



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: August 14, 2024

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 City received a substantial amount of public comment in response to the Notice of Application that was issued on March 25, 2024. The public comment letters are located on the project [webpage](#).

The public comments identify potential impacts to the abutting and surrounding areas and the proposal's inconsistency with the City's policy documents and the municipal code.

The information requested in this notice requires a response to the action items listed below. This request for information is necessary to prepare a SEPA threshold determination, issue a recommendation to the Hearing Examiner and issue 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 a response to the following ACTION ITEMS to the staff planner listed below:

WILDLIFE

The 2022 Raedeke Wildlife Habitat Assessment and the corresponding project SEPA checklist lack information specific to marine wildlife and the development's cumulative impacts resulting from the proposal.

ACTION ITEMS: Amend the following documents as requested.

2022 Raedeke Wildlife Habitat Assessment

1. Revise to include consideration of the City's Nearshore Connectivity Study, City's Wildlife Corridor Analysis Report (2021) as an Important Wildlife Habitat Area with Important Wildlife Corridors at the southwest and southeast project corners

connecting to other Important Wildlife Habitat Areas to the east and west. Also add City's 2015 Habitat Restoration Technical Assessment identification of a priority polygon for Wetland Protection (CHC-WP2) and Forest Block 7. Also add results of an "area of interest" request to WDFW for "sensitive" PHS data.

2. Include an analysis to address the existing water quality impairments of the estuary for fecal coliform due to existing development and septic systems and Chuckanut Creek as a listed 303d impaired waterbody due to bacteria.
3. Identify if there are relevant special requirements related to recreational shellfish harvest in receiving waterbody.
4. Add a description of recreational shellfish use.
5. Confirm / verify no presence of a bald eagle nest within the project site.

SEPA Checklist

1. Update to include fish species that are state and federally listed as threatened or endangered that utilize Chuckanut Bay and Creek. Describe site as identified in City's Wildlife Corridor Analysis Report (2021) as an Important Wildlife Habitat Area with Important Wildlife Corridors at the southwest and southeast project corners connecting to other Important Wildlife Habitat Areas to the east and west.
2. Add additional information or reference from the 2022 NES Critical Areas Report regarding observations of Pileated Woodpecker excavations and the City's Nearshore Connectivity Study and determination of the area qualifying as a Washington State Priority Area (Biodiversity Area).
3. Add additional information or reference from the 2022 Raedeke Wildlife Habitat Assessment regarding observed species, Washington State PHS findings in the vicinity, Chuckanut Creek and associated species, Chuckanut Bay fish presence, evidence of cavity nesting birds (past), and results of an "area of interest" request to WDFW for "sensitive" PHS data.

CRITICAL AREAS

Wetlands

The site descriptions contained in Northwest Ecological Services' 2022 Wetland Delineation Update & Critical Areas Summary is generally consistent with code with the exception of the following action items.

ACTION ITEMS: Provide additional documentation in regards to the February 24, 2022 NES Wetland Delineation Update and Critical Areas Summary as follows.

1. Provide additional documentation and rationale that supports the conclusion that Chuckanut Bay ("Mud Bay") is not a wetland. i.e., if it is not a wetland, what is it exactly and what criteria were utilized to make this conclusion? If there are discrepancies in the characterization of Chuckanut Bay in other documents and your conclusions please identify these and why.

2. Include the City's Wildlife Corridor Analysis Report (2021) as an Important Wildlife Habitat Area with Important Wildlife Corridors at the southwest and southeast project corners connecting to other Important Wildlife Habitat Areas to the east and west.
3. Specify if any other environmental features and/or critical areas outside of the initial review area have been considered and/or analyzed since the 9/22/2022 Update and if so, provide the findings and/or results.
4. Address BMC 16.55.210(C)(2)(c), 16.55.480(C)(4), and 16.55.480(C)(6).

The Project Narrative describes minor wetland buffer impacts that could result from the development of a public trail through the project site. The 2022 NES Wetland Delineation Update and Critical Areas Summary does not describe mitigation sequencing for those impacts or provide an associated mitigation plan for proposed impacts.

ACTION ITEM: Provide documentation that demonstrates application of mitigation sequencing and mitigation for proposed impacts to wetlands and/or their associated buffers as specified in BMC 16.55.250, .260, .350.

Geologically Hazardous Areas

The 2009 Elements Geologic Feasibility Investigation discussed risks associated with development of the site. The 2022 Geotechnical Investigation Report does not reference this investigation and does not have the same conclusions of risk.

ACTION ITEM: Provide documentation that acknowledges the 2009 Element Geologic Feasibility Investigation as required by BMC 16.55.430(D). Said documentation shall include a discussion about its relevance to the current proposal and whether or not the 2022 investigation and / or Element's Memo #1 dated 6/19/2023 either includes elements of the 2009 investigation or requires further modifications based upon the 2009 investigation. Said documentation shall include any further modifications that may be necessary.

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 for specific lots.

ACTION ITEM: Provide documentation that confirms the current stormwater design. Element's Memo #1 dated 6/19/2023 includes a reference to direct a portion of the site's stormwater to existing infrastructure in Sea Pines Road.

PUBLIC INFRASTRUCTURE

Stormwater Management

The preliminary stormwater management report is generally sufficient for land use application review. The action items below request additional information that would be helpful to further understand the relationship between the site, its development, seasonal weather events and examination of alternative methods for providing stormwater mitigation.

ACTION ITEMS:

1. Show outfalls in relation to identified wetlands.
2. Update the stormwater management report to include the 10/6/22 Element Report instead of the 11/3/21 Element report and the 2/24/22 wetland delineation instead of the 10/31/21 Delineation.
3. The stormwater management report shall include a section regarding functionality of the outfall and diffuser to the estuary during seasonal precipitation / coastal flooding / high tides.
4. The stormwater management report should include any type of alternatives analysis that was conducted and associated conclusions on the feasibility of utilizing existing infrastructure in Sea Pines road and the existing outfall to the Chuckanut Village Marsh wetland.

PUBLIC COMMENT

Public comments that are specific to a study and/or report prepared by a qualified professional and submitted with the application materials must include a response from the qualified professional who prepared the report or if the response is prepared by the applicant, the applicant may reference where in the appropriate report the information is provided.

Action item: Submit a response to the public comment. The format of the written response should either include a specific reference tying the response back to the name/date of the commenter or include responses by the general topics raised in the comment letters. The following list includes some of the more common topics raised in the public comment letters:

1. Drainage and stormwater runoff.
2. Wildlife and Habitat.
3. Delineation of critical areas, specifically wetlands.
4. Impacts to critical areas and geologically hazardous areas.
5. Clearing and effects of windfall and slope stability.
6. Traffic and pedestrian safety.
7. Density of proposal.
8. Neighborhood character.
9. Affordability.

GENERAL

Please reconcile all plans, figures and reports to reflect the most current development proposal and ensure all referenced exhibits are attached to the reports. City staff identified several outdated plans in the critical area, stormwater and geology reports.

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