



Planning and Community Development Department

210 Lottie Street, Bellingham, WA 98225

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REQUEST FOR INFORMATION

Preliminary Plat (SUB2022-0011)/Land Division Variance (VAR2022-0002)/Critical Areas (CAP2022-0005)/Shoreline Substantial Development (SHR2022-0008)/Shoreline Conditional Use (SHR2022-0007)/Street Vacation (VAC2022-0001)/SEPA (SEP2022-0013)

Date of Notice: April 28, 2022

Date of Notice of Complete Application: 4/5/2022

Project Location: 352 Viewcrest Road / Area 7, Edgemoor Neighborhood; Residential Single, Detached zoning designation with a 20,000 square foot overall density.

Applicant: Ali Taysi, AVT Consulting, LLC; 1708 F Street, Bellingham WA 98225; 360-527-9445

Property Owner: Ann C. Jones Family LP; 807 Chuckanut Shore Road, Bellingham WA 98229

The submitted street vacation petition is exempt from the land use review processes pursuant to Title 21 BMC. However, the land use applications for the proposal have been submitted reliant on the street vacation and the status of the street vacation has implications concerning the continued review of the remaining land use applications associated with the proposal.

STREET VACATION PETITION

The Technical Review Committee (TRC) performed a preliminary review of the street vacation petition on March 24, 2022 and will not be recommending approval of the vacation as submitted for 10th Street. The TRC's recommendation is based on City Council policy that rights-of-way abutting or leading to salt water should not be vacated. More recently, Council has expanded that policy such that where unimproved rights-of-way exist, they should be further analyzed for the opportunity to preserve existing and mature vegetation and provide opportunities for public access opportunities and / or connections to other similar facilities.

The Preliminary Plat design relies on the vacation of 10th Street and other streets in the northwestern quadrant of the proposed plat. Due to this reliance, staff cannot prepare a SEPA determination for the submitted land use applications until a decision is issued for the street vacation.

ACTION ITEM: Please submit a fully signed street vacation petition in order to process the street vacation.

If the vacation is not pursued, the proposal must be revised to remove lots from 10th Street and either assume a plat design that incorporates the use and construction of 10th Street or submit a land division variance from the construction of 10th Street. All associated land use applications would also need to be appropriately amended.

ACTION ITEM: Submit revised land use applications accordingly.

The street vacation petition includes a map representing the vacation and dedication in lieu of for 10th Street. As discussed above, this map may require revisions. Additional information is needed to demonstrate the status of the existing vacated right of ways and determine where public easements were retained as a condition of vacation. The vacation of these easements requires City Council approval.

ACTION ITEM: Provide an exhibit that specifies the vacation ordinance numbers or resolutions that vacated those certain rights-of-way within the plat boundaries and identify which of those vacated rights-of-way have remaining easements. Submit an application for the easement vacations as necessary to ensure the proposed lot layout is not encumbered by these retained easements.

The following portion of the notice includes specific items identified after City staff review of the submitted land use applications for preliminary plat, land division variance, critical areas, shoreline and SEPA. Responses to the ACTION ITEMS below may vary depending on the outcome of the requested street vacation petition. However, staff believes that the following information is applicable and/or should be considered with a revised proposal.

The Planning and Community Development Department (PCDD) has reviewed the application(s) associated with the proposal. It has been determined that these application(s) do not supply sufficient information to prepare a SEPA threshold determination, recommendation to the Hearing Examiner and permit decision(s) compliant with applicable regulations of the Bellingham Municipal Code (BMC) and Comprehensive Plan.

To continue review of the above application(s), please submit the following information to the staff planner listed below:

GENERAL

Street Vacation

The street vacation for 10th Street must be approved by the City Council prior to the city continuing review of the proposal.

ACTION ITEM: Submit revised land use applications that are consistent with the City's Council decision regarding the vacation of 10th Street.

Vegetation Management Plan

This plan, attached as Exhibit L to the application submittal, identifies the code required building envelope within each lot. It is not clear if the exhibit's title should also be interpreted that everything outside of the building envelope is intended to be preserved.

ACTION ITEM: Please clarify the purpose of this exhibit and as necessary, rename the exhibit for its intended purpose(s).

Setbacks

Development of the proposed lots will be subject to Chapter 20.30 BMC. The applicable setbacks for lot development will be the following:

| Yards | Setbacks | Measurements |
|--------------------------------|---|--|
| Front Yard Setback | 50 feet CL (1) 60 feet CL if designed street arterial (1) 20 feet PL if abutting a cul-de-sac | Setback measured from the centerline (CL) of the street right-of-way. Setback measured from the front property line (PL). |
| Side Yard on a Flanking Street | 40 feet CL 50 feet CL if designed street arterial 10 feet PL if abutting a cul-de-sac | Setback measured from the centerline (CL) of the street right-of-way. Setback measured from the property line (PL) abutting the side flanking street. |
| Side Yard Setback | Five feet PL | Setback measured from each side property line (PL). |
| Rear Yard Setback | 10 feet PL | Setback measured from the rear property line (PL). |

The City recommends applying these setbacks to the proposed lots at this early stage in the preliminary plat review to evaluate whether a variance from these setback requirements could result in a buildable area with increased retention of onsite vegetation and further reduce grading activity necessary to develop the lots.

ACTION ITEM: Consider submitting a variance application from setback regulations that would minimize the amount of clearing and grading necessary for lot development.

PRELIMINARY PLAT

Reserve Tract

The 'Reserve Tract' notation on Lot 38 of the preliminary is confusing. Reserve tracts are typically identified to imply the lot is being held for future development.

ACTION ITEM: Please clarify the intended use of Lot 38 as either a single-family lot or a single-family lot with reserved, future development opportunities.

Electric and Communication Facilities – BMC 23.08.070(F)

This code provision requires dedication of a 10-foot easement adjacent to all dedicated rights of way

ACTION ITEM: It is recommended that the overall plat layout show the required 10-foot utility easement adjacent to both sides of the newly dedicated right of way to ensure the site plan does not conflict with this easement.

CRITICAL AREAS

Wetlands

The site descriptions contained in Northwest Ecological Services' 2022 Wetland Delineation Update & Critical Areas Summary, Raedeke and Assoc. Inc.'s 2022 Wildlife Habitat Assessment Technical Memorandum, and Element Solutions' 2021 Geotechnical Investigation & Geohazard Report are generally consistent with City documentation including topographic maps, 2014 Nearshore Connectivity Study, 2015 Habitat Restoration Technical Assessment, 2019 Post Point Heron Colony Management Recommendations Update, 2021 Wildlife Corridor Assessment, and 2021 Canopy and Forest Structure Analysis Summary Report. The proposed buffer and on-site forest are not identified as an alternate colony location for the Post Point Heron Colony. The forest is considered transitioning to (but not yet) mature and both the forest and marine nearshore are important habitats to a variety of marine and terrestrial species.

The 2022 wetland ratings appear reasonable with the exception of:

1. Wetland Rating H3.0 (Habitat Value). The 2022 Raedeke report describes the potential use of the site for perching of state Priority species including Pileated Woodpecker and Great Blue Heron. The subject site is also identified in the City of Bellingham's 2021 Wildlife Corridor Analysis as an "Important Wildlife Habitat Area." In addition, the City's 2014 Nearshore Connectivity Study ranks the on-site marine reach (EU 19) as one of only 4 "high" functioning shoreline reaches in the City of Bellingham: *"This unit includes a relatively undeveloped shoreline and marine riparian zone with a functional connection to the beach, an unimpeded connection to Chuckanut Creek, and a stream delta....this EU exhibits a high level of connectivity and intact habitat."* As such, it appears the area qualifies as a WDFW Priority Area (Biodiversity Area). Incorporating this information would result in a "High" rating for value for all four wetlands.

ACTION ITEM: Revise the wetland rating forms and wetland descriptions accordingly. Please note, while this change raises the habitat point total from 4 to 5, it appears the regulatory buffers and wetland categories will likely remain the same.

Geologically Hazardous Areas

The Geotechnical Investigation and Geohazard Report did not include sufficient information to determine if the proposed building envelopes, shown on Figure 3B of said investigation and report, are outside of recommended buffer widths from landslide hazard areas.

ACTION ITEM: Submit a map identifying the preliminary plat map with building envelopes, site's landslide hazard areas and the recommended buffer widths. Staff acknowledges that in the investigation and report, buffers from landslide hazard areas have been recommended for lots 8-9, 14 and 20-22.

Please also demonstrate that there are adequate buffer widths from landslide hazard areas for lots 25-35. These are within proximity to the "upland southwest slopes" that are described in section 4.2.3 of the Geotechnical Investigation and Report.

Fire Risk

Fuel loading is mapped by the City as light to med, no heavy. Light loading is closest to house footprint shown on plans; however, this footprint is not guaranteed due to the large lot sizes.

ACTION ITEM: Recommend reduce lot size to ensure houses are close to roadway to reduce fire risk.

SHORELINE SUBSTANTIAL PERMIT AND SHORELINE CUP

Locate and identify the alignment of the stormwater conveyance pipe from the East Road to the toe of the marine bluff and the energy dissipator for city review.

ACTION ITEM: Schedule a site visit with City staff to field verify the location of the facilities identified above.

CLEARING AND GRADING

The application narrative provides a brief discussion concerning grading, but does not describe anticipated clearing. A clearing or grading plan was not included in the application materials.

ACTION ITEM: Provide a preliminary clearing and grading plan demonstrating compliance with BMC 23.08.030(D).

PARKS AND RECREATION

The application narrative references a public trail easement but does not show a proposed location on the preliminary plat. This easement is necessary to determine compliance with the land division regulations.

ACTION ITEM: Amend the preliminary plat to show the location of a 30-foot wide public trail easement from Viewcrest through the site to Sea Pines. The city would accept a smaller easement width if the trail is constructed as a condition of final plat approval.

ACTION ITEM: The required trail easement shall be located to minimize critical area impacts. Prior to the city accepting an easement for trail purposes, the applicant shall demonstrate through an amended critical areas application that all impacts to critical areas resulting from the construction of a trail within the easement areas have been mitigated compliant with Chapter 16.55 BMC.

ACTION ITEM: There are existing public access easements along the western boundary of the plat boundaries that were established with the recording of the Clarkwood Plat. Title 23 BMC prioritizes pedestrian connectivity to existing neighborhoods. Please respond to the land division decision criteria specific to BMC 23.08.030 that specifically addresses the feasibility of these connections.

The applicant has the opportunity to request park impact fee credit for the construction of a trail within the easement area and all associated critical area impacts.

PUBLIC INFRASTRUCTURE

Viewcrest and 10th Street Improvements

The unimproved portion of 10th Street (not proposed to be vacated) and the 30 feet of Viewcrest Road, which is generally located northeast of 10th Street, that abut the preliminary plat require $\frac{3}{4}$ -standard street improvements. The project narrative did not identify improvements for these rights of way.

ACTION ITEM: Please acknowledge that the proposal includes the construction of 10th Street abutting the preliminary plat and Viewcrest Road abutting the 30-foot portion of the site lying northeast of 10th Street.

Paper-plat rights of way

It appears that Tatoosh and Prospect Streets as well as the alley in Block 8 of the Amended Map of South Fairhaven (all located in the southwest corner of the overall site) appear to remain as right-of-way. Please confirm. If these streets are in fact rights-of-way, per BMC Title 23, they are required to be improved.

ACTION ITEM: Recommend that these rights-of-way be included with the other variance requests for street improvements.

Right of Way Standards – East and West Roads

Only the northern 200 feet (approx) of West Road is considered a Residential Access Street that requires a 60-foot right of way. The remaining rights of way, East and West Roads, are considered Cul-de-sac Streets and will require a minimum dedication of 50 feet.

The cul-de-sac portions of the rights of way require full standard improvements consisting of 24 feet of pavement with curb, gutter and sidewalk both sides. The 200-foot portion of West Road requires full-standard construction consisting of 28 feet of pavement with curb, gutter and sidewalk both sides.

ACTION ITEM: Revise the preliminary engineering drawings and preliminary plat to reflect these standards. And as deemed necessary, the variance application should also be amended to reflect these standards.

Stormwater Management

The Preliminary Stormwater Management Report (PSE, February 28, 2022) did not specifically identify the location or method for accessing the stormwater pipe or the slope and forest impacts associated with access. The design of the stormwater dissipation structure should be upslope of beach and constructed with materials that are durable in a marine/saline condition. Materials should be consistent with natural materials found on marine shorelines and not detrimental to fish/wildlife should the materials disperse at the end of structure's lifespan or natural impacts.

ACTION ITEM: Revise the above referenced stormwater report to address the following:

1. Identify the impacts to the site's slopes and forested landscape that are anticipated as a result of constructing the stormwater pipe.
2. Identify the location of the dissipation structure in a manner that places it upslope of the beach.
3. Specify the materials of the dissipation structure to include natural materials found on marine shorelines.
4. Include the proposed method for accessing these structures for routine maintenance.

Review of these application(s) cannot continue until this information is received and determined to be sufficient. Within 14 days of submitting the above information, the City will either determine that the information is sufficient or specify in writing what additional information is required. If the information is sufficient, processing of the application(s) will resume in accordance with BMC 21.10. This request for additional information is accordance with BMC 21.10.190 B. (4).

Pursuant to BMC 21.10.190 (C), the application(s) will expire and become null and void if all of the requested information is not submitted within 120 days from the date of this notice for request for information. At the applicant's request, the PCDD director may extend this 120-day period in accordance with BMC [21.10.080\(A\)](#). No further notice will be sent concerning this 120-day expiration timeline.

Please contact the staff member below if you have any questions regarding this notice:

Name: Kathy Bell, Senior Planner

E-mail / Phone: kbell@cob.org or 360-778-8347