



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: December 21, 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

On November 23, 2022, the City received your response (Nov 23 Response) to the City's April 28, 2022 Request for Information (RFI). The City has completed review of these materials and has determined the revised application materials are substantially sufficient to address the April 28 RFI except for the additional information requested herein. This information is necessary before the City can 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:

PRELIMINARY PLAT

Reserve Tract

The 'Reserve Tract' notation on Lot 38 of the preliminary plat is not accurate and should be referenced as Lot 38. Reserve tracts are vacant parcels that are approved as a part of a phased development that identify future development opportunities. If this lot is proposed for development with the single-family residence, future division of this lot will require approval of a plat alteration pursuant to the rules and regulation in effect on the date a complete application is submitted.

ACTION ITEM: Please remove the 'Reserve Tract' reference from Lot 38.

Electric and Communication Facilities – BMC 23.08.070(F)

The submitted conforms with the code provision except for the east side of the entrance road.

ACTION ITEM: Please address how the proposal intends to meet the intent of this provision for the east side of the entrance road.

Subdivision Variance

No additional information is requested for the requested variances. Please note that the City is likely to recommend that an approval of the variance associated with 10th Street should be conditioned to require construction of the public trail discussed below in this notice in lieu of the pedestrian facility that would have otherwise been associated with the street construction.

EMERGENCY SERVICES

The access to Lot 38 exceeds the city's allowed 15% for emergency access and does not appear to meet residential hydrant spacing standards. Mitigation for these items does not appear feasible for the location of the proposed building envelope.

The private access road serving proposed Lots 7-10 appears to meet code requirements for width and turn radii. However, additional information is needed to verify the grade of this private driveway and the proposed geometry of the private driveway ensures emergency access is feasible.

ACTION ITEM: Provide a plan for Lot 38 that demonstrates access and hydrant spacing compliant with City requirements. Demonstrate through computer modeling that the approximately 135-degree turn in the private driveway can be accomplished by the Bellingham fire apparatus.

For informational purposes, there is potential for future State Building Code amendments/requirements specifying ignition resistant construction materials for construction in areas deemed wildland-urban interface or intermix. At this time, municipalities have been advised that State DNR mapping is ongoing and that a State Building Code Council technical advisory group (TAG) is assessing and developing standards for wildland-urban interface/intermix areas. If there are either local or State requirements, these new requirements would need to be addressed in building permit applications. This does not affect the overall plat design but could impact the construction methods for individual home construction on some or all of lot withing the preliminary plat.

CRITICAL AREAS

Geologically Hazardous Areas

Many of the lots contain building envelopes that may also have the required or minimum landslide hazard area buffer encroach into them.

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 and 10-foot minimum buffer widths from landslide hazard areas.

The revised geohazard report (10/6/22 by Element) and the corresponding plat map lot configuration (10/18/22 by PSE) demonstrates that the required 60' x 60' building envelopes on each lot are outside of geohazard hazard areas. The Element report also identifies appropriate buffers for lots 7, 8, 13, 16, 19 and 20-21. Our 4/28/2022 RFI requested showing adequate

buffer widths for lots 25-35 but that has not been clearly provided. (We acknowledge that the lot configuration has changed since the original application.)

For example, the report concludes that a 10-foot setback (buffer) is appropriate where landslide hazard areas sit *below* a potential home site. We assume this now refers to lots 7-8, 14 and 25-32. **Please clarify.**

The Element report specifies that the envelope areas are not encumbered by designated critical areas including landslide hazard areas. However, on certain lots, landslide hazard areas are shown to the edge of the envelope areas and in some cases, on two sides. Application of the required or 10-foot minimum buffer from the edge of a landslide hazard area could potentially result in an actual building envelope that is smaller than the 60' x 60' dimension, which is required to demonstrate per Title 23 BMC.

ACTION ITEM:

1. Please demonstrate that there are adequate building envelope areas to develop a single-family residence that complies with the required 10-foot buffer on lots where landslide hazard areas exist in relation to the 60' x 60' building envelopes.
2. This additional map shall be accompanied by a demonstration by the geologist of record that a proposed reduction satisfies the criteria in BMC 16.55.460(A)(1)(b).

CLEARING AND GRADING

Clearing and Grading Plan

The RFI requested submittal of a preliminary clearing and grading plan, which was submitted and is represented on Sheet 6 of Exhibit A of the Nov 23 Response. This plan does not easily identify the preliminary clearing limits, unless those limits are intended to be the green shaded areas identified as the geologically significant critical areas.

The proposed grading limits appear to represent only that of the public and private access roads. The areas where significant grading (cut and fill) is proposed to construct these roads is also likely to impact the constructability of and access to the lots. The impacts from the proposed grading should be shown and further described to demonstrate compliance with BMC 23.08.030(D), specifically (D)(1)(b)(ii-iv).

ACTION ITEM: Provide a preliminary clearing and grading plan demonstrating compliance with BMC 23.08.030(D)(1). It may be necessary to include cross sections through the lots and roads where the more significant fill and cuts are proposed for road construction.

Vegetation Management Plan (VMP)

The revised VMP, attached as Exhibit L to Nov 23 Response, identifies 3 management areas. The management area descriptions are in part identified by the level of impact that is anticipated within each area. Management Areas #2 and 3 partially state "No significant tree removal as defined in BMC 16.60.040 is proposed in this area unless allowed pursuant to BMC 16.60.070(F), hazard tree removal".

The VMP does not provide enough information to identify significant trees (BMC 16.60.080(B)(4)) within Management Area #1 that could be impacted from the anticipated level of development in Management Area #2. The VMP should also identify which of the significant trees within these areas are anticipated to be removed as a result of development and those that will be preserved. All significant trees to be removed require replacements at a ratio to be determined by the City.

The VMP will inform the City whether BMC 23.08.030(C) is met.

ACTION ITEM: Either revise the VMP or provide additional documentation that identifies the number, specie type and location of significant trees (> 6" diameter at breast height) within Management Area #2, including within the to be dedicated rights-of-way and the private roads that spur off from the West and East Roads. This should also include adjacent areas where cut and/or fill is necessary to construct these roadways including cut and fill to provide the 10-foot-wide easement area for private utility providers. Please also show significant trees within 25-feet of the common boundaries between Management Areas #1 and #2.

PARKS AND RECREATION

The revised trail plan shows the connection points from (1) the proposed East Road, (2) 10th Street ROW, and (3) from Sea Pines Road. The trail alignment is likely to result in some very steep trail sections that may result in stairs. It is unclear whether the East Road connection is a trail or a private driveway, moreover a 25 foot drop over 60 feet will require stairs. The trail should be relocated from East Road to Sea Pines.

ACTION ITEM: Amend the preliminary plat to show the location of a 30-foot wide public trail easement between what is labeled Lot 34 and 33. Continue this trail south of Wetland B, and its buffer, to Sea Pines Road following the topography. The trail standard may be location specific, target grade is < 5%. Connect this east trail to 10th Street ROW trail as currently configured to Viewcrest Rd. This change will result in the following:

Remove trail on lots 35 and 36.

Remove trail north of Wetland B on lot 38 down to Sea Pines.

The City continues to have interest in connecting Tract B within the Clarkwood Plat to this development and is requesting additional exploration to demonstrate why a connection to the West Road or South Private Road is not feasible.

ACTION ITEM: Amend the preliminary plat to show the location of a 30-foot wide public trail easement connection of the Clarkwood Plat to either the West or South Private Roads. The trail standards have not been identified at this time and will be determined after identifying an appropriate alignment.

As previously stated, the city would accept a smaller easement width if the trail is constructed as a condition of final plat approval. If the trail is not constructed by the owner/developer, 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.

PUBLIC INFRASTRUCTURE

The City has completed a more thorough review of the preliminary engineering plans for the extension of public water and sewer mains and is requesting additional analysis to ensure the plat can be served with public water and sewer mains compliant with City codes.

Water

The proposed water service layout appears to exceed the maximum ungridded extension allowed by code and may require a looped water system. There is also not sufficient information to determine if the proposed water system layout will provide the necessary pressure for domestic service and fire flow.

ACTION ITEM: Verify the existing water system layout is consistent with the City's Development Guidelines or submit a revised water service layout that complies with these Development Guidelines for the maximum gridded spacing. Additionally, verify the overall water system proposed to serve the preliminary plat has sufficient pressure and fire flow.

Sewer

The City wants to ensure the public sewer conveyance plan is entirely a gravity system. Specifically, it appears the main serving the lots abutting the Private South Road will not gravity to the proposed main in the East Road.

ACTION ITEM: Verify the proposed entire public sewer layout is a gravity system.

Stormwater Management

The Preliminary Stormwater Management Report: The Woods at Viewcrest, dated October 19, 2022, (Report) references the wrong Ecology Manual and must be revised to reflect the most current requirements consistent with Chapter 15.42 BMC. The Report proposes a stormwater system that discharges treated stormwater at two distinct locations: to the existing conveyance system in Viewcrest Road to the west and above the OHWM of Chuckanut Bay. The proposed method of onsite treatment stormwater using modular wetland treatment units and the stormwater vault located adjacent to Viewcrest Road is acceptable. However, the City believes additional consideration is necessary to reconsider more holistic drainage practices and preservation of "natural drainage systems and outfalls" than the proposed single discharge location to Chuckanut Bay (i.e., dispersion post treatment).

The "preservation of natural drainage systems and outfalls" is Minimum Requirement #4 from the WDOE SWMMWW. The Report should be amended to fully demonstrate that the design 1) can find an acceptable discharge location; 2) will not cause adverse impacts to the downstream area (including shoreline erosion); 3) removal/interruption of existing drainage patterns will not adversely affect the slope downstream of the development; and 4) maintenance of the proposed discharge system compatible with the above requirements is feasible.

The current policy of the City requires public ownership of engineered stormwater facilities that serve single family plat developments. The submitted Report is inconsistent with this policy by recommending the dispersion pipe and dissipator be owned and maintained privately. The City

does not have sufficient information to determine if the proposed design will be accepted by the City and/or if the City will allow the private ownership and maintenance of the facility only after determining the approved design is not construed as an unreasonable burden on private property owners.

Additionally, the requested flow control exemption is possible only if the project's stormwater discharge is at the OHWM of the receiving waterbody. The proposed discharge is above this line. This requirement is in the section of Minimum Requirement #7: Flow Control of the WDOE SWMMWW.

The City has identified that the proposed design is not a typical method to manage stormwater mitigation. The overall stormwater design, as may be amended in response to this request for information, will require coordination with Public Works and other City and State Departments to ensure compliance with applicable codes and to demonstrate the stormwater facility's longevity and ease of maintenance as a public system. Necessary easements will also be needed for the facility and access for maintenance purposes.

Finally, the SMP clearly identifies that stormwater facilities are allowed via a shoreline conditional use permit. However, only public stormwater conveyance facilities are allowed within required buffers. The system design and the ability to maintain it over time must result in public ownership.

ACTION ITEM: Consultation with the City and other State agencies is needed to ensure the stormwater design meets applicable codes and ensures the stormwater facility's longevity and ease of maintenance as a public system. Revise the above referenced Report to address the following:

1. Review the Report for discrepancies of factual and clerical errors, code citation errors and ensure all referenced exhibits are attached.
2. Verify how Minimum Requirement #4 is met with the single discharge point to Chuckanut Bay.
3. Revise the Report to comply with Minimum Requirement #7.
4. Revise the preliminary plat design to show proposed stormwater facilities in either public tracts, rights of way and/or easements.
5. Revise the Operation and Maintenance Manual that demonstrates the stormwater facility's longevity and ease of maintenance to the future owner of the conveyance system.
6. Verify what permits, is any, will be required from other agencies for the proposed stormwater facility and specifically the outfall dissipator/splash pad.
7. Revise the Report to specifically address that any dissipation structure will be constructed with materials that are durable in a marine/saline condition (i.e., minimizing maintenance obligations) and constructed with natural materials found on marine shorelines that are not detrimental to fish/wildlife should the materials disperse at the end of structure's lifespan or natural impacts.
8. Please show alternatives that were considered for alignment of conveyance and connections as well as maintenance provisions.
9. Please also be prepared to incorporate or analyze coastal flooding / storm surge into outfall design and location.

Roads

Some roadways shown are designed to the allowable maximum grades. Given the geology/topography of the area, and the proposed cuts, it is likely that sandstone bedrock will be encountered. Be aware that the engineering division will be unable to support variances in these maximum grades and that construction of required public facilities may be greatly encumbered due to these conditions.

STREET VACATION PETITION

The Technical Review Committee (TRC) review of the revised street vacation petition is scheduled to occur at a date to be determined. The City will forward the TRC's formal recommendation under a separate cover.

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