

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-676-6907, TTY 800-833-6384
360-738-2525 Fax



J.E. "Sam" Ryan
Director

SEPA Distribution List
SEP2011-00021

Please review this determination. If you have further comments, questions or would like a copy of the SEPA checklist, phone the responsible official at (360) 676-6907. Please submit your response by the comment date noted on the attached notice of determination.

SEPA Unit, WA State Department of Ecology, Olympia via email
sepaunit@ecy.wa.gov

WA State Department of Fish and Wildlife

WA State Department of Natural Resources

Lummi Nation

Attn: Natural Resources Department
Attn: Cultural Resources Department

Nooksack Indian Tribe

Attn: Natural Resources Department
Attn: Cultural Resources Department

Applicant:

Dick Bosch
Glen Echo Garden
4390 Y Road
Bellingham, WA 98226

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J.E. "Sam" Ryan
Director

REVISED - SEPA Notice of Application and Optional DNS Process

File Number: CUP2009-00006 and SEP2011-00021
Parcel Number: 380407-518470-0000
Project Name: Glen Echo Garden (Re-Notification)
Applicant: Dick Bosch
Date Submitted: March 3, 2009
Notice of Completeness Date: April 3, 2009 and Revised March 18, 2011
Notice of Application Date: January 19, 2012
Comments Due Date: February 3, 2012

Project Description: This Notice of Application is a revision to two legal notices published in the Bellingham Herald on April 14, 2009 and September 14, 2011.

The applicant is requesting zoning Conditional Use Approval for an expansion of a nonconforming use under WCC 20.83.020 and also for zoning conditional use approval to operate a commercial business as a cottage industry consisting of weddings, anniversaries, church socials and other outdoor events. Glen Echo Garden is a nonconforming use located along the east side of Anderson Creek consisting of botanical gardens. The applicant is requesting approval to open Glen Echo Gardens for public tours and other outdoor events.

This re-notification is to clarify the number of special events proposed at the site. The number of special events will likely average no more than five events per month from May through September for a total of approximately 25 events per year. These events will include no more than 100 people.

Zone: Rural (R5A)
Shoreline Jurisdiction: N/A
Site Address: 4370 "Y" Road

Environmental Review: Whatcom County Planning and Development Services has reviewed the proposed project for probable adverse impacts and expects to issue a Determination of Non-Significance (DNS) for this project. The Optional DNS process described in WAC 197-11-355 is being used. **This may be your only opportunity to comment on the environmental impacts of the proposed project.**

The following conditions have been identified that may be used to mitigate the adverse environmental impacts of the proposal: Anderson Creek is a fish bearing body of water and is located adjacent to the garden area. A Notice on Title will likely be required which will identify the critical areas and the mitigation on the site.

Preliminary determination of the development regulations that will be used for project mitigation and consistency: The application will be reviewed under the Official Whatcom County Zoning and Critical Areas Ordinances. The project will also be reviewed by the Whatcom County Planning and Development Services, Public Works Division of Engineering, Whatcom County Fire Marshal's Office, and the Whatcom County Health Department.

Required Permits: Conditional Use Permit and SEPA

Existing Environmental Documents: SEPA Checklist

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J.E. "Sam" Ryan
Director

Whatcom County has accepted an application to develop land that is within 1,000 feet of your property. Since the proposal is close to your property and the proposal may affect you, your property, or your neighborhood, the County is sending you this notice for you to review. Please see the reverse side of this letter to read details of the proposal.

The file and supporting documents may be reviewed at Whatcom County Planning and Development Services, 5280 Northwest Drive, Bellingham, WA, 98226. The County invites you to comment on this proposal. **Written comments must be received by February 3, 2012.** If you've already submitted comments to our department based on previous notifications regarding this proposal, than it is not necessary to re-send them unless you have additional comments you'd like to add.

You may also ask any questions that you have regarding the proposal or review process, or if you have difficulty reading the notice, you may contact the project planner, Suzanne Bosman at (360) 676-6907 or by email at Sbosman@co.whatcom.wa.us. You have the right to receive notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law.

The final decision on this proposal may be appealed according to the County appeal provisions specified in Title 20.

If you wish to receive notice of any hearings you must notify the Hearing Examiner's office in **writing** at 311 Grand Avenue, Suite 401, Bellingham, WA. 98225, or by **phone** at (360) 676-6794 or in **person** at 1000 North Forest, Suite 100, Bellingham, WA 98225 within 15 days of the notice of application. Notices of public hearings are mailed to Interested Parties three weeks prior to the hearing date.

Sincerely,

Suzanne Bosman

Comment Form

Project Name: Glen Echo Garden
File Numbers: CUP2009-00006
SEP2011-00021

Name and Address: _____

Comments (attach additional sheets if necessary): _____

**WHATCOM COUNTY STATE ENVIRONMENTAL POLICY
ADMINISTRATION (SEPA) ENVIRONMENTAL CHECKLIST**

**WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES**

MAR 18 2011

RECEIVED

A. BACKGROUND

- SEPA 1. Name of proposed project: **DICK BOSCH / GLEN ECHO GARDENS**
- SEPA 2. Name of applicant: Dick Bosch
Telephone: 360-592-5380
- SEPA 3. Address: 4390 "Y" Rd., Bellingham WA 98226
Contact: Dick Bosch
Telephone: 360-592-5380
- SEPA 4. Date checklist prepared: Feb. 19, 2009
- SEPA 5. Agency requesting checklist
: Whatcom County Planning and Development services
- SEPA 6. Proposed timing or schedule (including phasing, if applicable)
immediately upon approval
- SEPA 7. Do you have any plans for future additions, expansion, or further activity
related to or connected with this proposal? If yes, explain.
No
- SEPA 8. List any environmental information (studies, reports, etc.) you know
about that has been prepared, or will be prepared, directly related to this
proposal.
None known at this time
- SEPA 9. Do you know whether applications are pending for governmental
approvals of other proposals directly affecting the property covered by your
proposal? If yes, explain.
None known at this time
- SEPA 10. List any governmental approvals or permits that will be needed for your
proposal, if known. Include Federal, State, City, County, and local districts
or regional offices.
Whatcom County Conditional Use Permit
Whatcom County Public Works Encroachment Permit
Whatcom County Commercial Bridge permits

SRB 11. Give a brief complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

Corrective actions to resolve critical area intrusion and an application is to be filed for a Conditional use permit for the ongoing operation of a plant nursery and the operation of a landscaped area to hold weddings and smaller social gatherings for a fee.

SRB 12. Location of the proposal.

Located in the NE quarter of Section 7 TWP 38N, R4E WM
at 4390 "Y" Road

B. ENVIRONMENTAL ELEMENTS

1. EARTH

SRB a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____.

Project is on two separate levels the Residence. Green house, and Shed which are an existing nonconforming use on an upper bench and the path, bridge and gardens along a creek bottom. The latter three are what a conditional use is being sought for.

SRB b. What is the steepest slope on the site (approximate percent slope)?
30%

SRB c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Whatcom Silt Loam 3-8% slope
Bellingham Silty Clay 0-2% Slope
Whatcom Silt Loam 30-60% Slope

SRB d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Not on the portion for which the Conditional use is being applied for.

SRB e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

No

SRB f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Most landscaped areas and roadways were previously established. No significant excavation is anticipated unless required to do so by the county.

SRB g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Roadways and parking lot are gravel, and asphalt apron may be required by Public Works for access to the "Y" Rd.

SRB h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None known at this time

2. AIR

SRB a. What types of emissions to the air would result from the proposal (i.e.: dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Minor traffic exhaust

SRB b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No

SRB c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None known

3. WATER

a. Surface:

SRB 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Anderson Creek flows through the project and under the bridge.
Anderson Creek is part of the Nooksack River Basin

SRB 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

The bridge was permitted and installed portions of the landscaped areas are within 200 feet of the creek bank.

SLP 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None

SLP 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

A bridge was permitted and installed over Anderson Creek but apparently needed a commercial permit to allow the public to walk over the bridge.

SLP 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Unknown

SLP 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground:

SLP 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

Some irrigation of flowerbeds and lawns is anticipated

SLP 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals....: agricultural; etc.). Describe the general size of the system, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected serve.

None

c. Water Runoff (including storm water):

SLP 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Some minor amount of run off is anticipated in connection with parking area and roadway access. The roadway is gravel surfaced and will not be paved with anything other than crushed rock. Parking lot drains northwest to Y Rd. then north along Y road to tributary to Anderson Creek.



SEP 2) Could waste materials enter ground or surface waters? If so, generally describe.
No

SEP d. Proposed measures to reduce or control surface ground, and runoff water impacts, if any:
None known at this time

4. PLANTS

SEP a. Check or circle types of vegetation found on the site:
 deciduous tree: alder, maple, aspen, other
 evergreen tree: fir, cedar, pine, other
 shrubs
 grass
 wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
 water plants: milfoil, other
 other types of vegetation

SEP b. What kind and amount of vegetation will be removed or altered?
Some native vegetation has been removed and landscaped to nonnative flowering plants and some mitigation has been done to resolve enforcement issues. Phase 2 may involve some expansion of garden along creek set back to the north, approximately .3 ac. *

c. List threatened or endangered species known to be on or near the site.
Unknown

SEP d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
Landscaped areas are intended to display flowering commercial plants.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

SEP birds: raptors, (ducks) geese, songbirds, other
mammals: deer, beaver, other
fish: salmon, other Fish Bearing - Anderson Creek
amphibians

SRB b. List any threatened or endangered species known to be on or near the site.

None known

SRB c. Is the site part of a migration route? If so, explain.

No

SRB d. Proposed measures to preserve or enhance wildlife, if any:

None known

6. Energy and Natural Resources

SRB a. What kind of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

None

SRB b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe:

No

SRB c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None known

7. Environmental Health

SRB a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

None

SRB 1) Describe special emergency services that might be required.

None

SRB 2) Proposed measures to reduce or control environmental health hazards, if any:

None

SRB b. Noise

SRB 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None

SRB 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

None

SRB 3) Proposed measures to reduce or control noise impacts, if any:

None

8. Land and Shoreline Use

SRB a. What is the current use of the site and adjacent properties?

To the east is forestry timberland to north, south and west are small farm/ residential acreages. The Bosch property west of creek has been in commercial landscaping and sheep grazing, the portion east of the creek has little to no commercial timber and for the most part is part Botanical Garden and brush land.

SRB b. Has the site been used for agriculture? If so, describe.

No

SRB c. Describe any structures on the site.

One residence two sheds and two pipe frame plastic sheeted Greenhouse

SRB d. Will any structures be demolished? If so, what?

No

SRB e. What is the current zoning classification of the site?

R5A

SRB f. What is the current comprehensive plan designation of the site?

Rural

SRB g. If applicable, what is the current shoreline master program designation of the site?

NA

SRB h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify. *

Stream bank is classified as critical area

SRB i. Approximately how many people would reside or work in the completed project?

2-4 would reside on site and up to eight might work on site.

SRB j. Approximately how many people would the completed project displace?

None

SRB k. Proposed measures to avoid or reduce displacement impacts, if any:

None

- SRB I. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Project is most compatible, being esthetically pleasing and completely non intrusive. Annual trip generation is probably less than a family of six living on site the year around. The area for which the conditional use is being sought is not visible from the road and only barely visible form the neighboring property

9. Housing

- SRB a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
None
- SRB b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
None
- SRB c. Proposed measures to reduce or control housing impacts, if any.
None

10. Aesthetics

- SRB a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
17 feet (Residential house) No significant structures are anticipated in the area for which we are seeking the Conditional permit
- SRB b. What views in the immediate vicinity would be altered or obstructed?
None
- SRB c. Proposed measures to reduce or control aesthetic impacts, if any:
None

11. Light and Glare

- SRB a. What types of light or glare will the proposal produce? What time of day would it mainly occur?
None
- SRB b. Could light or glare from the finished project be a safety hazard or interfere with views?
No
- SRB c. What existing off-site sources of light or glare may affect your proposal?
None
- SRB d. Proposed measures to reduce or control light and glare impacts, if any:
None

12. Recreation

SRB a. What designated and informal recreational opportunities are in the immediate vicinity?

None

SRB b. Would the proposed project displace any existing recreational uses? If so, describe.

No

SRB c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Project would enhance the neighborhood as a passive area of open space and beauty

13. Historic and Cultural Preservation

SRB a. Are there any places or objects listed on, or proposed for, national, state or local preservation registers known to be on or next to the site? If so, generally describe.

None Known

SRB b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

None known, other than "Old Growth Stumps"

SRB c. Proposed measures to reduce or control impacts, if any:

None at this time

14. Transportation

SRB a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Site is served by the "Y" Road only

SRB b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

No. 1 mile to nearest bus stop

SRB c. How many parking spaces would the completed project have? How many would the project eliminate?

20-30 graveled spaces and 40 overflow grassed spaces maximum, none would be eliminated

SKB d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No, the parking area was previously installed

SKB e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No

SKB f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. *

2 to 4 employees and 30 to 40 visiting cars a day rounded to 50 tpd

SKB g. Proposed measures to reduce or control transportation impacts, if any:

None known

15. Public Services

SKB a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No

SKB b. Proposed measures to reduce or control direct impacts on public services, if any.

None

16. Utilities

SKB a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

SKB b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

All utilities needed by the project are presently serving the site

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Terry A. Boyer

Date Submitted: 2/15/11

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J.E. "Sam" Ryan
Director

SEPA Notice of Application &
Optional Determination of Nonsignificance (DNS)
Legal Notice

To be published one time only on: **January 19, 2012**

CHARGE TO: Whatcom County Planning & Development Services
5280 Northwest Drive
Bellingham, Washington 98226
Acct #048867

WHATCOM COUNTY GIVES PUBLIC NOTICE THAT THE FOLLOWING SEPA NOTICE OF APPLICATION AND OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS) HAS BEEN ISSUED TODAY SUBJECT TO THE 15 DAY COMMENT PERIOD CONCLUDING ON FEBRUARY 3, 2012.

File: SEP2011-00021

Project Description:

This Notice of Application is a revision to two legal notices published in the Bellingham Herald on April 14, 2009 and September 14, 2011.

The applicant is requesting zoning Conditional Use Approval for an expansion of a nonconforming use under WCC 20.83.020 and also for zoning conditional use approval to operate a commercial business as a cottage industry consisting of weddings, anniversaries, church socials and other outdoor events. Glen Echo Garden is a nonconforming use located along the east side of Anderson Creek consisting of botanical gardens. The applicant is requesting approval to open Glen Echo Gardens for public tours and other outdoor events.

This re-notification is to clarify the number of special events proposed at the site. The number of special events will likely average no more than five events per month from May through September for a total of approximately 25 events per year. These events will include no more than 100 people.

Proponent: Dick Bosch, Glen Echo Garden

Address and Parcel #: 4390 "Y" Road, Bellingham, WA 98226 / APN 380407518470

Lead Agency: Whatcom County Planning & Development Services

Zoning: Rural (R5A) **Comp Plan:** Rural

ANY PERSON OR AGENCY MAY APPEAL THE COUNTY'S COMPLIANCE WITH WAC 197-11 BY FILING AN APPEAL WITH THE WHATCOM COUNTY CURRENT PLANNING DIVISION LOCATED AT 5280 NORTHWEST DRIVE, BELLINGHAM, WA 98226. APPEALS MUST BE MADE WITHIN 10 DAYS AFTER THE END OF THE COMMENT PERIOD.