan Road
Bellingham, WA 98226

TO UNDERTAKE THE FOLLOWING:

Construction of a 54 unit condominium consisting of three buildings.

UPON THE FOLLOWING PROPERTY/LOCATION:

The proposed subdivision will be located at Lot 3, Semiahmoo Spit (west of the Resort at Semiahmoo).

ENVIRONMENTAL REVIEW WAS COMPLETED FOR THE PROPOSAL:

An environmental checklist was prepared and signed on March 30, 2005 and was submitted with the application materials. The City of Blaine has been designated as the lead agency for SEPA review. A Mitigated Determination of Nonsignificance (MDNS) was issued on August 24, 2005. This decision was made after review of a completed environmental checklist and other information on file with the City.

THE CITY COUNCIL DECISION WAS DETERMINED:

Through a Public Hearing process, the members of the Planning Commission considered and deliberated over all relevant information and a staff report that was provided to them. At the conclusion of the Public Hearing the Planning Commission recommended approval the Findings identified in the City's Staff Report and recommended approval the Shoreline Substantial Development Permit with conditions. The City Council held a closed record hearing and approved the proposal on January 23, 2006.

FINDINGS OF FACT:

1. The subject property is approximately 3.69 acres in size.
2. The physical location of the proposed plat is Lot 3, Semiahmoo Spit (west of the Resort at Semiahmoo).
3. The subject site is zoned Marine Planned Recreation Zone, Chapter 17.20. Pursuant to Subsection 17.20, BMC, uses permitted in the Marine Planned Recreation Zone include multifamily residential development.
4. A completed SEPA Environmental Checklist was signed on June 8, 2005. The City of Blaine issued a Mitigated Determination of Nonsignificance (MDNS) on November 10, 2005.
5. The proposed development was reviewed for consistency with the City of Blaine Comprehensive Plan and was found that with appropriate conditioning relevant Goals and Policies could be adequately met.
6. The proposed development was reviewed for consistency with Title 17 of the Blaine Municipal Code and was found that with appropriate conditioning the regulations and development standards could be adequately met.
7. The proposed development was reviewed for consistency with the Semiahmoo Master Plan and was found that with appropriate conditioning the regulations and development standards could be adequately met.

CONDITIONS OF APPROVAL

A. General

1. The subject proposal shall comply with all applicable local, state, and federal laws and regulations in effect at the time of subdivision application or the date of development approval which may be legally deemed to apply to the proposal.
- 0 2. The subject proposal shall provide CC&R's for the proposed project. *Records 1-10-2007*

B. Site Design and Development

1. All uses and development within Meritage shall conform to all relevant requirements and standards of:
 - a. The Blaine Comprehensive Plan;
 - b. The Blaine Municipal Code;
 - c. The State Building Code as adopted by the City;
 - d. The Development Guidelines and Public Works Standards Manual;
 - e. All other applicable state and local regulations.
2. All easements for trails, utilities, roadways etc. shall be shown on the final plat. *Meeting 1-10-2007*
- ✓ 3. Increase the proposed 30 foot public access easement on the shoreline to 40 feet wide to allow for the development of a public use trail above the bluff.
- 0 4. Fully improve park and access trails prior to occupancy.
5. Work with the Resort at Semiahmoo to establish a 20 foot public access easement and pedestrian trail to allow public access to the shoreline area. Connect trail to existing shoreline trail. *Shed 6-9*

C. Public Services

- 2 1. Prior to final approval, the Applicant shall provide a letter from the School District indicating their ability to provide service. The letter shall further address any capacity issues relevant to the proposed development.

D. Water, Sanitary Sewer and Electrical

1. The final sewer, water electrical system plans for utility service to the project shall be designed and stamped by a civil engineer licensed in the State of Washington in the case of sewer and water service and by an electrical engineer licensed in the State of Washington in the case of electrical service.
2. The utility service shall be designed to the City of Blaine Development Guidelines and Public Works Standards.
3. All utilities shall be underground.

4. Connect to 8 inch ductile iron sewer main on western edge of Semiahmoo Parkway in parking lot entrance.
5. Incorporate double check valve assemblies into domestic, fire sprinkler and irrigation system design.
6. Assess Sewage Pump Station No 4 (SPS4) capacity, and if said assessment results indicate that SPS4 capacity is inadequate to accommodate full build out/occupancy of Meritage as proposed, include SPS4 retrofit(s)/upgrade(s) in subject proposed project design scope. *mean*
7. Submit an engineered electrical plan.
8. Utility access easements shall be identified on the face of the final plat to allow access to utility system facilities including but not limited to flow meters, water shutoffs, fire hydrants and electrical vaults and junction boxes. Access shall be allowed on a 24 hour, 365 day a year basis.
9. Final utility engineering plans shall be submitted to the City Public Works Department for review and approval. No construction work shall begin on utilities until construction work is authorized by the City.
10. The applicant shall complete a Public Facilities Construction Agreement if any utilities are intended to be conveyed to the City. Said agreement shall be signed prior to construction.

E. Stormwater

1. See MDNS Condition # 1,3,4,5,6,7 & 8.
2. Include in the Storm water Quality Monitoring Plan a section that addresses monitoring methodology and frequency to monitor ground water and surface water quality degradation that results from fecal coliform contaminated storm water. As recommended by the State of Washington Department of Ecology, the applicant shall place a series of permanent 4 inch diameter monitoring wells along the waterward perimeter of the development. The Applicant shall establish baseline / background fecal coliform concentrations prior to any land disturbance. Once land disturbing activities begin, the Applicant shall arrange to sample for, and measure, fecal coliform concentrations during severe storm events for one year after the Applicant completes construction of all condominium units.
3. If project will entail installation of new, or relocation of existing, stormwater catch basins, then catch basin grates shall be "bolt-down" type.
4. Maintenance responsibilities for the stormwater system shall be noted on the final plat and described in the CC&Rs.

F. Parks, Recreation and Trails

1. Construct proposed park amenities per approved site plan prior to occupancy of any structure.
2. Construct public access trail on southwest property boundary to primary path standard (8 to 10 feet wide surfaced with gravel / crushed rock).
3. Construct public shoreline trail to match existing trail along the shoreline in front of the Resort at Semiahmoo.
4. Add a public access route between Buildings 2 and 3 *BSP*
5. Do not add a public access route between Buildings 1 and 2
6. Signage on all public access trails to be located at each end of the trail and interspersed in the middle of the trail.

G. Landscaping and Buffering

1. The area contained in the 40 foot public access easement along the shoreline waterward of the public trail, shall be left in natural vegetation with the exception of potential enhancement projects specifically approved by the Community Development Department.
2. Provide enhanced landscaping along northern property line adjacent to existing public access trail.

Adopts the MDNS Conditions

1. Water and Sewer Service Availability Letters. As a prerequisite to the City's approval of the General Binding Site Plan (GBSP), the Applicant must acknowledge receipt of separate water and sewer service availability letters for the proposed 54 condominium units from the Public Works Department.
2. Archaeological Monitoring of Land Disturbing Activities. The Applicant shall ensure that a professional archaeologist is present at all times during land disturbing activities (e.g., clearing, filling, grading, excavating, trenching) to monitor those activities. If the archaeologist observes any pre-contact, historic period archaeological deposits and/or human remains in any part of the project area, the Applicant shall immediately halt ground disturbing activities in an area large enough to maintain integrity of the deposits and/or remains, and shall immediately notify the Lummi Nation and other tribal interests, OAHF, and the City of Blaine to consult on the proper means to proceed. The archaeologist shall prepare and submit to the same parties an

Archaeological Monitoring following City approval of the GBSP. This Report shall include prescribed measures to ensure the integrity of the deposits and/or remains.

3. Updated Preliminary Storm water Design Report. The Applicant shall submit an Updated Preliminary Storm water Design Report (UPSDR) to the Public Works Department for review and subsequent revisions/comments or approval. The Public Works Department must approve the UPSDR before the Applicant may perform land disturbance activity on the project site. The UPSDR shall demonstrate how storm water will be managed on the site after the completion of construction. The UPSDR shall address all changes in the proposed GBSP design. In addition, the UPSDR shall provide a conceptual outline of the Construction Storm water Pollution Prevention Plan (CSWPPP), together with a description of the types of construction storm water pollution prevention measures that the Applicant proposes for the CSWPPP (see MDNS Condition #4).

The UPSDR shall also include a description of the dust suppression measures that would be employed if the City eventually determines that the Applicant must provide dust control measures during construction. The Applicant shall submit a final Dust Suppression Plan as required by MDNS Condition #5.

A civil engineer licensed to practice in the State of Washington shall prepare the UPSDR under the requirements of the latest edition of the Washington State Department of Ecology Storm water Management Manual for Western Washington, particularly Chapter 3, and shall respond to any relevant conditions of GBSP approval. As a minimum, the UPSDR shall include a Permanent Storm water Control Plan, the Construction Storm water Pollution Prevention Plan (see MDNS Condition #4), an Operation, Maintenance, and Repair Manual, a detailed Storm water Quality Monitoring Plan (see MDNS Condition #6), and a Dust Suppression Plan (see MDNS Condition #5). If a conflict exists between a standard in the latest edition of the Storm water Management Manual for Western Washington and a City storm water regulation, the higher/more stringent standard, as determined by the Public Works Department Director, shall prevail.

The UPSDR shall also address storm water source control and storm water treatment if the Washington State Department of Ecology Storm water Management Manual for Western Washington threshold evaluation process dictates these actions. If qualifying as noted, the Applicant shall:

- Clearly identify the storm water source control methodologies and storm water treatment best management practices (BMPs) that the Applicant will use on this development, and
- Select BMPs to assure that storm water runoff generated from roads, driveways and parking areas receives effective treatment prior to introduction to groundwater, and
- Given the proposed project's proximity to Drayton Harbor and to Semiahmoo Bay, make provisions to remove fecal contamination to a level that does not degrade water quality or contribute to current fecal coliform loading levels. The UPSDR shall include the opinions of experts consulted, including the State's Puget Sound Action Team, in the selection of these particular methods and BMPs. Detailed treatment specifications shall be submitted as part of the Final Storm water Design Report (see MDNS condition #7).

4. Construction Storm water Pollution Prevention Plan. The Applicant shall submit a draft Construction Storm water Pollution Prevention Plan (CSWPPP) to the Public Works Department for review and subsequent revisions/comments or approval. The Public Works Department must approve the CSWPPP before the Applicant may perform land disturbance activity on the project site. The CSWPPP shall generally describe how the Applicant will manage storm water on the site during the time periods that land disturbing activity is taking place, including: measures to protect disturbed areas, control and direct storm water runoff through construction areas, and provide water quality treatment for runoff from the site. Measures may include, but are not limited to: filter fencing, straw bale barriers, brush barriers, gravel filter berms, sediment traps, stabilized construction entrances, rock check dams, interceptor ditches, and mulching and matting of exposed soil. Best Management Practices (BMPs) associated with the CSWPPP shall comply with the latest edition of the Washington State Department of Ecology Storm water Management Manual for Western Washington.

5. Dust Suppression Plan. The Applicant shall submit a draft Dust Suppression Plan (DSP) to the Public Works Department for review and subsequent revisions/comments or approval. The Public Works Department must approve the DSP before the Applicant may perform land disturbance activity on the project site. The DSP shall address methods to control dust generated on and off the site during construction.

6. Storm water Quality Monitoring Plan. The Applicant shall submit a draft a Storm water Quality Monitoring Plan (SWQMP), together with the UPSDR (see MDNS Condition #3), to the Public Works Department for

review and subsequent revisions/comments or approval. The Public Works Department must approve the SWQMP before the Applicant may perform land disturbance activity on the project site. The SWQMP shall address monitoring methodology and frequency to monitor ground water and surface water quality degradation that results from fecal coliform contaminated storm water. As recommended by the State of Washington Department of Ecology, the Applicant shall place a series of permanent 4" diameter monitoring wells along the waterward perimeter of the development. The Applicant shall establish baseline/background fecal coliform concentrations prior to any land disturbance. Once land disturbing activities begin, the Applicant shall arrange to sample for, and measure, fecal coliform concentrations during severe storm events for 1 year after the Applicant completes construction of all condominium units.

7. Final Storm water Design Report. After the Applicant completes the construction/installation of all permanent storm water facilities, the Applicant shall submit a draft Final Storm water Design Report (FSDR) to the Public Works Department for review and subsequent revisions/comments or approval. The Public Works Department must approve the FSDR before the City will approve the GBSP.
8. The Draft and Final EIS for the Resort Semiahmoo Master Development Plan recommends that earthwork activities be conducted only during dry (summer) weather periods. Further analysis supports this precaution. Consequently, as water quality mitigation, the Applicant shall not clear, grade, or excavate between October 30th and March 1st, unless persistent dry weather conditions exist as approved by the City Public Works Department Director (note: see condition #17 for development constraints relating to migratory bird disturbance). These earthwork activities must also cease during extreme wet weather conditions (i.e., ¼ inch or more per hour rainfall) to reduce erosion potential. The Applicant shall establish a manual rain gauge station on the subject property in advance of land disturbance activities, which shall remain in place until plat construction activities are complete.
9. The Homeowners Association shall own, operate, maintain, and repair the permanent storm water system at its cost. The CC&Rs shall authorize:
 - Anytime access by City staff to inspect and assess storm water system condition and performance, and
 - City staff to enforce storm water system operation, maintenance, and repair requirements as outlined in the City approved Storm water System Operation, Maintenance, and Repair Manual, and
 - The City to assume storm water system operation, maintenance, and repair duties if the City determines, in its exclusive discretion, that the Homeowners Association is not satisfactorily operating, maintaining, or repairing the storm water system,
10. A traffic study addressing transportation impacts for Meritage was submitted. The Transpo Group created the report on April 29 addressing trip generation, trip distribution, right turn guidelines, levels of service and queuing for the Drayton Harbor Road/Blaine Road intersection. The Study found that a right turn lane "is currently warranted and would continue to be in the future with the proposed project. The study concludes that "no mitigation is required by the project since its impacts are anticipated to be minor." While traffic generated from the Meritage condominiums contributes only a small part of the increased traffic volume to this intersection, the cumulative impact of additional residential development will require a turn lane in the near future. The report does not address other road or transportation improvements (e.g. internal transit shuttle & ferry service) identified in The Resort Semiahmoo Master Development Plan and Environmental Impact Statement including improvements to the intersections of Bell Road and Peace Portal Way, Bell Road and Drayton Harbor Road, the intersections of Drayton Harbor Road and Harbor View Road, and Harbor View Road and Lincoln Road.

Transportation impact fees paid to the City will provide funding for off-site improvements to roads within the City limits. However, many of these improvements are on roads located in the County. In addition to the payment of traffic impact fees, the developer shall demonstrate, prior to binding site plan approval, how this project will contribute its pro rata share of funds for road and other transportation improvements initially required for the Semiahmoo Development when it was approved in 1986.

11. The General Binding Site Plan identifies building setback lines from the ordinary high water mark (OHWM) for the three condominium structures. The Ordinary High Water Mark is currently being designated by the Department of Ecology. All structures will be setback a minimum of 90 feet from the established Ordinary High Water Mark. In order to preserve and enhance open space along the shoreline and to help protect the marine environment the area between the OHWM and the building setback line shall be identified on the final plat as a conservation easement area, running in perpetuity with the land. Pursuant to the City's Shoreline Management Program and the Resort Semiahmoo Master Development Plan, the conservation easement shall be divided into three zones: Public Access zone (minimum 30 feet landward from the OHWM, provided

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that this may be expanded forward as necessary, encroaching into the Private Open Space zone, if the available uplands do not allow sufficient construction space for the structure; Private Patio zone (maximum 25 feet waterward from the building setback line); Private Open Space zone (minimum 35 feet, area between landward edge of the Public Access zone and waterward edge of the Private Patio zone). The applicant shall adhere to the specific use and development guidelines within each of these zones, which are defined by the City's Shoreline Management Program and the Semiahmoo Master Plan, and with the following inclusion: (a) in the Private Patio zone, the impervious surface shall not exceed 25 percent of the area of the zone on a particular lot and provided further that the amount of impervious surface (as defined in Chapter 17.142 of the Blaine Land Use and Development Code) allowed on the entire lot is not exceeded. (b) in the Private Patio zone, native vegetation shall be used and lawns shall be prohibited.

12. Required public access sites and related accessory uses shall be fully developed and available for public use at the time of final plat approval or as required through permit approval with adequate surety to assure timely construction in a form approved by the City.
13. The Semiahmoo Spit is a unique geological formation. It is composed of sand gravel and underlying layers of clay and is subject to active shoreline processes. The Draft Environmental Impact Statement for Marina Facility on Semiahmoo Spit (Marina DEIS) states on page 56 that there have been "...no noticeable physical changes to the shoreline...". "The weakest part of the spit is the narrow causeway where it joins Birch Point. High storm waves frequently overtop this area, and a seawall, as well as riprap, have been placed there to protect the access road to the cannery. Other than at this point, the beaches of the spit are well-established and quite stable (Bauer, 1974b; and Terich, unpublished)." Prior to binding site plan approval the Applicant shall submit a shoreline report that re-analyses the relative stability of the beach and upland area and potential erosion and hazards resulting from both active storm events and annual shoreline processes in this area. The report shall include analysis and conclusions with respect to shoreline, movement, stability and offer mitigating recommendations. The report shall be considered prior to determining the final location of trails structures and related facilities or utilities.
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during the fall, winter and spring of each year. Several comments have been made that the record can lead to a reasonable conclusion that migratory and especially over-wintering birds adapt to higher levels of activity or noise. When they occur in relatively predictable and modulated frequency, urban, commercial or industrial noise and activities do not appear to have significant impacts on these birds. However, dramatic changes in noise and activity levels disturb feeding and resting patterns.

Several reports and expert testimony were consulted in an attempt to verify these observations. There appears to be general consensus that the intertidal area along the spit provides adequate feeding conditions for the significant numbers of migratory and over-wintering birds that inhabit this area between October and May; that the greatest concentrations of birds are generally found during November, December, January, February, March and April, and; because the birds are moving north in the spring, they are particularly sensitive to disturbance in March and April. For example, brant use the area in their migration north in late March and April of each year. However, collectively the reports appear to be deficient in site-specific data, inconclusive in their analysis, and contain conflicting direction. After reviewing all available expertise, it remains difficult to precisely determine what type of birds inhabit the waters adjacent to the site, when they are there, and what the impact is from humane activity on this site.

There is, however, a consensus (among professionals) that there are significant numbers and species of migratory birds that feed and rest on the water adjacent to this site (Loons, sea ducks, bay ducks, brant). It is also generally accepted that these birds are most vulnerable to disturbance during periods of migration. Consequently, it appears reasonable and prudent that human restraint should be exercised to ensure that cumulatively, human disturbance in the uplands do not result in dwindling numbers beyond sustainable populations.

This information and some basic logic leads to the conclusion that that heavy equipment operation and exterior construction (e.g. grading, framing, and external finishing work) will have the greatest potential to impact migratory bird populations during construction. We also know that, cumulatively, increased urban density can impact these birds in a number of ways. With this in mind, the proponent will be required to utilize the following on-site mitigating measures:

Mitigation prior to construction:

1. Vegetate the first 40 feet of waterfront in native vegetation.
2. Install a sound and site buffer consisting of a noise-dampening wall measuring 8 feet in height, the width of the building footprint and a minimum of 40 feet from the OHWM. The wall can be earth bermed, constructed of straw bales, wood with insulating panels or an alternative design that effectively reduces visual exposure and noise levels. Storage containers or similar aesthetically displeasing objects are not allowed.
3. Establish a no entry zone with appropriate side yard fencing within the 40 feet.

General restrictions during construction:

1. Stationary noise producing equipment (compressors, generators, etc) must be located on the southeast side of the buildings or inside the buildings when the first floor walls are in place.
2. Nonessential noise producing equipment is prohibited from October 15 to May 15.
3. All vehicle parking shall be restricted to the southeast side of the property,

Periods of no construction activity:

1. No earthwork or exterior construction will be allowed during the periods of the year with the greatest sustained concentrations of migrating birds (December, January, February or March).
2. Deviation: Because building 3 is further isolated from the shoreline, only heavy equipment operation shall be restricted during the above referenced months.

Periods of conditional construction activity:

3. Earthwork and exterior construction may be allowed during the months November and/or April, with the approval of the City, provided:
 - a. A qualified bird biologist monitors the site for a 5-day period immediately before construction and determines that the adjacent intertidal area is not populated with bird species whose migratory journey will be compromised because of the construction activity.
 - b. All pre-construction mitigation is completed.

Unrestricted interior work during construction:

1. Interior work shall be allowed all twelve months.

Mitigating measures during occupancy:

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Approved this 24 day of January, 2006

object.


Bob Baldwin, Community Planner

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