

April 24, 2024

Ms. Kathy Bell
Mr. Steve Sundin
Mr. Blake Lyon
Planning and Community Development Department
210 Lottie Street
Bellingham, WA. 98225

Dear Planners,

As a long-standing resident of South Bellingham for over four decades and a homeowner in Chuckanut Village since 1981, I have a deep-rooted connection to our community. My familiarity with the northernmost end of Chuckanut Bay, known as “Mud Bay” - particularly the tide flats inside the railroad berm/trestle - is extensive.

Mud Bay is an ecologically vital area, distinct from the deeper waters south of the trestle. Its daily exposure of tide flats and surrounding marshes provides a habitat for diverse marine life and wildlife, including the salmon in Chuckanut Creek. Over the years, our community has invested significant resources to restore this delicate ecosystem, from mitigating the impacts of Interstate 5 construction long ago to combating pollution and enhancing salmon habitats. I am very concerned about storm water discharge into Mud Bay, among other things, especially during low tide. Pollutants from development endangers marine life, wildlife, and the salmon runs in Chuckanut Creek.

I urge you to protect Bellingham’s publicly-owned spaces and safeguard our community from potential risks associated with the proposed subdivision at The Woods at Viewcrest (more commonly known as “Mud Bay Cliffs”). An Environmental Impact Statement (EIS) should be mandated for this development, considering its adverse impact on the surrounding mature woodlands and the Mud Bay estuarine wetland.

The proposed subdivision, with its plan to create 38 lots and up to 152 housing units, raises significant environmental concerns. The developer's application lacks comprehensive assessments and fails to address the unique characteristics and vulnerabilities of this site.

A. Unique and Special Site

The location of the proposed subdivision stands out due to its distinctive characteristics and unique physical setting, making it susceptible to significant environmental impacts that must be carefully considered:

- **Important Habitat Hub:** The 2021 City of Bellingham Wildlife Corridor Analysis rightfully designates this property as an Important Habitat Hub. It hosts rare mature shoreline woodlands and wetlands that serve as crucial habitats for numerous species, including migratory birds and local wildlife. Protecting such habitats is vital for maintaining biodiversity and ecological balance in our community.
- **Geohazards:** The site is not only ecologically valuable but also geologically sensitive. It is prone to landslides, erosion, and seismic activities (several massive boulders on the shoreline have come down since I have been here). Any development in this area could exacerbate these hazards, leading to increased risks for residents and neighboring properties. Proper assessments and mitigation measures are essential to address these geohazards adequately.
- **Storm Microclimate:** This location is renowned for its unique microclimate characterized by strong gales during storms. Over the past decade, gale intensity has been on the rise due to climate

change. The existing mature woodland acts as a natural protective buffer, shielding wildlife and the community from the adverse effects of these extreme weather events.

- **Physical Setting:**

Wildlife Network: This Important Habitat Hub serves as a crucial link connecting other Important Habitat Hubs, such as Clark's Point and Chuckanut Village Marsh/Chuckanut Bay Open Space. These connections form an intricate and protected Wildlife Network that our community has heavily invested in preserving.

Estuarine Wetlands: Mud Bay Cliffs are adjacent to Mud Bay's Category I Estuarine Wetlands, playing a vital role in the overall health of this sensitive ecosystem.

Stormwater: Most drainage from this site flows directly into the Mud Bay Estuarine Wetlands. Existing city stormwater outlets (at Arbutus) have already begun to impair the health of this crucial wetland habitat, making it imperative to address additional stormwater runoff from the proposed development.

Great Blue Herons: The Post Point Colony of Great Blue Herons relies heavily on this site for shelter and feeding, making it essential to protect their habitat from potential disturbances.

Salmon: The health of juvenile salmonids depends on clean water and safe passage through the Mud Bay Estuarine Wetlands, Chuckanut Village Marsh, and Chuckanut Creek. Significant public investment has been made to restore these habitats to support salmon populations, underscoring the importance of protecting these areas from adverse impacts.

B. Severe Application Flaws

The proposed subdivision application exhibits severe flaws that undermine its credibility and raise significant concerns about its potential environmental and community impacts:

- **Incomplete Stormwater Management Plan:** The proposed plan is conspicuously lacking in key elements required for comprehensive stormwater management. It fails to adequately address the significant increases in runoff volumes, speeds, and sediment/pollution loads that the subdivision would introduce. Moreover, discharging polluted stormwater into the Mud Bay Estuarine Wetlands poses a serious risk to this fragile ecosystem.
- **Inadequate Wildlife Habitat Assessment:** The Wildlife Habitat Assessment provided in the application falls short on multiple fronts. It fails to recognize the site's importance as an Important Habitat Hub connected to other nearby hubs by two Important Habitat Corridors. Additionally, it neglects to address the harmful fragmentation of the wildlife Habitat Network that the proposed development would cause, as well as its impacts on the Mud Bay Estuarine Wetlands, Chuckanut Village Marsh, Chuckanut Creek, and the Post Point Heron Colony.
- **Lacking Geotechnical Investigation & Geohazard Report:** The Geotechnical Investigation & Geohazard Report fails to assess the potential impact of development on groundwater flow and the likely increase in the probability, frequency, and magnitude of flooding, erosion, and landslide activity. These oversights could pose significant risks to subdivision residents, neighboring properties, and the community at large.

- **Missing Hydrology Assessment:** The absence of a Hydrology assessment is particularly concerning given the site's unique characteristics and setting. Such an assessment is essential for evaluating potential environmental impacts and ensuring that any development will not harm local ecosystems and water quality.
- **Unaddressed Tree Removal Impact:** The application fails to adequately address the ecological and safety implications of extensive tree removal during both initial infrastructure development and later by lot owners. This oversight could have detrimental effects on sheltering wildlife and public safety, as well as degrade the health of the proposed "buffer" wildlife habitat connecting two Important Habitat Hubs.
- **Traffic Impact Analysis:** The Traffic Impact Analysis does not adequately assess the potential impacts on Levels of Service to public parks, natural amenities, and Chuckanut Drive. Furthermore, it fails to address the known public safety issues that would be exacerbated by increased traffic from 152 potential housing units.

Given these concerns, an Environmental Impact Statement is crucial to ensure that any development decisions prioritize the environment and public safety and to minimize adverse impacts. I respectfully request the city to require an EIS for The Woods at Viewcrest subdivision proposal.

Sincerely,

John Goodman
1704 Fairhaven Ave.
Bellingham, WA 98229
360-739-6398

Aven, Heather M.

From: Joel Goodman <goodmanjoel@hotmail.com>
Sent: Wednesday, April 24, 2024 9:15 PM
To: G.Proj.Wood at Viewcrest
Subject: The Woods at Viewcrest subdivision

[You don't often get email from goodmanjoel@hotmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Hello,

The proposed subdivision will degrade the quality of life significantly for the adjacent neighbors and the Edgemore neighborhood in general. I see several areas that are of concern.

- Access for the subdivision will be via Viewcrest Road. This road has inadequate site distance and is not wide enough as is. To increase traffic on this road is a significant safety hazard.
- Slope stability will be a concern. As the property is developed excessive pressure will be placed on this steep slope that is often saturated with water. The added load will significantly increase the probability of slope failure, especially with the addition of 38 lots.
- Storm water runoff will flow into mudbay at an unacceptable rate. As construction occurs this will be an issue. If anyone thinks otherwise they have not observed construction methods that are used for these developments. It will happen even with city oversight.

I am a concerned neighbor that lives close to the proposed development. However my comments and concerns I stated above are from an educated and experienced Civil Engineer. I hold a Bachelors and Masters degree in Civil Engineering. I am a former licensed Professional Engineer and I have spent nearly 10 years working with property developers for similar projects. I would not accept a project similar to this one as I believe it should not be approved as it currently is proposed.

Thank you,

Joel Goodman
360-594-7554
316 Sea Pines Rd
Bellingham, WA

Aven, Heather M.

From: Sharron Hallanger <sharron_hallanger@hotmail.com>
Sent: Wednesday, April 24, 2024 3:02 PM
To: Bell, Kathy M.; Lyon, Blake G.; Sundin, Steven C.
Subject: Require an EIS for the Proposed Subdivision on Mud Bay Cliffs

Some people who received this message don't often get email from sharron_hallanger@hotmail.com. [Learn why this is important](#)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

To: Kathy Bell, Senior Planner, kbell@cob.org
Steve Sundin, Senior Planner, ssundin@cob.org
Blake Lyon, Planning & Community Development Department Director, bglyon@cob.org
Planning & Community Development Department
210 Lottie Street
Bellingham, WA 98225

From: Sharron Hallanger & Darren Wilson
504 Mulberry Rd
Bellingham, WA 98225
425-293-9084

Date: April 25, 2024

Subject: Require an EIS for the Proposed Subdivision on Mud Bay Cliffs

Dear Ms. Bell, Mr. Sundin, and Mr. Lyon,

As concerned Edgemoor citizens, we ask you to prevent harms to Bellingham's publicly-owned spaces connected to Mud Bay Cliffs, and to safeguard our community against known and severe subdivision development risks, by requiring an Environmental Impact Statement (EIS) be prepared for *The Woods at Viewcrest*, a proposed subdivision on the mature woodlands and wetlands of Mud Bay Cliffs.

The proposed subdivision (of 4 current lots into 38 proposed lots, with up to 152 housing units) would likely impose **significant adverse impacts to the environment**. In addition to these adverse impacts, the developer's application materials are flawed in substantive ways, which further exposes the public's interests, including public investments in neighboring fish and wildlife habitats, to considerable risk. The likely significant adverse impacts, coupled with the substantive application flaws, compel the city to issue a State Environmental Protection Act (SEPA) Determination of Significance and require an EIS.

A. Unique and Special Site. The location of the proposed subdivision is unique both in its **specific characteristics** and its **physical setting**. These unique characteristics and physical setting are important factors that influence why the current subdivision proposal is likely to have significant adverse environmental impacts. The site of this proposed subdivision is currently distinguished by these features:

Specific Characteristics

- **Important Habitat Hub.** The 2021 City of Bellingham *Wildlife Corridor Analysis* designates this property, which consists of rare mature shoreline woodlands and wetlands habitat, as an *Important Habitat Hub* – and one of the only *Important Habitat Hubs* in south Bellingham that remains unprotected.
- **Geohazards.** Significant landslide, erosion and seismic hazards exist throughout the site, and they are sensitive to development disturbances including hydrological changes.
- **Storm Microclimate.** This location is well-known locally for its microclimate of gales during storms – among the strongest gales in Bellingham. Gale intensity has been increasing over the past decade due to climate change. The existing mature woodland acts as a protective buffer for wildlife (both resident and sheltering), and for the community.

Physical Setting

- **Wildlife Network.** This *Important Habitat Hub* is the center part that links two other *Important Habitat Hubs* – Clark’s Point and Chuckanut Village Marsh/ Chuckanut Bay Open Space – all of which are connected to a larger, protected *Wildlife Network*. The public has invested heavily to protect and maintain the Hubs and Corridors of this Wildlife Network.
- **Estuarine Wetlands.** Mud Bay Cliffs is a key watershed adjacent to Mud Bay’s Category I Estuarine Wetlands.
- **Stormwater.** Most drainage from this site flows directly into the Mud Bay Estuarine Wetlands. Drainage discharges from existing city stormwater outlets have already begun to impair the health of this wetland habitat.
- **Great Blue Herons.** The Post Point Colony of Great Blue Herons relies on this site for shelter, and on the Mud Bay Estuarine Wetlands to feed their young. This Heron Colony fled its previous home near Chuckanut Bay as a result of subdivision development activity. Significant public investment has been made to provide habitat protection for this Colony at its new Post Point nesting location.
- **Salmon.** Juvenile salmonids rely on clean water and safe passage through the Mud Bay Estuarine Wetlands, Chuckanut Village Marsh, and Chuckanut Creek. Significant public investment has been made to restore these habitats for salmon.
- **Traffic Safety and Level of Service.**
 - Traffic safety issues have been well documented on Edgemoor’s narrow, hilly roads with limited sightlines, including where Viewcrest Road intersects Chuckanut Drive (State Route 11). The traffic conditions where Fairhaven Middle School meets the 12th Street Bridge are particularly dangerous. These well-documented issues create precarious and unsafe conditions for walkers, runners, cyclists, and motorists. The city has been notified of these hazardous conditions but has yet to take any action to mitigate them.
 - Viewcrest Road and the roadways it intersects provide unique access to important public amenities. These amenities tend to have more visitors seasonally and on weekends. Viewcrest’s intersection with Chuckanut Drive is significant as an access point to public amenities including Clark’s Point, Hundred Acre Woods (trailhead at the intersection), and the Chuckanut Scenic Byway (which itself is the sole access to multiple public parklands, trail systems, and public natural amenities).

B. Severe Application Flaws. The proposed subdivision application is severely flawed. Objective and comprehensive assessments suitable to this unique site and setting must be completed to address these flaws before an informed consideration of any subdivision proposals can be made. For example:

- The Stormwater Management Plan is incomplete, lacking key required plan elements. As proposed, the subdivision would result in significant increases in runoff volumes, speeds, and sediment/pollution loads. Moreover, by discharging polluted stormwater into the Mud Bay Estuarine Wetlands, significant

adverse environmental impacts are probable. The plan fails to address how the ecologically sensitive Mud Bay Estuarine Wetlands, and the Public Shoreline, will be impacted by this development.

- The Wildlife Habitat Assessment fails to: identify this site as an *Important Habitat Hub* connected to other nearby hubs by two Important Habitat Corridors; address the harmful wildlife *Habitat Network* fragmentation the proposed development would cause; address impacts to the Mud Bay Estuarine Wetlands and salmon habitat of Chuckanut Village Marsh and Chuckanut Creek; address impacts to the Post Point Heron Colony (feeding and sheltering); provide a sufficient wildlife inventory.
- The Geotechnical Investigation & Geohazard Report fails to assess the impact of development on groundwater flow and the likely increase in probability, frequency and magnitude of flooding, erosion, and landslide activity. It is documented that development activities would likely make the site hazardous for the subdivision residents, neighbors, and the community at large. These dangers would begin with development disturbances, and would persist for decades to come.
- There is no Hydrology assessment at all, which this unique site's characteristics and setting necessitate. A Hydrology report is essential to evaluate potential environmental impacts, and ensure that any development at this site will not harm local ecosystems and water quality. Clearly, development of infrastructure such as roads, retention walls, driveways, structures and other hardscaping will alter the topography and the flow of water on this geologically complex site. With soils disturbances and proposed infrastructure cutting across the site, it is probable that saturation, drainage, and flooding would be greatly affected. Erosion, rockfall, landslide and flooding to the north would be likely, unless plans are developed using Hydrology information. These likely impacts could severely affect neighboring public and private lands, waters, and wildlife habitat.
- The applicant has failed to show how tree removal during both initial infrastructure development, and then later by lot owners, would impact the **mature woodland**. There is no assessment for how the gales from worsening storms, combined with extensive tree removal, would impact sheltering wildlife and public safety. There is no assessment of how the remaining trees in the proposed narrow 200-foot "buffer" along the shoreline would be affected by adjacent tree removal; it is probable that tree removal would degrade the health of nearby trees in the proposed "buffer" wildlife habitat connecting two Important Habitat Hubs.
- The Traffic Impact Analysis fails to address how Levels of Service to public parks, public natural amenities, and scenic byway would be impacted by traffic from this development. Further, it fails to address the known public safety issues which would be exacerbated by increased traffic from the 152 potential new housing units, since fourplexes would be allowed on all 38 lots under a new statewide law.

Because of this site's unique specific characteristics and unique physical setting, and because of the subdivision application's profound flaws, the city does not have the accurate, sufficient, and objective information it needs to identify and assess potential significant adverse impacts.

Moreover, the application materials themselves indicate that the proposal is likely to have a significant adverse impact on the natural environment, the built environment, and public health and safety.

I ask the city to protect our public interest and prevent harms to the community:

Require an Environmental Impact Statement, so that any permit decisions are based on a full understanding of the risks to the environment, and to public safety.

Sincerely,

Sharron Hallanger & Darren Wilson

504 Mulberry Rd

Bellingham, WA 98225

Aven, Heather M.

From: Jennifer Harris <jenniferlwharris@icloud.com>
Sent: Wednesday, April 24, 2024 12:41 PM
To: Bell, Kathy M.
Subject: Require an EIS for proposed subdivision at Mud Bay Cliffs

You don't often get email from jenniferlwharris@icloud.com. [Learn why this is important](#)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Dear Ms. Bell,

I live in Chuckanut Village and I am very concerned about this proposed development. I feel that an environmental impact statement is important so you as city administrators can make decisions informed by all available information.

As members of this community, we should also be made aware of the risks and other consequences of this development. The environmental impact statement should be made available to us as well.

My children will go to Fairhaven Middle School. What impact will this proposed development have on our commute to school? My commute to work and back takes me through the intersection of Viewcrest and Chuckanut; how will this change my daily routine?

We play at the beach below this proposed development frequently. This beach is the reason we chose to make our home in Chuckanut Village. What will this proposed development do to it? Will we be safe as we walk below the cliffs? Will we be safe from pollution and runoff from the proposed development? Will there still be salmon and seals and seastars and otters and dozens of herons?

What will happen to us? What will happen to our environment? Without an environmental impact statement how will we truly know?

I'm sure you've seen this letter many times already, but please carefully consider the concerns of the citizens of your community. This is a permanent change.

I ask you to prevent harms to Bellingham's publicly-owned spaces connected to Mud Bay Cliffs, and to safeguard our community against known and severe subdivision development risks, by requiring an Environmental Impact Statement (EIS) be prepared for

The Woods at Viewcrest, a proposed subdivision on the mature woodlands and wetlands of Mud Bay Cliffs.

The proposed subdivision (of 4 current lots into 38 proposed lots, with up to 152 housing units) would likely impose **significant adverse impacts to the environment**. In addition to these adverse impacts, the developer's application materials are flawed in substantive ways, which further exposes the public's interests, including public investments in neighboring fish and wildlife habitats, to considerable risk. The likely significant adverse impacts, coupled with the substantive application flaws, compel the city to issue a State Environmental Protection Act (SEPA) Determination of Significance and require an EIS.

A. Unique and Special Site. The location of the proposed subdivision is unique both in its **specific characteristics** and its **physical setting**. These unique characteristics and physical setting are important factors that influence why the current subdivision proposal is likely to have significant adverse environmental impacts. The site of this proposed subdivision is currently distinguished by these features:

Specific Characteristics

- **Important Habitat Hub.** The 2021 City of Bellingham *Wildlife Corridor Analysis* designates this property, which consists of rare mature shoreline woodlands and wetlands habitat, as an *Important Habitat Hub* – and one of the only *Important Habitat Hubs* in south Bellingham that remains unprotected.
- **Geohazards.** Significant landslide, erosion and seismic hazards exist throughout the site, and they are sensitive to development disturbances including hydrological changes.
- **Storm Microclimate.** This location is well-known locally for its microclimate of gales during storms – among the strongest gales in Bellingham. Gale intensity has been increasing over the past decade due to climate change. The existing mature woodland acts as a protective buffer for wildlife (both resident and sheltering), and for the community.

Physical Setting

- **Wildlife Network.** This *Important Habitat Hub* is the center part that links two other *Important Habitat Hubs* – Clark's Point and Chuckanut Village Marsh/ Chuckanut Bay Open Space – all of which are connected to a larger, protected *Wildlife Network*. The public has invested heavily to protect and maintain the Hubs and Corridors of this Wildlife Network.

- **Estuarine Wetlands.** Mud Bay Cliffs is a key watershed adjacent to Mud Bay's Category I Estuarine Wetlands.
- **Stormwater.** Most drainage from this site flows directly into the Mud Bay Estuarine Wetlands. Drainage discharges from existing city stormwater outlets have already begun to impair the health of this wetland habitat.
- **Great Blue Herons.** The Post Point Colony of Great Blue Herons relies on this site for shelter, and on the Mud Bay Estuarine Wetlands to feed their young. This Heron Colony fled its previous home near Chuckanut Bay as a result of subdivision development activity. Significant public investment has been made to provide habitat protection for this Colony at its new Post Point nesting location.
- **Salmon.** Juvenile salmonids rely on clean water and safe passage through the Mud Bay Estuarine Wetlands, Chuckanut Village Marsh, and Chuckanut Creek. Significant public investment has been made to restore these habitats for salmon.
- **Traffic Safety and Level of Service.**
 - Traffic safety issues have been well documented on Edgemoor's narrow, hilly roads with limited sightlines, including where Viewcrest Road intersects Chuckanut Drive (State Route 11). The traffic conditions where Fairhaven Middle School meets the 12th Street Bridge are particularly dangerous. These well-documented issues create precarious and unsafe conditions for walkers, runners, cyclists, and motorists. The city has been notified of these hazardous conditions but has yet to take any action to mitigate them.
 - Viewcrest Road and the roadways it intersects provide unique access to important public amenities. These amenities tend to have more visitors seasonally and on weekends. Viewcrest's intersection with Chuckanut Drive is significant as an access point to public amenities including Clark's Point, Hundred Acre Woods (trailhead at the intersection), and the Chuckanut Scenic Byway (which itself is the sole access to multiple public parklands, trail systems, and public natural amenities).

B. Severe Application Flaws. The proposed subdivision application is severely flawed. Objective and comprehensive assessments suitable to this unique site and setting must be completed to address these flaws before an informed consideration of any subdivision proposals can be made. For example:

- The Stormwater Management Plan is incomplete, lacking key required plan elements. As proposed, the subdivision would result in significant increases in runoff volumes, speeds, and sediment/pollution loads. Moreover, by discharging polluted stormwater into the Mud Bay Estuarine Wetlands, significant adverse environmental impacts are probable. The plan fails to address how the ecologically sensitive Mud Bay Estuarine Wetlands, and the Public Shoreline, will be impacted by this development.
- The Wildlife Habitat Assessment fails to: identify this site as an *Important Habitat Hub* connected to other nearby hubs by two Important Habitat Corridors; address the harmful wildlife *Habitat Network* fragmentation the proposed development would cause; address impacts to the Mud Bay Estuarine Wetlands and salmon habitat of Chuckanut Village Marsh and Chuckanut Creek; address impacts to the Post Point Heron Colony (feeding and sheltering); provide a sufficient wildlife inventory.
- The Geotechnical Investigation & Geohazard Report fails to assess the impact of development on groundwater flow and the likely increase in probability, frequency and magnitude of flooding, erosion, and landslide activity. It is documented that development activities would likely make the site hazardous for the subdivision residents, neighbors, and the community at large. These dangers would begin with development disturbances, and would persist for decades to come.
- There is no Hydrology assessment at all, which this unique site's characteristics and setting necessitate. A Hydrology report is essential to evaluate potential environmental impacts, and ensure that any development at this site will not harm local ecosystems and water quality. Clearly, development of infrastructure such as roads, retention walls, driveways, structures and other hardscaping will alter the topography and the flow of water on this geologically complex site. With soils disturbances and proposed infrastructure cutting across the site, it is probable that saturation, drainage, and flooding would be greatly affected. Erosion, rockfall, landslide and flooding to the north would be likely, unless plans are developed using Hydrology information. These likely impacts could severely affect neighboring public and private lands, waters, and wildlife habitat.
- The applicant has failed to show how tree removal during both initial infrastructure development, and then later by lot owners, would impact the **mature woodland**. There is no assessment for how the gales from worsening storms, combined with extensive tree removal, would impact sheltering wildlife and public safety. There is no assessment of how the remaining trees in the proposed narrow 200-foot "buffer" along the shoreline would be affected by adjacent tree removal; it is probable that

tree removal would degrade the health of nearby trees in the proposed “buffer” wildlife habitat connecting two Important Habitat Hubs.

- The Traffic Impact Analysis fails to address how Levels of Service to public parks, public natural amenities, and scenic byway would be impacted by traffic from this development. Further, it fails to address the known public safety issues which would be exacerbated by increased traffic from the 152 potential new housing units, since fourplexes would be allowed on all 38 lots under a new statewide law.

Because of this site’s unique specific characteristics and unique physical setting, and because of the subdivision application’s profound flaws, the city does not have the accurate, sufficient, and objective information it needs to identify and assess potential significant adverse impacts.

Moreover, the application materials themselves indicate that the proposal is likely to have a significant adverse impact on the natural environment, the built environment, and public health and safety.

I ask the city to protect our public interest and prevent harms to the community:

Require an Environmental Impact Statement, so that any permit decisions are based on a full understanding of the risks to the environment, and to public safety.

Sincerely,

Jennifer Harris

Aven, Heather M.

From: Larry Horowitz <dakini1@comcast.net>
Sent: Wednesday, April 24, 2024 4:04 PM
To: G.Proj.Wood at Viewcrest
Subject: PMBC Public Comment Submittal for The Woods at Viewcrest
Attachments: PMBC Transmittal Memo.pdf

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

TO:
Blake Lyon
Kurt Nabbefeld
Kathy Bell
Steve Sundin

CC:
Mayor Kim Lund
Renee LaCroix
Bellingham City Council

FROM:
Protect Mud Bay Cliffs (PMBC)

RE: PMBC's Public Comment Submittal for *The Woods at Viewcrest* Administrative Record

Please find attached *Protect Mud Bay Cliffs* [Transmittal Memorandum](#) regarding PMBC's public comment submittal for *The Woods at Viewcrest* Administrative Record. All documents can be downloaded from the *PMBC - Woods at Viewcrest Public Comment Submittal* [Dropbox Folder](#) at <https://bit.ly/PMBC-DROPBOX>.

The attached Transmittal Memo provides a Table of Contents for each exhibit (A through S) along with Bitly links for each exhibit, the Dropbox folder, and the Transmittal Memo.

PMBC's public comments apply to these *Woods at Viewcrest* applications:

- Type I: Critical Areas Permit: CAP202-0005
- Type II: Shoreline Substantial Development Permit: SHR2022-0008
- Type IIIA: Shoreline Conditional Use Permit: SHR2022-0007
- Type IIIB: Preliminary Plat and Subdivision Variance: SUB2022-0011 & VAR2022-0002
- Street Vacation Petition: VAC2022-0001
- SEPA Environmental Checklist: SEP2022-0013

Thank you for your timely consideration of these materials.

Sincerely,
Paul Brock · Ava Ferguson · Larry Horowitz · Wendy Larson
Janet Migaki · Gary Ranz · Brent Woodland

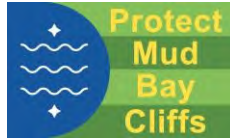
Protect Mud Bay Cliffs Coordination Committee Members
Info@MudBayCliffs.org



**Public Comment Submittal for
The Woods at Viewcrest
Administrative Record**

TRANSMITTAL MEMO

**Submitted by
Protect Mud Bay Cliffs
Coordination Committee
April 24, 2024**



1050 Larrabee Ave Suite 104 · PMB #476
Bellingham, WA 98225

TRANSMITTAL MEMORANDUM

DATE: April 24, 2024
FROM: **Protect Mud Bay Cliffs** (PMBC) Coordination Committee
TO: Blake Lyon, Kurt Nabbefeld, Kathy Bell, Steve Sundin
RE: **Public Comment Submittal for *The Woods at Viewcrest* Administrative Record**

Dear Mr. Lyon, Mr. Nabbefeld, Ms. Bell, and Mr. Sundin:

Protect Mud Bay Cliffs (PMBC) is a community group sponsored by *Responsible Development*. PMBC was formed in 2021 out of the public's concern regarding the significant adverse environmental impacts *The Woods at Viewcrest* subdivision proposal is likely to impose. PMBC appreciates the opportunity to provide public comment for the administrative record.

PMBC's comprehensive public comment submittal for *The Woods at Viewcrest* administrative record can be accessed via Dropbox at <https://bit.ly/PMBC-DROPBOX>. A *Table of Contents* listing PMBC's Public Comment Submittal Exhibits, along with Bitly links, is presented on page 2 of this Transmittal Memorandum.

PMBC's public comments apply to these *Woods at Viewcrest* applications:

- Type I: Critical Areas Permit: CAP202-0005
- Type II: Shoreline Substantial Development Permit: SHR2022-0008
- Type IIIA: Shoreline Conditional Use Permit: SHR2022-0007
- Type IIIB: Preliminary Plat and Subdivision Variance: SUB2022-0011 & VAR2022-0002
- Street Vacation Petition: VAC2022-0001
- SEPA Environmental Checklist: SEP2022-0013

Thank you for your timely consideration of these materials.

Sincerely,

Paul Brock · Ava Ferguson · Larry Horowitz · Wendy Larson
Janet Migaki · Gary Ranz · Brent Woodland

Protect Mud Bay Cliffs Coordination Committee Members

Info@MudBayCliffs.org

PMBC PUBLIC COMMENT TABLE OF CONTENTS & BITLY LINKS		
EXH	DESCRIPTION	BITLY LINK
FOLDER	PMBC Public Comment Submittal Dropbox Folder	bit.ly/PMBC-DROPBOX
MEMO	PMBC Transmittal Memo	bit.ly/PMBC-MEMO
A	PMBC Comment Letter re: Determination of Significance/EIS	bit.ly/PMBC-EXH-A
B	Richard Horner Expert Opinion re: Stormwater Management	bit.ly/PMBC-EXH-B
C	Dan McShane Expert Opinion re: Geohazards/Shoreline Impact	bit.ly/PMBC-EXH-C
D	Lyndon Lee Expert Opinion re: Impacts to Mud Bay Ecosystem	bit.ly/PMBC-EXH-D
E	John M Rybczyk Expert Opinion re: Mud Bay Wetland	bit.ly/PMBC-EXH-E
F	Brent Woodland Project Management Assessment	bit.ly/PMBC-EXH-F
G	PMBC Comment Letter re: Traffic	bit.ly/PMBC-EXH-G
H	PMBC Comment Letter re: Wildlife & Wildlife Habitat	bit.ly/PMBC-EXH-H
I	PMBC Comment Letter re: Forest, Trees & Vegetation	bit.ly/PMBC-EXH-I
J	PMBC Comment Letter re: Hydrology & Drainage	bit.ly/PMBC-EXH-J
K	PMBC Comment Letter re: SEPA Checklist Deficiencies	bit.ly/PMBC-EXH-K
L	PMBC Comment Letter re: Excessive Discretionary Liberties	bit.ly/PMBC-EXH-L
M	PMBC Issue Paper re: Stormwater Outlet Structures	bit.ly/PMBC-EXH-M
N	PMBC Comment Document re: Application Deficiencies	bit.ly/PMBC-EXH-N
O	Larry Horowitz Comment Letter re: Public Safety	bit.ly/PMBC-EXH-O
P	Brown / Gudbranson Comment Letter re: Public Access Trail	bit.ly/PMBC-EXH-P
Q	Bricklin & Newman Comment Letter re: Legal Implications	bit.ly/PMBC-EXH-Q
R	PMBC LIDAR Images: Building Envelopes & Geohazard Buffers	bit.ly/PMBC-EXH-R
S	PMBC Petition re: Determination of Significance/EIS	bit.ly/PMBC-EXH-S

Date: April 24, 2024

To: Steve Sundin, Senior Planner: ssundin@cob.org
Kathy Bell, Senior Planner: kbell@cob.org
Blake Lyon, Planning Department Director: bglyon@cob.org
Planning and Community Development Department, Bellingham, WA

From: Jim Johannessen, Licensed Engineering Geologist (WA) #353, Bellingham

Re: **Woods at Viewcrest Application in Edgemoor Neighborhood Comments**

The aggressive proposal for dividing the subject parcels in to 38 lots should not be approved as proposed, and this proposal should be required to complete and Environmental Impact Statement (EIS). The site is composed of steep and irregular slopes with very thin and erodible soils, that are directly above one of the most valuable fish and wildlife habitat areas within the City of Bellingham. The Chuckanut Creek Estuary and semi-eclosed Mud Bay, which is in effect all part of the creek estuary, are high quality nearshore habitat areas that supports documented runs or presence of Chinook salmon, chum salmon, coho salmon, sea-run cutthroat trout, and steelhead, some of which are listed on the Endangered Species Act as endangered and threatened lists. The proposal would negatively impacts these salmon species, as well as other fish and wildlife and should not be permitted as proposed.

Estuarine Habitat

The Washington Department of Ecology (Ecology) has classified marine and freshwater wetlands in four categories in relation to their resource values. North Chuckanut Bay/Mud Bay is in Category I, the highest level, described as follows by Ecology:

Category I wetlands are those that:

- 1) represent a unique or rare wetland type; or
- 2) are more sensitive to disturbance than most wetlands; or
- 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
- 4) provide a high level of functions.

Relatively undisturbed estuarine wetlands larger than 1 ac are Category I wetlands because they are rare and provide unique natural resources that are considered to be valuable to society. These wetlands need a high level of protection to maintain their functions and the values society derives from them.

The City of Bellingham has characterized the estuary as: "Northeast Chuckanut Bay is Bellingham's richest and most biologically diverse estuary." The estuary has abundant biological resources including the above listed salmon species, great blue heron and waterfowl habitat, and native eelgrass. These are all species under threat in the region that are protected to one extent or another. Mud Bay is a large, unique, and important Category I aquatic resource of special importance to the City of Bellingham and existing regulation should be strictly enforced.

Water Quality Issues

Untreated stormwater flow from the large stormwater outfall would bring numerous types of chemicals form suburban development including pesticides, herbicides, brake pad fragments, soil and other damaging materials directly into this shallow and poorly mixed estuary, negatively effecting native species. The report written by Dr. Richard Horner for this proposal documents how the steepness of the

slopes above the bay in the proposed development area will likely drive soil erosion into the estuary. The level of development should be reduced such that a stormwater outfall is not required and on-site treatment is possible.

As pointed out by Dr. Lyndon Lee, PWS, in his report on the proposal, there several serious deficiencies in the application packet that warrant not approving the proposal:

1. The existing lack of hydrologic modeling and comparisons of pre and post development conditions for the proposed Woods at Viewcrest development is a glaring omission in the current basis of design/plan set and the narratives that support the proposed development. This is especially true given the steepness of the existing terrain, thin soils, and the significantly changed characteristics of water movements within this terrain that will occur with forest clearing, loss of evapotranspiration processes (e.g. water losses to the atmosphere), and significant increases in impervious surfaces within watershed contributing areas.
2. In the current basis of design documents for the project, there is a lack of innovative and detailed SWPPP plans and a presentation of these plans that requires tight on-site management and adaptability of SWPPP/BMP systems before, during and after construction.

Considering the lack of hydrologic analyses and fully developed, innovative, and adaptive SWPPP plans discussed in items C 1 and 2 immediately above, it is my opinion that the application materials in their current state do not fully comply with federal, state, and City laws and regulations that require no net loss of ecological structure and functioning of WOTUS and Shorelines.

Slope Stability

The project geotechnical report by Element Solutions and also the report by Statum Group (dated March 19, 2024) point out that the proposed development area contains at least six potential landslide/rockfall areas. The steep SE Bluff area is subject to rockfall and other slope stability issues, which could break the proposed large stormwater pipe. Lots 23 through 33 are all located below the proposed roads and drainage from these lots is very problematic and has not been evaluated.

As included in the Statum Group report referenced above, another concern is:

Comment 7: A shoreline substantial development permit is required for the proposed stormwater discharge (BMC.08.010.B.4.g.) as well as a shoreline conditional use permit. These permits will require a critical area report(s).

It should also be noted that BMC.08.010.B.4.g. states "*Public Stormwater Conveyance Facilities. Conveyance structures may be permitted within a required buffer in accordance with an approved critical area report when all of the following are demonstrated: i. No other feasible alternatives with less impact exist;*

A feasible alternative that would have less impact would be a different plat that would not require the installation of a new stormwater discharge to the tidal estuary. Given the potential impacts to tide lands and the language in BMC.08.010.B.4.g. an alternatives analysis appears warranted in order to address what is feasible and what is not.

Future development will undoubtedly remove trees and other vegetation beyond development outline area and what City regulation allow, which will have additional impacts on slope stability and water quality impacts, and need to be considered.

Wendy Larson
Bellingham, WA 98225
(360) 778-9834

April 24, 2024

Blake Lyon, Planning & Community Development Department Director
Kurt Nabbefeld, Development Services Manager/SEPA Official
Kathy Bell, Senior Planner
Steve Sundin, Senior Environmental Planner

City of Bellingham
210 Lottie Street
Bellingham, WA 98225
(Sent via email)

Cc: (via email)
Mayor Kim Lund
Renee LaCroix, Assistant Public Works Director
Bellingham City Council
woodsvc@cob.org

Subject: Require an Environmental Impact Statement for *The Woods at Viewcrest*

Dear City Staff,

As a biologist and avid wildlife and nature lover, I find everything about the proposed “The Woods at Viewcrest” subdivision development extremely troubling, disturbing, and depressing. As proposed, this subdivision development would be likely to impose perpetual significant adverse impacts on the environment, and on our community. The applicant has failed to fulfill numerous applicable municipal, state, and federal requirements, which I will cover below.

The fact that the city issued a Notice of Application, despite being repeatedly informed of severe issues with the applicant’s plans and application materials, is mind-boggling to me. I expect city officials to do better: after all, city officials are supposed to protect the public by ensuring all relevant municipal, state, and federal requirements are met. In this case, the public servants expected to protect the community have so far been failing us, by failing to require the applicant address numerous significant substantial deficiencies of the application. The deficiencies are glaring given the unique, special features and functions of the site of the proposed development, and the unique, special setting of that site. To treat this site as if it contained different “average” features, and as if were placed in some different “average” setting, is painfully ludicrous.

I am not the only one who feels this way. All over town, one can see “Protect Mud Bay Cliffs” yard signs. The desire to protect Mud Bay Cliffs from unnecessary development risks

is widespread. The outrage over the applicant's ill-conceived plans and the city's failures to date to hold the applicant to legally required standards is widespread.

What is our desire to protect Mud Bay Cliffs grounded in?

Mud Bay Cliffs refers to the steepest, most dramatic cliffs rising above Mud Bay (aka North Chuckanut Bay), the public shoreline along the bay at the base of the cliffs, and the mature coastal forest which crowns the cliffs. This natural, undeveloped area is home to diverse wildlife; one of Bellingham's important Wildlife Corridors runs through it — and the site proposed for development is designated an Important Habitat Hub¹. Mud Bay Cliffs consists of both private property and public shoreline. It is a coastal watershed draining directly into Mud Bay, the City of Bellingham's most biologically diverse pocket estuary – and a Category I estuarine wetlands. These ecologically sensitive lands and wetlands, which encompass interconnected public and private spaces, are a highly valued, unique Bellingham gem.

Anyone visiting this site and viewing it from public spaces can readily see the obvious: **the site of the proposed development has unique, special features**, including the mature coastal forest. As a biologist, I can further see that the site also has **unique, special ecological functions**. And even to a non-geologist, the dramatic crumbling, eroding slopes and 'pistol-butted' trees growing on them – evidence of slope instability – powerfully drive home the applicant's geohazards report information that the site of the proposed subdivision is a uniquely risky place to build, and full of erosion and landslide risks.

Anyone visiting this site and viewing it from public spaces can readily see the obvious: **the site has a unique, special setting**. It spectacularly rises above Mud Bay's wetlands and mudflats. With Clark's Point to the immediate west, it is a key part of an almost-continuous expanse of natural, undeveloped coastal forest. That coastal forest then merges into the marsh vegetation of Chuckanut Village Marsh immediately to the east, then mature coastal forest resumes as one looks to the southeast. There is nowhere else in Bellingham which provides a natural coastal ecosystem to rival this. **It is exceptional, it is unique, it is of tremendous value to fish and wildlife, and to the community which has worked so hard to protect all of these natural spaces.**

Because the site of the proposed subdivision is unique and special, and because the setting of this site is unique and special, the application materials must appropriately assess and address the unique, special features and functions. Instead, the application materials appear to be as cursory, vague, and incomplete as might be submitted for a proposed development on a flat grassy field.

The applicant has ironically named the proposed subdivision *The Woods at Viewcrest*. This choice of names is glaringly ironic because, if it is like the other subdivisions in the area, this development would lead to the ultimate demise of "the best natural forested shoreline in

¹ City of Bellingham "Wildlife Corridor Analysis," July 13, 2021;
<https://cob.org/services/environment/restoration/wildlife-corridor-analysis>

Bellingham.”² I’m unsure if this subdivision name is more ironic than “*Heron Estates*,” the subdivision development which forced the colony of Great Blue Herons it was named for to flee to another location (Post Point, Bellingham)³. Whichever name is more ironic, the ultimate impacts to the current ecosystems on and around *The Woods of Viewcrest* are likely to be far worse than those of *Heron Estates*. After all, a heron colony can relocate; a mature coastal forest habitat and watershed cannot.

Once this exceptional, mature coastal forest habitat is cleared for cuts and fills, for roadways, for driveways and houses, for front yards and back yards, for views – it is gone forever. Will a few trees be retained? Probably. Will lot owners plant more trees, according to their landscaping plans? Probably. Will that result in a functional coastal forest habitat, ecosystem, or watershed to estuarine wetlands? No, it will not: that will be lost. The applicant’s assurances about likely tree retention are laughable, because nowhere in Bellingham have coastal view lots enjoyed that level of retention, and this development would require more driveways and on-lot parking areas than average, because there will be no on-street parking possible. All of the critical ecological functions performed by this coastal forest for the terrestrial Wildlife Network and for the Category I estuarine wetlands will be lost, or so degraded as to make no meaningful difference from fully lost.

What is gained if *The Woods at Viewcrest* proceeds as proposed, perhaps with some Conditions and Mitigations (none of which would be based on adequate best-science information)? Bellingham would gain 38 to 152 “High Income” housing units⁴. While Bellingham could benefit from an increase in affordable housing, *High Income* housing isn’t a driving need – and that questionable benefit at the cost of degrading irreplaceable natural public assets and amenities is a horrible, appalling deal.

Yesterday I visited Mud Bay Cliffs. I watched a dozen Great Blue Herons and other shorebirds feeding on the fish and shellfish in Mud Bay. These birds often tend to congregate where the fresh water of Chuckanut Creek, which has cut a channel across the mudflats, meets the salt water, and the fishing is good. My feelings and thoughts looking at them were complex. Sadness and anger that they and their entire ecosystem are being threatened for private profits. Joy that despite all the prior degradation of these habitats from previous subdivision developments, we thankfully can, still, enjoy the sight of them.

On behalf of future generations of wildlife and of people in this community, I wish to register the strongest possible objections to this profoundly misguided and flawed proposed subdivision, the grossly ironically-named *The Woods at Viewcrest*.

² City of Bellingham, Wildlife Habitat Assessment, March 2003 Draft; <https://cob.org/wp-content/uploads/wildlife-habitat-assessment-2003.pdf>

³ City of Bellingham, RESOLUTION NO. 2004-10, A RESOLUTION AFFIRMING THE IMPORTANCE OF CONSERVATION AND PROTECTION OF THE POST POINT GREAT BLUE HERON NESTING COLONY; <https://cob.org/wp-content/uploads/2004-10-heron-resolution.pdf>

⁴ The Woods at Viewcrest, SEPA Expanded Checklist; <https://cob.org/wp-content/uploads/2023-12-04-sepa-checklist-expanded.pdf>

The grassroots community group, Protect Mud Bay Cliffs, which I am a member of, has documented the many ways in which the application materials are deficient to fulfill a wide array of municipal, state, and federal requirements. These documents are part of the Public Comments submitted during this public comment period for *The Woods at Viewcrest*. I hereby reference those documents and register my personal agreement with them. All of the many failures to comply fully with multiple Bellingham Municipal Codes, with State of Washington laws and guidelines, and with United States requirements are fully documented, and so I hereby reference and incorporate those documents as my testimony, rather than repeat them all here.

In light of

- (a) those substantial and significant application deficiencies respective to applicable municipal codes and state and federal laws and guidelines,
- (b) the site's unique and special features and functions,
- (c) the site's unique and special setting,
- (d) the reasonably foreseeable multitude of significant negative impacts to the environment and to the community,

I hereby call on city officials to please fulfill your obligations to the law and to the community you serve, and make a SEPA Determination of Significance, and require an Environmental Impact Statement before any decisions regarding potential development on this site are considered.

Sincerely,

Wendy Larson, B.S. Biology and Chemistry, M.S. Genetics

Aven, Heather M.

From: noreply@cob.org on behalf of City of Bellingham <noreply@cob.org>
Sent: Wednesday, April 24, 2024 9:22 AM
To: G.Proj.Wood at Viewcrest
Subject: Public Comment -Dean Longwell
Attachments: Public Comment - 669.pdf



City of Bellingham

Public Comment

Entry Details

NAME	Dean Longwell
CHOOSE TOPIC	The Woods at Viewcrest
COMMENT OR TESTIMONY	<p>To: Ms. Kathy Bell Senior Planner, kbell@cob.org Mr. Steve Sundin, Senior Planner, ssundin@cob.org Mr. Blake Lyon, Planning & Community Development Director, bglyon@cob.org City of Bellingham</p> <p>Re: The Woods at Viewcrest - Request for EIS review concerning placement of housing that are subject to falling mature trees in an area known to have high hazardous winds.</p> <p>My name is Dean Longwell and I am a retired architect living in the Edgemoor Neighborhood that is familiar with The Woods at Viewcrest</p>

site and the Edgemoor Neighborhood.

I am also professionally familiar with the hazards of the built environment created by poor decision making and my professional obligations for the protection of public safety, public health and the environment within the built environment.

The developers have asked for a variance to extend a narrow private driveway beyond what the City regulations normally allow into an area that is subject to hazardous high winds. They are asking to do this without providing proof the housing intended for the end of this driveway will not be subject to these winds. Considering the surrounding lay of the land with the cliffs of Clark Point, the shape of Chuckanut Mountain and the shape of Mud Bay, that funnel winds over this area the request should NOT be approved without an EIS review centered on studying the impact of "high winds" over the area where housing can be damaged and the access driveway block by falling trees.

The proposal as drawn may makes it difficult for access and unsafe for fire fighters and first responders during emergency operations created by high winds and should NOT be allowed as drawn.

The Civil Engineering site plans indicate building sites and roads are being placed in close proximity to tall mature trees where their roots are required for erosion control on steep slopes. These trees are also located in areas that meet the definitions for being in areas predisposed to landslides. The developer variance request and the development's layout as drawn creates a "hazard in the built environment" and should NOT be approved without an EIS review that specifically states the housing placed on these lots are safe from falling trees and are "accessible at all times" by fire fighters and first responders during high wind events.

Yours truly

Dean Longwell (Architect – Retired)
621 Linden Road
Bellingham WA 98225

EMAIL

DCLongwell@Comcast.net

DATE

4/24/2024

Aven, Heather M.

From: Paul Migaki <pmigaki@gmail.com>
Sent: Tuesday, April 23, 2024 7:58 PM
To: Bell, Kathy M.; Sundin, Steven C.; Lyon, Blake G.
Subject: Viewcrest Road Development

Some people who received this message don't often get email from pmigaki@gmail.com. [Learn why this is important](#)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Dear Mr. Lyon, Ms Bell and Mr. Sundin,

First, I want to say that I fully support responsible housing and commercial development in Bellingham. Without responsible development in Bellingham, our city will stagnate and lose its attractiveness as a great place to live.

With that said, I am troubled by the proposed housing development off of Viewcrest Road for three reasons.

One, it does not appear that this is an unbiased process. It is widely known that there is a bias towards the applicant. How can an unbiased decision be made with such familiar relationships? Let's have a level playing field.

Two, I understand there are an alarming number of variances and alterations to standard BMC codes requested by the applicant. For such a large project to require so many "exceptions" in this early stage is problematic...you know more will arise. Why have any standard codes if all you do is allow "exceptions"? Let's follow the rules.

Three, there are significant environmental issues surrounding the potential development that the applicant has not sufficiently answered. One significant impact is the potential harm to the salmon spawning areas in north Chuckanut Bay. The State recently spent millions of dollars protecting the local salmon by building a culvert under I-5 and improved the waterway around Fairhaven Parkway. At a minimum, you should require an Environmental Impact Study to ensure an unbiased environmental assessment of the proposed project.

Thank you for your consideration.

Paul Migaki

April 24, 2024

Blake Lyon, Planning & Community Development Department Director
Kurt Nabbefeld, Development Services Manager & SEPA Responsible Official
Kathy Bell, Senior Planner
Steve Sundin, Senior Planner

City of Bellingham
210 Lottie Street
Bellingham, WA 98225
Sent Via Email

Copy Via Email:
Mayor Kim Lund
Bellingham City Council

Re: Letter of the Law: PUBLIC COMMENT FOR ***The Woods at Viewcrest***

Dear Mr. Lyon, Mr. Nabbefeld, Ms. Bell, and Mr. Sundin:

Thank you for the opportunity to provide public comment on The Woods at Viewcrest subdivision proposal. The proposal for the Woods at Viewcrest is likely to impose significant adverse environmental impacts that cannot be adequately mitigated. The city, therefore, must issue a SEPA threshold Determination of Significance (DS) and prepare an Environmental Impact Statement (EIS).

The following are just some of the many conditions contributing to the significant impacts from this project:

- a) The property's severe hydrogeomorphic conditions;
- b) The property's damaging meteorological winds and windthrow;
- c) The applicant's violation of all nine Ecology Minimum Stormwater Management Requirements, and Bellingham Municipal Codes (BMC)15.42.060(F) (1 through 9);
- d) The property's complex and very steep topography creating high volumes of runoff with rain events ;
- e) The discretionary liberties requested by the applicant for circumventing standard BMC regulations which the city has not opposed to date.
- f) The applicant's inaccurate, misleading, missing, and obfuscated information submitted in project documents which the city has not opposed to date.

Additional information I feel needs to be submitted for the Administrative Record, in no particular order.

1. The project's property is terribly impacted by "significant extraordinary conditions related to physical limitations, exceptional topography, geological problems and environmental constraints. ... steep slopes, exposed rock, wetlands and other environmentally sensitive areas spread across the Property." ¹

The " significant extraordinary conditions that constrain the Property make construction of the full improvements required by codes impractical and difficult." ²

2. Severe winds funneling and strengthening through the north end of Chuckanut Bay ram full force into the very steep slopes at the Bay's north end - which just happens to be the proposed project's property at the north end of Mud Bay. See Figure 1.

Figure 1. Comparing the project property, photo 1, with Clark's point property just feet away

Photo 1



Photo 2



3. When a plat is approved, the approval includes the stormwater requirements for the entire plat, including the individual lots. This project has no stormwater management plan for lot development.

¹ City of Bellingham, Woods at Viewcrest Project Narrative version 3.01.22; page 15

² City of Bellingham, The Woods at Viewcrest Project Narrative; <https://cob.org/wp-content/uploads/2024-02-23-project-narrative.pdf>

Ecology's 2019 Stormwater management Manual is clear that you can't just take your stormwater from your impervious surfaces and shunt it off to the property's edge or local ditch anymore; you need to manage it onsite and get it treated before discharge into a receiving water.

4. A hydrogeologic study was not submitted. Consequently, staff and the public cannot analyze water quality and water quantity impacts.

5. Figure 2: Estimated Property Identifiers Inputted onto *Arcgis Scene Viewer* at <https://www.arcgis.com/home/webscene/viewer.html>

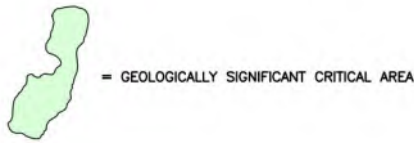


- | | | |
|---------------------------------------|-------------------------|---|
| 1- Mud Bay | 2- <u>Viewcrest Rd.</u> | 3- Excavated landslide hazard for South Private Rd. |
| 4- row of houses on south cliff ridge | 5- North Private Rd. | 6- West Rd. |
| 7- slope break | —> hydrologic flow path | |

6. This project is required to submit a map showing all the very specific Bellingham city-defined Landside Hazard Areas (LHA) and required buffers found on the property, as well as showing all the very specific Bellingham city-defined Erosion Hazard Areas (EHA) and their buffers and wetlands and their buffers.

This map is not found in the Administrative Record. The applicant only submits a map showing applicant-*defined* geologically significant critical areas. Applicant-defined geologically significant critical areas do not accurately depict city-defined LHAs, EHAs, wetlands, and the buffers for these city-defined critical areas. The applicant-defined area used to represent critical areas IS NOT TO BE EQUATED to city-defined critical areas and

buffers AND SHOULD NOT BE allowed to substitute in and replace officially defined LHA, EHA and their buffers.



A true map would be APPALLING because it would show just how much the proposed building envelopes, project roadways and infrastructures, and the public walking path will encumber landslide and erosion hazards, their required buffers, as well as the wetlands and their required buffers. Such a map would obviously shed light on the infeasibility of this development, and the significant risks to health and safety and the Mud Bay ecosystems.

The applicant is in violation of the regulations, in violation of the law, for not submitting accurate required maps for this proposed development.

An Environmental Impact Statement is required to correctly evaluate the property's hydrogeomorphic features and the impacts this development will have on the community.

7. The project property has the highest elevations in Edgemoor and Fairhaven, and as such, produces huge volumes of drainage even with existing vegetation. With urbanization of the developable area of the property (defined by the North and South private roads), the volume, speed, and force of the site's significantly increased drainage will adversely impact all downhill properties and Mud Bay.

The applicant is in violation of the regulations, in violation of the letter of the law, for not complying with all nine Ecology Minimum Requirements for Stormwater Management and Bellingham's BMC codes 15.42.060(F) (1 through 9).

8. The project's Vegetation Management Plan and Tree Survey is inaccurate and incomplete. There will be probable significant adverse impacts from excessive vegetation clearing of upland slopes. The clearing of the existing important narrow permeable slope toe plateaus and converting them to impervious surface (for project roadways and infrastructure) will also significantly increase runoff volumes, speed, temperature, and sediment loads affecting Mud Bay and surrounding neighborhoods.
9. Project Threshold Drainage Areas (TDAs) are arbitrary and inaccurate, especially so with no hydrologic analyses submitted to support TDA statements and the redrawn basin map.
10. The excessive number of discretionary liberties being granted to the applicant will cumulatively cause significant adverse environmental impacts (see PMBC Comment Letter Exhibit L: Excessive Discretionary Liberties).

11. The increased runoff from the vegetation-cleared and excavated slopes (and greater impervious surfaces) will not be adequately managed. Consequently, excessive runoff will flow into the neighborhood and into Mud Bay. Increased flooding and damage to Edgemoor properties will result, and Mud Bay's fragile ecosystems will be forever damaged.

12. The burden is on the Planning Department to collect and analyze sufficient information to make an informed threshold determination decision on the significant impacts of this project. The applicant has a history of avoiding, omitting, and/or obfuscating information that could implicate impacts from this project. The city must step up and gather the information needed for making an informed decision---this can only happen if a Determination of Significance is submitted, and an EIS required.

13. I fear a Mitigated Determination of Nonsignificance , a MDNS threshold determination for the Woods at Viewcrest project, will be coming. Such a threshold determination will be disastrous for three reasons:
 - (1) Mud Bay and land surrounding the project property will be adversely impacted forever, in many negative ways;
 - (2) The community will be exposed to much greater risks to health, safety, and property damage.
 - (3) By submitting a MDNS, the planning department will be indicating that its poor due diligence is acceptable, and they will slap some garden-variety "conditions, or measures to improve" on the MDNS for the applicant to agree to with a wink. Mind you, the applicant is well aware of what SHOULD have been followed when designing this new development. Violations and need for discretionary liberties exist per design. For example, the applicant has been told numerous times since 2021 to clarify how the project demonstrates compliance with minimum building envelopes that don't encumber hazards (the city requested this clarification in the Pre-application letter; RFIs, communications via PMBC), and to date this has not happened.
A MDNS pretty much tells the public this flawed project moves ahead. Only if the Hearing Examiner makes the city reexamine the project proposal, the project will move ahead, adversely altering the fragile environment in and around the property and imposing significant risks to the health and safety of the community.

14. It appears that the applicant is in violation of the regulations, violation of the law, for not submitting a specific 'Critical Area Report' that demonstrates compliance with a variety of regulations within BMC 16.55.221, BMC 16.55.430, and BMC 16.55.440.
For example, the applicant is in violation of BMC 16.55.440(A)(2)(i) The applicant has not provided : an analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion. The vulnerability of the site to erosion is not recognized in the Administrative Record.

The applicant has submitted a faulty Soils Analysis Report which does not recognize the accurate characterization of the true erosiveness of the site's principal soils and subsurface features.

15. It appears the applicant is in violation of the regulations, violation of the law BMC 16.55.460(A)(2) : the project will be altering both erosion and landslide hazard areas. The development will: a) decrease slope stability, and b) increase surface sedimentation to adjacent properties beyond predevelopment conditions
16. The applicant is in violation of the regulations, violation of the law BMC 16.55.460(A)(4): Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.
17. Mud Bay marine shoreline is designated as shorelines of statewide significance (SSWS) per RCW 90.58.030(2)(e). The Shoreline Management Act states "the long-term interests of all the people shall be paramount in the management of shorelines of statewide significance." [Ord. 2013-02-005 § 2 (Exh. 1)].

The applicant is in violation of the regulations, violation of the law, BMC 22.04.030 for contributing pollution and shoreline erosion damaging the natural character of shorelines of statewide significance (Mud Bay). The development's large flows of drainage discharged at the shoreline will contribute to tideland erosion and changes to the shoreline caused by the discharge's large flow volumes across the tideland.

18. Dan McShane states: "A shoreline substantial development permit is required for the proposed stormwater discharge (BMC.08.010.B.4.g.) as well as a shoreline conditional use permit. These permits will require a critical area report(s). The proposal is non-compliant with BMC.08.010.B.4.g. There are other feasible alternatives with less impact to disposing rerouted drainage within a required buffer."³
19. "There is tiered and long-standing U.S. Federal, Washington State, and City of Bellingham jurisdiction regulating most activities in Mud Bay.

a. U.S. Federal Jurisdiction – The Mud Bay estuarine complex is a Type 1 "Water of the United States" (WOTUS) and a so-called "Traditional Navigable Water" (TNW)(Table 1). It is also designated as a "Special Aquatic Site" which are "...geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region. (See § 230.10(a)(3)).⁴

³ Engineering Geology Comments, Comment #7; Dan McShane.

⁴ Lyndon Lee Technical Memorandum Comment Letter page 4

20. BMC 20.28.050 (A) states that the code provisions of the planned development chapter are minimums and may be increased for a particular proposal where more stringent standards are necessary to protect neighboring properties, conform with existing development in the area, preserve natural resources or sensitive environments, provide for orderly development or conform with the comprehensive plan.

For this project, minimums of the code provisions for the planned development chapter need to be increased for the protection of neighboring properties; for preserving the public trust resource Mud Bay; and to conform with the comprehensive plan Edgemoor Neighborhood Plan.

IN CLOSING:

State Environmental Policy Act (SEPA) COMPLIANCE as stated in the Bellingham Municipal Code 22.06.080(C) says:

Failure of the applicant to submit sufficient information for a threshold determination to be made shall be grounds for refusal of the application by the responsible official.

The Woods at Viewcrest application should be refused with a Determination of Significance submitted by the city. The process of an Environmental Impact Statement needs to commence.

Thank you for your attention,

Janet Migaki

425 S.Clarkwood Drive, Bellingham

Bellingham Resident

Aven, Heather M.

From: Chelsey Moss <chelseymoss.summer@gmail.com>
Sent: Wednesday, April 24, 2024 2:49 PM
To: Bell, Kathy M.; Sundin, Steven C.; Lyon, Blake G.; MY - mayorsoffice@cob.org
Subject: Mud Bay Cliff's Development/Public Comment/Risk of Litigation
Attachments: Mud Bay Cliff Petition.docx

Some people who received this message don't often get email from chelseymoss.summer@gmail.com. [Learn why this is important](#)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

I am writing to express my concern regarding the Mud Bay Cliff's development and wanted to raise your attention to potential litigation if an Archeological Survey and consultation with local coastal tribal leaders is not conducted immediately.

Historical Native American Artifacts:

- Further Action is required: **We request a mandated Archaeological Survey and Tribal consultation to be conducted immediately to protect Tribal Rights and to prevent potential litigation.** There are documented prehistoric Native American shell "midden" sites along the Mud Bay cliffs and estuary. Disruption to these sites impedes Federal Law and Native American Treaty Rights.

Furthermore, please see attached petition which further clarifies my concern.

Sincerely,

Chelsey Moss

Tribal Member/ Shoshone Bannock Tribes

541-490-9131

To: Kathy Bell, Senior Planner, kbell@cob.org

Steve Sundin, Senior Planner, ssundin@cob.org

Blake Lyon, Planning & Community Development Department Director,
bglyon@cob.org

Planning & Community Development Department

210 Lottie Street

Bellingham, WA 98225

From: Chelsey Moss

3608 19th ST

Bellingham, WA. 98229

4/24/24

Subject: Require an EIS for the Proposed Subdivision and Archaeological Survey on Mud Bay Cliffs

Dear Ms. Bell, Mr. Sundin, and Mr. Lyon,

I ask you to prevent harms to Bellingham's publicly-owned spaces connected to Mud Bay Cliffs, and to safeguard our community against known and severe subdivision development risks, by requiring an Environmental Impact Statement (EIS) be prepared for *The Woods at Viewcrest*, a proposed subdivision on the mature woodlands and wetlands of Mud Bay Cliffs.

The proposed subdivision (of 4 current lots into 38 proposed lots, with up to 152 housing units) would likely impose **significant adverse impacts to the environment**. In addition to these adverse impacts, the developer's application materials are flawed in substantive ways, which further exposes the public's interests, including public investments in neighboring fish and wildlife habitats, to considerable risk. The likely significant adverse impacts,

coupled with the substantive application flaws, compel the city to issue a State Environmental Protection Act (SEPA) Determination of Significance and require an EIS.

Historical Native American Artifacts:

- Further Action is required: **We request a mandated Archaeological Survey and Tribal consultation to be conducted immediately to protect Tribal Rights and to prevent potential litigation.** There are documented prehistorical Native American shell “midden” sites along the estuary. Disruption to these sites impacts tribal treaty rights as well as conservation efforts.

A. Unique and Special Site. The location of the proposed subdivision is unique both in its **specific characteristics** and its **physical setting**. These unique characteristics and physical setting are important factors that influence why the current subdivision proposal is likely to have significant adverse environmental impacts. The site of this proposed subdivision is currently distinguished by these features:

Specific Characteristics

- **Important Habitat Hub.** The 2021 City of Bellingham *Wildlife Corridor Analysis* designates this property, which consists of rare mature shoreline woodlands and wetlands habitat, as an *Important Habitat Hub* – and one of the only *Important Habitat Hubs* in south Bellingham that remains unprotected.
- **Geohazards.** Significant landslide, erosion and seismic hazards exist throughout the site, and they are sensitive to development disturbances including hydrological changes.
- **Storm Microclimate.** This location is well-known locally for its microclimate of gales during storms – among the strongest gales in Bellingham. Gale intensity has been increasing over the past decade due to climate change. The existing mature woodland

acts as a protective buffer for wildlife (both resident and sheltering), and for the community.

Physical Setting

- **Wildlife Network.** This *Important Habitat Hub* is the center part that links two other *Important Habitat Hubs* – Clark’s Point and Chuckanut Village Marsh/ Chuckanut Bay Open Space – all of which are connected to a larger, protected *Wildlife Network*. The public has invested heavily to protect and maintain the Hubs and Corridors of this Wildlife Network.
- **Estuarine Wetlands.** Mud Bay Cliffs is a key watershed adjacent to Mud Bay’s Category I Estuarine Wetlands.
- **Stormwater.** Most drainage from this site flows directly into the Mud Bay Estuarine Wetlands. Drainage discharges from existing city stormwater outlets have already begun to impair the health of this wetland habitat.
- **Great Blue Herons.** The Post Point Colony of Great Blue Herons relies on this site for shelter, and on the Mud Bay Estuarine Wetlands to feed their young. This Heron Colony fled its previous home near Chuckanut Bay as a result of subdivision development activity. Significant public investment has been made to provide habitat protection for this Colony at its new Post Point nesting location.
- **Salmon.** Juvenile salmonids rely on clean water and safe passage through the Mud Bay Estuarine Wetlands, Chuckanut Village Marsh, and Chuckanut Creek. Significant public investment has been made to restore these habitats for salmon.
- **Traffic Safety and Level of Service.**

- Traffic safety issues have been well documented on Edgemoor's narrow, hilly roads with limited sightlines, including where Viewcrest Road intersects Chuckanut Drive (State Route 11). The traffic conditions where Fairhaven Middle School meets the 12th Street Bridge are particularly dangerous. These well-documented issues create precarious and unsafe conditions for walkers, runners, cyclists, and motorists. The city has been notified of these hazardous conditions but has yet to take any action to mitigate them.
- Viewcrest Road and the roadways it intersects provide unique access to important public amenities. These amenities tend to have more visitors seasonally and on weekends. Viewcrest's intersection with Chuckanut Drive is significant as an access point to public amenities including Clark's Point, Hundred Acre Woods (trailhead at the intersection), and the Chuckanut Scenic Byway (which itself is the sole access to multiple public parklands, trail systems, and public natural amenities).

B. Severe Application Flaws. The proposed subdivision application is severely flawed. Objective and comprehensive assessments suitable to this unique site and setting must be completed to address these flaws before an informed consideration of any subdivision proposals can be made. For example:

- The Stormwater Management Plan is incomplete, lacking key required plan elements. As proposed, the subdivision would result in significant increases in runoff volumes, speeds, and sediment/pollution loads. Moreover, by discharging polluted stormwater into the Mud Bay Estuarine Wetlands, significant adverse environmental impacts are probable. The plan fails to address how the ecologically sensitive Mud Bay Estuarine Wetlands, and the Public Shoreline, will be impacted by this development.

- The Wildlife Habitat Assessment fails to: identify this site as an *Important Habitat Hub* connected to other nearby hubs by two Important Habitat Corridors; address the harmful wildlife *Habitat Network* fragmentation the proposed development would cause; address impacts to the Mud Bay Estuarine Wetlands and salmon habitat of Chuckanut Village Marsh and Chuckanut Creek; address impacts to the Post Point Heron Colony (feeding and sheltering); provide a sufficient wildlife inventory.
- The Geotechnical Investigation & Geohazard Report fails to assess the impact of development on groundwater flow and the likely increase in probability, frequency and magnitude of flooding, erosion, and landslide activity. It is documented that development activities would likely make the site hazardous for the subdivision residents, neighbors, and the community at large. These dangers would begin with development disturbances, and would persist for decades to come.
- There is no Hydrology assessment at all, which this unique site's characteristics and setting necessitate. A Hydrology report is essential to evaluate potential environmental impacts, and ensure that any development at this site will not harm local ecosystems and water quality. Clearly, development of infrastructure such as roads, retention walls, driveways, structures and other hardscaping will alter the topography and the flow of water on this geologically complex site. With soils disturbances and proposed infrastructure cutting across the site, it is probable that saturation, drainage, and flooding would be greatly affected. Erosion, rockfall, landslide and flooding to the north would be likely, unless plans are developed using Hydrology information. These likely impacts could severely affect neighboring public and private lands, waters, and wildlife habitat.
- The applicant has failed to show how tree removal during both initial infrastructure development, and then later by lot owners, would impact the **mature woodland**. There is no assessment for how the gales from worsening storms, combined with extensive tree removal, would impact sheltering wildlife and public safety. There is no assessment of how the remaining trees in the proposed narrow 200-foot "buffer" along the shoreline would be affected by adjacent tree removal; it is probable

that tree removal would degrade the health of nearby trees in the proposed “buffer” wildlife habitat connecting two Important Habitat Hubs.

- The Traffic Impact Analysis fails to address how Levels of Service to public parks, public natural amenities, and scenic byway would be impacted by traffic from this development. Further, it fails to address the known public safety issues which would be exacerbated by increased traffic from the 152 potential new housing units, since fourplexes would be allowed on all 38 lots under a new statewide law.

Because of this site’s unique specific characteristics and unique physical setting, and because of the subdivision application’s profound flaws, the city does not have the accurate, sufficient, and objective information it needs to identify and assess potential significant adverse impacts.

Moreover, the application materials themselves indicate that the proposal is likely to have a significant adverse impact on the natural environment, the built environment, and public health and safety.

I ask the city to protect our public interest and prevent harms to the community:

Require an Environmental Impact Statement and Archeological Survey, so that any permit decisions are based on a full understanding of the risks to the environment, Tribal Treaty Rights and to public safety.

Sincerely,

Chelsey Moss

Aven, Heather M.

From: Steve Nakano <nakato2@aol.com>
Sent: Wednesday, April 24, 2024 2:45 PM
To: Bell, Kathy M.; Sundin, Steven C.; Lyon, Blake G.
Subject: Woods at Viewcrest
Attachments: Mud Bay Cliffs Letter.docx

[You don't often get email from nakato2@aol.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Hello,

Please read my attached letter outlining my concerns with the proposed project The Woods at Viewcrest. I strongly urge you to require the Environmental Impact Statement before you further consider developing this land.

Thank you for your consideration of my request, Steve Nakano

>
>
>

To: Kathy Bell, Senior Planner, kbell@cob.org, Steve Sundin, Senior Planner, ssundin@cob.org

Blake Lyon, Planning & Community Development Department Director,
bglyon@cob.org

Planning & Community Development Department

210 Lottie Street

Bellingham, WA 98225

From: Steve Nakano

4/24/2024

Subject: Require an EIS for the Proposed Subdivision on Mud Bay Cliffs

Dear Ms. Bell, Mr. Sundin, and Mr. Lyon,

I request that an Environmental Impact Statement (EIS) be prepared for *The Woods at Viewcrest*, a proposed subdivision on the mature woodlands and wetlands of Mud Bay Cliffs.

I believe the proposed subdivision (of 4 current lots into 38 proposed lots, with up to 152 housing units) would likely impose **significant adverse impacts to the environment**. This is a unique and very special site with old growth trees and abundant wildlife. Following are some specific characteristics:

Specific Characteristics

- **Important Habitat Hub.** The 2021 City of Bellingham *Wildlife Corridor Analysis* designates this property, which consists of rare mature shoreline woodlands and wetlands habitat, as an *Important Habitat Hub* – and one of the only *Important Habitat Hubs* in south Bellingham that remains unprotected.

- **Geohazards.** Significant landslide, erosion and seismic hazards exist throughout the site, and they are sensitive to development disturbances including hydrological changes.
- **Storm Microclimate.** This location is well-known locally for its microclimate of gales during storms – among the strongest gales in Bellingham. Gale intensity has been increasing over the past decade due to climate change. The existing mature woodland acts as a protective buffer for wildlife (both resident and sheltering), and for the community.

Physical Setting

- **Wildlife Network.** This *Important Habitat Hub* is the center part that links two other *Important Habitat Hubs* – Clark’s Point and Chuckanut Village Marsh/ Chuckanut Bay Open Space – all of which are connected to a larger, protected *Wildlife Network*. The public has invested heavily to protect and maintain the Hubs and Corridors of this Wildlife Network.
- **Estuarine Wetlands.** Mud Bay Cliffs is a key watershed adjacent to Mud Bay’s Category I Estuarine Wetlands.
- **Stormwater.** Most drainage from this site flows directly into the Mud Bay Estuarine Wetlands. Drainage discharges from existing city stormwater outlets have already begun to impair the health of this wetland habitat.
- **Great Blue Herons.** The Post Point Colony of Great Blue Herons relies on this site for shelter, and on the Mud Bay Estuarine Wetlands to feed their young. This Heron Colony fled its previous home near Chuckanut Bay as a result of subdivision development activity. Significant public investment has been made to provide habitat protection for this Colony at its new Post Point nesting location.
- **Salmon.** Juvenile salmonids rely on clean water and safe passage through the Mud Bay Estuarine Wetlands, Chuckanut Village Marsh, and Chuckanut Creek. Significant public investment has been made to restore these habitats for salmon.
- **Traffic Safety and Level of Service.**

- Traffic safety issues have been well documented on Edgemoor's narrow, hilly roads with limited sightlines, including where Viewcrest Road intersects Chuckanut Drive (State Route 11). The traffic conditions where Fairhaven Middle School meets the 12th Street Bridge are particularly dangerous. These well-documented issues create precarious and unsafe conditions for walkers, runners, cyclists, and motorists. The city has been notified of these hazardous conditions but has yet to take any action to mitigate them.
- Viewcrest Road and the roadways it intersects provide unique access to important public amenities. These amenities tend to have more visitors seasonally and on weekends. Viewcrest's intersection with Chuckanut Drive is significant as an access point to public amenities including Clark's Point, Hundred Acre Woods (trailhead at the intersection), and the Chuckanut Scenic Byway (which itself is the sole access to multiple public parklands, trail systems, and public natural amenities).

It also has been brought to my attention that many of the existing studies are incomplete and/or inaccurate. Please, before anything is put into effect, review the current submittals and application materials and require the Environmental Impact Statement so that we are all aware of the risks to this property development.

I understand the desire for growth, but this project needs more exploration and research. Thank you for reading my letter.

Sincerely,

Steve Nakano (resident on Fieldston Road)

The following are my comments on the proposed The Woods at Viewcrest development in the Edgemoor neighborhood in Bellingham. I am a resident of the Edgemoor neighborhood and before retirement was licensed as a geologist and geological engineer in Washington.

Some of my specific concerns about this project

Streets in the Edgemoor neighborhood were not designed to accommodate significant development or construction traffic.

Streets in Edgemoor are narrow, and have poor visibility and almost no sidewalks. Sidewalks in the area are limited to Williw Rd east of Fieldston and Hawthorn Rd east of Fieldston. On Fieldston, a main street in the area, there is limited shoulder on one side of the road and much of this is grassed and sloped. Pedestrians are forced to walk in the street. This includes school children walking to the middle school, kids walking to Bayside Swimming Pool, and residents walking to Fairhaven. This is a walker's neighborhood.

Proposed routes for construction vehicles include streets throughout the southern Edgemoor neighborhood. Except for a few streets in the area, the streets are one to one and one-half lane in width with no sidewalks and limited on-street parking. Only three streets in the area have lane markings (Hawthorne-Fieldston and part of Willow Rd). These areas cannot safely handle the construction traffic that would be associated with the proposed project. For example the COB recently restricted parking on the northern part of Clark Rd because drivers parking in the narrow grassy areas near the Bayside Swimming Pool interfere with traffic flow and impede emergency services and wider construction vehicles.

The proposed development has the potential to add over 100 households due to recent zoning changes. Again roads in Edgemoor are not designed for that level of traffic and would increase safety hazards for pedestrians and drivers.

While traffic from the proposed subdivision may mostly use Viewcrest Rd, this is also problematic. Viewcrest also has no sidewalks. The intersection of Chuckanut Drive, State Route 11, and Viewcrest is unregulated. Chuckanut is hilly and there is a curve at the intersection that can make visibility difficult. This intersection is not built to handle the proposed additional residential and construction traffic.

Slope instability on the southern steep and eastern slopes of the property.

I have read the geotechnical report by Element Solutions and the review of that work by Dan McShane. I concur with the conclusions of Mr. McShane with a few additional comments.

Element Solutions determined that development on the proposed lots near the southern slopes are large enough that structures can be built away from the slopes which would leave sufficient buffers for the geologic hazards associated with the cliffs. They suggest construction setbacks of *at least* 150 feet

The Woods at Viewcrest comments, Nancy Joseph

from these steep areas. They also recommend that this area be set aside in a buffer. This area should be legally excepted by deed from any development in a legally critical area set aside, however the city designates such locations. From the proposed plat maps I am not sure if the squares with lot number are "the lots" or if the lines from those lots to the southern slopes are intended to be part of the number lots. Again lots and deeds need to be designed to ensure the southern steep slopes are legally protected from any soil/construction disturbance.

On the east side of the property Element Solutions has identified an older landslide. Such an area is more susceptible to sliding especially with changes in ground water flow that may result from construction and other disturbance. This area should also be set aside in a legally binding /deeded buffer. I see that lot 37 is proposed at the edge of the slide area, this lot should be eliminated.

Controlling water runoff in forested, established areas and steep areas can be problematic. In my experience even small changes to drainage on steep slopes can lead to failure. For example, in Skagit County, a massive debris flow east of Sedro Woolley was a result of minor debris falling on a forest road during a storm, diverting the water from the drainage system to steep forested area. The debris flow was over 1,500 feet in height and reached the floodplain of the Skagit River. It was in a steep area that had not previously had slope failure. Caution with how ground water is handled in this project is critical to avoid unintended consequences.

Element Solutions also indicated that their study is a general review and that a site per site geologic/geohazard review should be required prior to construction if the development is approved. Test pits were investigated by the company in July to study issues associated with saturation of the soil and clay and encountered damp areas in the sediments and at the contact with bedrock. As a homeowner who has dug in the glacial till that covers the hill, I know that usually in dry periods there is no dampness in that soil and it like concrete. It is like butter when it is wet. More investigation of the ground water flow and saturation should be conducted during the wet season (like most of the year) to assess how construction disturbance will affect soils and stability.

Some drainage is also proposed to be conveyed directly to Mud Bay via piping. The construction associated with this system on the southern steep slopes could result in disturbance of soils and other material that are currently relatively stable and lead to slope failure. Additional water added to these steep slopes could contribute to instability not currently seen. Any disturbance of the southern steep slopes should be avoided.

Thank you for the ability to comment on The Woods at Viewcrest proposal.

Nancy

Nancy Joseph
njoseph@fidalgo.net
503 Clark Rd, Bellingham 98225
360 961 9530

Aven, Heather M.

From: Elizabeth Paley <ezpaley@gmail.com>
Sent: Wednesday, April 24, 2024 12:45 AM
To: G.Proj.Wood at Viewcrest; Bell, Kathy M.
Subject: Public comment on The Woods at Viewcrest after Notice of Application
Attachments: Flooded Dogleg Nov 15, 2021.jpg; PublicCommentWoodsAtViewcrest4-24-24.docx

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

To Whom this May Concern,

This letter is being sent to the official email address in the Notice of Application and to Ms. Bell (as a backup). There are two attachments being sent along with this cover letter to the email address which is listed in The Woods at Viewcrest section of the planning dept. website, on the timeline under Notice of Application. I certainly hope it is the correct one, If not, Ms.Bell, please distribute as indicated below. Thank you!

My public comment letter and photo are intended to be shared together (not separated) in the context of this email cover letter with: Mr. Lyons, Mr. Nabbefeld, Ms. Bell, Mr. Sundin, Ms. LaCroix, Mayor Lund, and Bellingham City Council members, and any person needing to be involved that may have been overlooked. Please be sure they each receive a copy.

Attached to this email cover letter are:

1) a photo taken on 12:35pm on 11-15-21 of this 357 Viewcrest Rd. property's dogleg/pipe-stem during heavy rains (taken facing directly south toward where it abuts Viewcrest Rd. nearly across from the proposed subdivision entry road) 5.6MB

&

2) the Word document which I am submitting as my public comment after the Notice of Application was given to AVT and The Jones Family and by the deadline. Title: PublicCommentWoodsAtViewcrest4-24-24 35k

(If there are any problems receiving or opening these 2 attachments, please notify me as soon as possible at this email address, ezpaley@gmail.com , and I will send those again.)

This opportunity to speak up took a lot of time and effort to research and to write, please let me know that it was received, shared, and registered, as requested above,

Thank you for the chance to comment,

Elizabeth Paley

357 Viewcrest Rd, Bellingham, WA 98229

Public Comment The Woods At Viewcrest Notice of Application (Jones Family Property) 4-24-24

Thank you for allowing me to comment, Mr.Lyons, Mr. Nabbefeld, Ms.Bell, Mr.Sundin, Ms. LaCroix, Mayor Lund, and Bellingham City Council members,

I own property that abuts Viewcrest Rd. nearly directly across from the applicant's proposed single entry road. Our house, itself, is set behind one lot in this plat, though the property extends via a dog-leg/pipe-stem through which the sewer and water lines to come up through this parcel, and we have a Viewcrest Rd. address. So we are one of the closest properties to the proposed subdivision entry road and its potential impacts.

I have also been an active member of the Protect Mud Bay Cliffs' steering committee since inception and have read and agreed with the public comment letter from PMBC, as well as the letters submitted by the PMBC individuals on the committee. I contributed particularly to the group letters concerning traffic and wildlife/habitat, myself. With all I have studied and the information attested to by our group's experts, I believe that no amount of mitigation will be enough to off-set the significant adverse environmental impacts in this particular proposed development. An Environmental Impact Statement (EIS) will be the only way that we existing homeowners can be certain that our homes would not be negatively impacted and that all environmental areas will be thoroughly studied and impartially considered before moving forward on this unique and seemingly precarious location!

- 1) ENVIRONMENTAL IMPACTS
- 2) PUBLIC SAFETY
- 3) GENERAL

1) ENVIRONMENTAL IMPACTS

I don't understand how the city could assuredly say that there would be no significant environmental impacts without an EIS and requiring much more accurate and extensive documentation! This development would be set upon the edge of steep cliffs which have shown signs of past landslides, which have wetlands (not yet adequately documented during the wet season via the developers' SEPA reporting). These cliffs overlook and drain into a sensitive estuarine wetland for which great sums of money have been spent in the past to increase the health of salmon habitat, which has some eagles nesting on the property and herons in vast numbers feeding from it. Much of the property is heavily wooded with mature conifers and huge maples that are holding the ground stable with their roots and absorbing the increasingly heavy rains we have sustained in recent years. Existing homeowners near the site have had flooding in their yards as recently as 2021 (further documentation available upon request).

And that, certainly, would become exacerbated by the logging of the trees/forests for roads, other infrastructure, and house sites. Any impermeable surfaces replacing the absorbing ones say, in future driveways and roofing necessary for 38+ homes (which will definitely remove many of the remaining mature trees for home sites and views) will also further exacerbate the storm water runoff. Existing homeowners' properties that are open to the south, even those along the top of Viewcrest, have also had issues with extreme wind gusts and can verify their individual circumstances with wind shear in these past years, even prior to the development's logging of anything.

How could the city issue a Notice of Application (NoA) with only this present level of SEPA documentation for so many environmental concerns? Some data measures were taken in off-seasons or during the pandemic shutdown and don't give enough evidence that the impacts upon the environment would be acceptable. Some of the studies were based upon a mistaken assumption and didn't survey the important places. There are many probable adverse impacts across all realms of this application and the proposal includes zero affordable housing (will not help low-income housing problem in any way)!

A) TREES

First of all, this project will eliminate a high number of mature trees that sequester great amounts of carbon and provide a home to diverse wildlife, some of which are on the protected list. Why would the planning department allow cutting to happen to any of the most mature trees on this densely forested property when there's such a huge push for to plant as many trees as possible within the city for increasing the canopy, shade, cleaner air, and places to recreate? Would planting saplings later on, along the edge of the new road, really do anything to offset the forest that will be lost? Are the results of the tree canopy survey indicative of a need to cut down this forest?

The loss of absorption of storm water will threaten the existing neighbors who already have issues with inundation and percolation in their yards. As I understand it, for every cleared acre, there will be 21" more of run-off! The 20% tree loss projection cannot possibly take into account the individual site home builders who will want views, not trees.

Please see the letter that our PMBC committee submitted on this subject, as well as the one by Michael Feerer.

B) WILDLIFE/HABITAT

I have to disagree with the submitted SEPA wildlife report. In the recent years, I have documented the existence of swallowtail butterflies and great-horned owls, and other less protected animals. The cliffs alone should make this parcel unavailable for development, as cliffs are protected, as are the many snags throughout the property! The area has long been designated as a connector for wildlife to pass

through between other protected areas such as Clark's Pt and Woodstock Farm. Once building begins, the animals might be cut-off in isolated locations.

I have helped to co-author the Protect Mud Bay steering committee's letter in response to the developers' SEPA Wildlife data collection and submission. Please refer to the issues and details we discussed in that recent wildlife and habitat letter.

C) WIND SPEEDS/GUSTS

Along with the above, is my growing concern about how much impact the development will have upon the level of wind speeds, which were not an area that I had seen addressed in any data in the SEPA report. Gusts, recently clocked in November '23 at a weather station right along Viewcrest at 80 mph, and those gusts continued for many hours. In the year 2007, November winds were the highest I can recall. I could get local documentation, but the point is that prevailing winds here come throughout the year from the south, up the bay. The winds already qualify as Exposure D level before they hit the cliffs, and then they "up-speed", accelerating from an already dangerous level. I believe most people living near the cliffs have difficulty keeping rain from penetrating their windows and houses, as it is forced in by winds at high speeds.

Also, from personal experience, though our house is set back from the edge a short way, we have had one large tree top shear off in those extremely high gusts in 2007, fly 35 feet, and land with the trunk part on one room of the house. The branches entered into another room entirely. That was a large piece of the trunk! About a year after that, we had the top 90 feet of one tree blow over and across our yard in a windstorm. Since then, we regularly get 30'to 50' tree limbs ripped off that land in the yard or on a gutter, most recently. Our closest neighbor had a huge part of a mature tree land on their roof in the Nov'23 storm with the 80mph wind speeds. It's already an unsafe area to live, due to incredible gusts. (The airport figures are completely inaccurate for this area, as they lack the Exposure D level and the upspeeding).

Existing homes north of Viewcrest are going to be downwind from the proposed subdivision for the entire period of building this extensive infrastructure and future homes, many years. All the dirt, pollution from machinery, and toxicity related to this large-scale undertaking will be blown north constantly, along with the incredible noise. And any future removal of trees in the development will increase that impact and the wind speed which is already enhanced by both the bay and the cliffs!

D) MUD BAY, ESTUARINE WETLAND

In Dr. Horner's expert letter submitted to the city planning dept., Mud Bay (as differentiated from Chuckanut Bay) is actually a category 1 estuarine wetland and no hydrology report had been submitted

with this application over the past 3yrs while the developer was working with the planning dept.! Due to its rare status, this particular wetland requires far more assessment of the present storm water levels along with modeling of post-development runoff once trees and soils have been removed and homes built (without which there's apparently "no basis for the developers' sizing or location of the proper treatment"). This report is also very necessary to assure existing homeowners that they wouldn't experience increasing inundation from the unavoidable loss of absorption and increase of impermeable surfaces.

It appears as if the application and SEPA documentation fail to meet BMCs, as well as state, and federal regulations and guidelines regarding this rare estuarine wetland and its protections. Please read all letters from PMBC steering committee members and the experts' letters on Mud Bay and the needed protection from pollutants, storm water runoff, and more.

2) PUBLIC SAFETY

On the other hand, how could the proposed subdivision have gotten to this point of NoA with so little regard to public safety (which is also a definite drawback to the above mentioned wind speeds). Our neighborhood, for whatever reason, has been ignored in terms of public safety, especially for cleaning the constantly covered street drains, in order to avoid flooding . And for drivers, bicyclists, and pedestrians who have asked and later begged for safety over many years (documents available). As a daily pedestrian, I have found it increasingly difficult over the last nearly 26 years to walk safely on Viewcrest or on any other of the feeder roads leading to the development, other than Willow which was upgraded.

A) TRAFFIC

Along with the environmental issues (which, by the way, some are also public safety issues), as mentioned above, one of my biggest concerns is the traffic impact of having ALL new residents other than 2 lots, enter from only this ONE+ block, the single entrance road would be within 2 houses of our entry road to CrestView Plat (which has limited sight view to the east already) creating potential accidents if numbers increased or if the subdivision cars turned out and quickly accelerated to the east just as we pulled out. Nearly every new resident's car will impact our property and this tiny stretch of Viewcrest. This seems completely unfair and puts an undue burden upon just a single block of Viewcrest. Why isn't the developer required to employ more access roads to spread the negative traffic effect out? And what happens if 152 homes are eventually built within the Jones family's property, now that no

single family zoning exists? That would be 204 additional trips/hr & will certainly impact this block, as we likely have less than 50 trips/hr, at present.

I also co-authored the PMBC steering committee's letter concerning all aspects and the poor documentation of the SEPA data concerning traffic and pedestrians and a great deal more. Please seriously consider the issues we have raised.

I have also examined in detail the full length of Viewcrest. As we have mentioned in past pedestrian safety meetings with the city and related documentation, this street is already very unsafe. While providing a main access to and from town for street residents and those in all of Edgemoor living south of Viewcrest, the road is not wide enough! Presently, it isn't wide enough to put a line down the middle and have just two cars pass in opposite directions (nor particularly trucks, or worse, large construction vehicles to pass cars or one another)... especially at the hill just west of 16th. With only two cars passing in opposite directions, we often have to drive off the side of the paved road into the mud. You can see the many muddy ruts, particularly east of the Woodlands pillars/entrance, along the edges of Viewcrest (photos available upon request).

As a person who learned to drive in a large city, I have found these streets even more frightening than city streets for our children to learn to drive on. Due to narrowness, there is little tolerance on the outer edge when meeting oncoming traffic as a driver. Viewcrest, Clark, 16th, and Fieldston (between Hawthorn and Viewcrest), all feeder streets to the subdivision, are too narrow to have an accurate line running down the center. These streets have high centers and steeply banked edges, making curves more difficult. Lastly, there are several spots on Viewcrest where a driver cannot see over a hill where there might be a pedestrian, a deer, or another car not exactly on their own edge of the street.

We need a much more comprehensive study, such as that which would be covered in an EIS, of the various and true already existing traffic issues and potential increases from the development. As we requested in the steering committee letter submitted from Protect Mud Bay Cliffs (a study that includes all the other impacts beyond the SEPA minor study of a single intersection at Chuckanut (which is rarely used to go toward town by drivers from the future development section of Viewcrest), & which would be closer to accurate in traffic numbers now vs. when the application's SEPA traffic study (which was done in Aug '20 during the deep pandemic shutdown).

Presently, and for all the years our family has lived here since 1998, there has been major congestion at the bridge near Fairhaven Middle School which impacts any urgent responses by emergency vehicles arriving or departing Edgemoor. It is already dangerous in case of necessary evacuation from areas south of the bridge. With all the students and staff, along with no other very direct route for escape in

case of tsunamis or fires, etc., the bridge is a huge bottleneck which we have documented in photos even before any subdivision approval. The development will then contribute to a much higher evacuation danger level (think Lahaina).

The Edgemoor Neighborhood sent the city a pedestrian safety letter in 2017 and appended a detailed list of the many dangers to pedestrians. We met at that time with the director, Mr. Carlson, but unfortunately, nothing we requested seemed to get attention from the city public works dept. The issues noted in the letter and list are pretty much all still in existence. Only Hawthorn has been improved since then, maybe. These listed spots were submitted in hopes of getting mitigation about 7 years ago. Please look at those many pages of safety concerns we had then and still.

The city had required an update of the condition of Fieldston Rd and Willow Rd in the comprehensive plan (updated in 2017?) that was listed in the Edgemoor Neighborhood Association's plan in 2004, 2016, (and as recently mentioned in Feb'24?) Only Willow has been updated, and Fieldston is the more direct and more highly used road by Viewcrest residents than Willow. It remains narrow, steeply banked in spots, no on-street parking available (meaning passing large, parked trucks with limited sight distance at times), no sidewalks from Lairmont Manor to Viewcrest and limited area for pedestrians to get off the road if a car comes, esp. between Linden and Lairmont Manor.

In the name of public safety for drivers and pedestrians, this road was supposed to have been updated years ago, before any more subdivisions were built, but it has not been, despite years of building homes at the south end of Fieldston where it meets a part of Briar. And another issue is with the vast increase of vehicles drawn to Clark's Point since parking has been made more available than it was when those trails opened strictly to walking visitors, years ago **BMC 20.00.060**

Lastly, about traffic, the vast majority of drivers on Viewcrest and from the southern parts of Edgemoor do not regularly use the sole intersection in the applicant's SEPA study. Drivers on this area of Viewcrest go to Fairhaven or Bellingham by either driving east and then turning north at 16th street (a difficult sight- intersection, esp. now that cars are backing out from a trailhead parking lot across from it & the same distraction and danger as at Viewcrest and Chuckanut) or they take Viewcrest west and turn north on Fieldston. Both ways require use of the 5way intersection (of which only 4 directions have a light) and old bridge (which possibly cannot safely hold the weight of construction vehicles) at Fairhaven Middle School.

B) FLOODING/STORM WATER RUNOFF (also environmental impact)

I, personally, am worried about the storm water flowing down the middle of the entry road and then across Viewcrest where our property hits Viewcrest. This property is lower than the street which

crowns in this direction, and in heavy rains, the water from all impervious surfaces will run down the entry road at a speed which will shoot across the street, rather than turn 90 degrees and flow downhill to the west. After 2021's November's record rains, and with the lower areas of our yard having filled up (photo taken toward Viewcrest to document also attached to this email, others available upon request) high enough to cover the roots of our very mature fir tree in a raised circle in the yard (and roots of other very large trees, as well as two directions of yard fencing in the dogleg which abuts Viewcrest) and remain covered for nearly a week (a timeframe which can suffocate trees and kill them) from general storm water runoff and only draining slowly over time due to the previously fully saturated soils, I am now far more concerned about the potential of existing homes flooding, as it has already gotten close. It will be exacerbated after any mature trees or other helpful vegetation or soil is removed and particularly if replaced with impervious surfaces such as roads, infrastructure, driveways, roofs, etc. Please see all related information on storm water and drainage submitted by the PMBC committees and experts on this subject.

I have great respect for the power of water to destroy. For that reason, I have walked with a hoe in hand annually during the fall (and throughout the extended season of fir needles and maple leaves blocking street drains). My goal is to remove drain obstructions and keep the water from damaging anything downhill. I trained our children to do this with me, and we found that many of the drains had been poorly engineered in spots where the grates were higher than the pavement or flowing water (worthless). Some drains have been remedied over the years, however, incredible amounts of water regularly pour onto the center of the road on Viewcrest Rd (flowing either across to the north or to the west from approximately where the entry road to the subdivision would be toward Fieldston). Already, the center of the street can look like a river! (photos to document).

This situation exists even before the Jones' property's natural absorption system of soil and trees along and above Viewcrest has been removed. The idea of just tying their newly-built road drains & system from above or from other sides of the development, into "existing conveyance along Viewcrest" is not at all well thought out. A detailed study including present levels of fall/winter debris collection on street drains, present water flow patterns, and measurements of the water's depth in test holes needs to be done during cumulative intense rains & after the soil has become saturated (which is often the case for months, and was certainly so from Nov. '21 to late Dec, and longer...including later snow but was certainly not the case at the time of the SEPA data collection in the summer of that same year when there were historic records broken for heat!

The wetland that exists along the east side of our CrestView Plat filled completely with water at one point in Nov.'21, and was close to inundating the house to the east of it on Viewcrest before it very slowly percolated down. That took a period of at least 6 weeks. For longer than that, it remained above its normal level. So the measurements of water depth in test pits or other data gathered during summer of '20 or during the long dry spell and hottest days ever recorded in Bellingham (summer of '21) in the document supporting their decision in section 3c (water) on the SEPA checklist are not indicative of what will happen in fall or winter. This subject needs much more comprehensive testing during the correct season in order to reveal the true situation and whether there are present or future public safety issues for existing homes with the area's storm water extensive runoff (or for those future homes proposed). An EIS is obviously need and would fully study these situations at the proper time to give the information needed to determine if there is going to be a significant impact in terms of storm water runoff, in particular.

3) GENERAL

A) MINIMAL BUILDING ENVELOPES

I find it concerning that all the lots are indicated as having the 60'x60' minimum building envelopes, but there's no way to assure that at this stage without assessing each lot for actual proof that, after setbacks and buffers, there would be the required minimum. If this were approved without site-by-site assessment, the total number of lots would be considered "vested"...creating issues with buyers who couldn't build. If any sites truly do not have the required space, they should be eliminated now, not included, not built upon, and no lot line changes or substitutions offered for the loss of that erroneous building site.

B) VARIANCES

As I understand it, the variances requested are being considered or granted in exchange for a public access to the bay. I thought that was already a given. The property had been designated as having the high potential for a viewpoint, and 10th street would have been that public access. So there is actually no reason to have to bargain for public access that was already granted. IF it's no longer available due to the plat plan, it needs to be substituted without requesting any sacrifice on the public's part. Therefore, all these variances seem to be at the developers' advantage and neighborhood's disadvantage.

For example, allowing a long driveway which is being referred to as "a road" for 8 homes along the upper west side of the development could create dangers in making access for fire-fighting more

difficult. The extended driveway's only purpose is to add even more houses into the crowded development, but it is at the potential expense of those of us just downwind from that area. (There also appear to be 11 houses on that driveway, even more than the 8 the variance would allow.)

4) CONCLUSION

Suffice it to say that the documents that have been submitted by the developer over these first 3+ years were often less-than-adequate, less than accurate, and/or biased. So my request at this point in time, then, is that the city demand whatever is necessary to protect those of us who already live close to the site, our present homes, our streets, and our general public safety by requiring AVT and the Jones family to do an EIS on the total situation. Too many issues impacting the safety of Mud Bay, the protected wildlife and habitat, pedestrians, drivers, and those living in existing or future homes here, in particular, would be left only partially explored and based upon guesswork if this application were to be accepted without much broader and more correctly-timed documentation.

The family and developer began this endeavor by 2010, I believe, and have had many years to research or share convincing data based upon the most recent requirements for these types of studies. However, they have not been forthcoming nor thorough. We who live nearby need the developer to negotiate all "in good faith," but that has not been the case. And due to the myriad of complex environmental issues on the site and incomplete, poorly- timed, or biased studies, fully objective and convincing data are still definitely needed.

Additionally, we are wishing that the planning dept. not only comply with code but do "due diligence" on their part while protecting us as citizens of their city, Bellingham, WA.

[**Just for the record**...the public was shorted approximately 25% of their 30 day comment period due to the 7 day delay between the Notice of Application and when the single yellow sign was posted at the site (documentation available upon demand). This should be noted in the name of fairness. No extension to the public comment period was granted, despite our request for that. Signs are the way the public here often discovers these applications, especially now, with so many home sales and new owners in the neighborhood. They are not being told about the subdivision by sellers or realtors when they are buying homes and therefore are not signed up on mailing lists yet. Please be sure this type of seemingly-intentional delay that benefits only the developer is not allowed to be repeated in the future.]

Please let me know you have read this,

Elizabeth Paley, 357 Viewcrest Rd, Bellingham, WA 98229



Aven, Heather M.

From: Elizabeth Paley <ezpaley@gmail.com>
Sent: Wednesday, April 24, 2024 4:54 PM
To: G.Proj.Wood at Viewcrest; Bell, Kathy M.
Subject: Public Comment Letter #2 The Woods at Viewcrest 4-24-24

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Please share this email with Mr. Lyons, Mr. Nabbefeld, Ms. Bell, Mr Sundin, Mayor Lund, Ms. LaCroix, and the Bellingham City council members.

This is in addition to my email sent at 12:44am this morning that included two attachments, a photo and a 9 page public comment letter.

A few more items came to light while reading back over my many notes as owner of property across Viewcrest Rd nearly across from the proposed main entry road and a steering committee member. Due to limited time to submit, they will be mentioned in abbreviated ways.

I am fully supportive of the documents and requests included in the PMBC Public Comment Submittal for The Woods at Viewcrest, 4:03pm 4-24-24. In particular Exhibit A with the section regarding the Bellingham Municipal Codes, but all the rest of the entire submittal, as well. The PMBC team has spent much of the last 3 years researching the actual situation and writing up why we need the city to realize that a SEPA determination of significance and an Environmental Impact Statement are essential before this moves forward.

Regarding the Bellingham Comprehensive Plan of 2016 (which I believe was reviewed last year) in the Environmental chapter mentions these goals related to this subdivision's need for protection:

EV-3 protect and restore ecological functions and habitat

EV-5 Protect Salish Sea

EV-6 Conserve and maintain natural resources, including Urban Forest

EV- 8 Reduce contributing to climate change

Critical Areas : defined by wetlands, fish and wildlife habitat, conservation area ,geologically hazardous areas.

The city required to adopt regulations to protect the functions and values of critical areas and protect public safety.

Marine Bluffs: pose a hazard and warrant regulation of activities to protect public safety and properties:

EV-9 best available science to preserve critical areas

EV-10 sustainable land use design

EV-12 safeguard with mitigation if avoidance is not possible

Shoreline Master Program: Chuckanut Creek and Bellingham Bay and "immediately adjoining uplands: associated with water bodies"

Wildlife Urban Interface

WADNR_PUBLIC_WD_WUI

the map reveals yellow area surrounding Mud Bay and Chuckanut Bay and red area along the east of the yellow and NE. both yellow and red meet WUI definitions for WA state. ESSB6109 required

City of Bellingham Urban Forestry Management Plan timeline shows 2023 as a time for prioritizing forest and tree management when planning designs

an application flaw: Mud Bay is a "Category 1 estuarine wetland"

Related to this property, specifically, with storm water runoff, the highest points in the Jones Family's property are also the highest around this part of Edgemoor (possibly the entire neighborhood) which could afford gorgeous views with public access and also will bring excessive quantities down to the street level at Viewcrest both along impervious surfaces and filtering through any soil still remaining after the homes are built.

Also, the hotel project at the corner of 12th and The Fairhaven Parkway/Donovan will need to be considered when judging traffic's multiple impacts.

We would like to feel secure in knowing that the proposed subdivision meets all regulations and safety measures with SEPA documents BEFORE granting any variances. Otherwise, variances might, in some way cover up safety issues...so "complete conformity, non-variances" would be the safest for existing and future homeowners.

Well, no time left to add more. An EIS would bring objectivity and is particularly needed for this particular parcel that the Jones Family owns in Area 7!

Again, this is the second of two public comments I have made and filed today, both going to the same people listed above. The first comment letter has two attachments, and if those didn't pass through the system to you, please notify me immediately.

Thank you again for considering my public comments,
Elizabeth Paley 357 Viewcrest Rd, Bellingham, WA 98229

Aven, Heather M.

From: Izaac Post <izaacmp@gmail.com>
Sent: Wednesday, April 24, 2024 3:45 PM
To: Bell, Kathy M.; Sundin, Steven C.; Lyon, Blake G.
Subject: Please require an EIS for the Proposed Subdivision on Mud Bay Cliffs

Some people who received this message don't often get email from izaacmp@gmail.com. [Learn why this is important](#)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

From: Izaac Post, 2121 Humboldt Street, Bellingham WA 98225

Wednesday, April 24, 2024

Subject: Require an EIS for the Proposed Subdivision on Mud Bay Cliffs

Dear Ms. Bell, Mr. Sundin, and Mr. Lyon,

I ask you to prevent harms to Bellingham's publicly-owned spaces connected to Mud Bay Cliffs, and to safeguard our community against known and severe subdivision development risks, by requiring an Environmental Impact Statement (EIS) be prepared for *The Woods at Viewcrest*, a proposed subdivision on the mature woodlands and wetlands of Mud Bay Cliffs.

The proposed subdivision (of 4 current lots into 38 proposed lots, with up to 152 housing units) would likely impose **significant adverse impacts to the environment**. In addition to these adverse impacts, the developer's application materials are flawed in substantive ways, which further exposes the public's interests, including public investments in neighboring fish and wildlife habitats, to considerable risk. The likely significant adverse impacts, coupled with the substantive application flaws, compel the city to issue a State Environmental Protection Act (SEPA) Determination of Significance and require an EIS.

A. Unique and Special Site. The location of the proposed subdivision is unique both in its **specific characteristics** and its **physical setting**. These unique characteristics and physical setting are important factors that influence why the current subdivision proposal is likely to have significant adverse environmental impacts. The site of this proposed subdivision is currently distinguished by these features:

Specific Characteristics

- **Important Habitat Hub.** The 2021 City of Bellingham *Wildlife Corridor Analysis* designates this property, which consists of rare mature shoreline woodlands and wetlands habitat, as an *Important Habitat Hub* – and one of the only *Important Habitat Hubs* in south Bellingham that remains unprotected.
- **Geohazards.** Significant landslide, erosion and seismic hazards exist throughout the site, and they are sensitive to development disturbances including hydrological changes.
- **Storm Microclimate.** This location is well-known locally for its microclimate of gales during storms – among the strongest gales in Bellingham. Gale intensity has been increasing over the past decade due to climate change. The existing mature woodland acts as a protective buffer for wildlife (both resident and sheltering), and for the community.

Physical Setting

- **Wildlife Network.** This *Important Habitat Hub* is the center part that links two other *Important Habitat Hubs* – Clark’s Point and Chuckanut Village Marsh/ Chuckanut Bay Open Space – all of which are connected to a larger, protected *Wildlife Network*. The public has invested heavily to protect and maintain the Hubs and Corridors of this Wildlife Network.
- **Estuarine Wetlands.** Mud Bay Cliffs is a key watershed adjacent to Mud Bay’s Category I Estuarine Wetlands.
- **Stormwater.** Most drainage from this site flows directly into the Mud Bay Estuarine Wetlands. Drainage discharges from existing city stormwater outlets have already begun to impair the health of this wetland habitat.
- **Great Blue Herons.** The Post Point Colony of Great Blue Herons relies on this site for shelter, and on the Mud Bay Estuarine Wetlands to feed their young. This Heron Colony fled its previous home near Chuckanut Bay as a result of subdivision development activity. Significant public investment has been made to provide habitat protection for this Colony at its new Post Point nesting location.
- **Salmon.** Juvenile salmonids rely on clean water and safe passage through the Mud Bay Estuarine Wetlands, Chuckanut Village Marsh, and Chuckanut Creek. Significant public investment has been made to restore these habitats for salmon.
- **Traffic Safety and Level of Service.**

- Traffic safety issues have been well documented on Edgemoor’s narrow, hilly roads with limited sightlines, including where Viewcrest Road intersects Chuckanut Drive (State Route 11). The traffic conditions where Fairhaven Middle School meets the 12th Street Bridge are particularly dangerous. These well-documented issues create precarious and unsafe conditions for walkers, runners, cyclists, and motorists. The city has been notified of these hazardous conditions but has yet to take any action to mitigate them.
- Viewcrest Road and the roadways it intersects provide unique access to important public amenities. These amenities tend to have more visitors seasonally and on weekends. Viewcrest’s intersection with Chuckanut Drive is significant as an access point to public amenities including Clark’s Point, Hundred Acre Woods (trailhead at the intersection), and the Chuckanut Scenic Byway (which itself is the sole access to multiple public parklands, trail systems, and public natural amenities).

B. Severe Application Flaws. The proposed subdivision application is severely flawed. Objective and comprehensive assessments suitable to this unique site and setting must be completed to address these flaws before an informed consideration of any subdivision proposals can be made. For example:

- The Stormwater Management Plan is incomplete, lacking key required plan elements. As proposed, the subdivision would result in significant increases in runoff volumes, speeds, and sediment/pollution loads. Moreover, by discharging polluted stormwater into the Mud Bay Estuarine Wetlands, significant adverse environmental impacts are probable. The plan fails to address how the ecologically sensitive Mud Bay Estuarine Wetlands, and the Public Shoreline, will be impacted by this development.
- The Wildlife Habitat Assessment fails to: identify this site as an *Important Habitat Hub* connected to other nearby hubs by two Important Habitat Corridors; address the harmful wildlife *Habitat Network* fragmentation the proposed development would cause; address impacts to the Mud Bay Estuarine Wetlands and salmon habitat of Chuckanut Village Marsh and Chuckanut Creek; address impacts to the Post Point Heron Colony (feeding and sheltering); provide a sufficient wildlife inventory.
- The Geotechnical Investigation & Geohazard Report fails to assess the impact of development on groundwater flow and the likely increase in probability, frequency and magnitude of flooding, erosion, and landslide activity. It is documented that

development activities would likely make the site hazardous for the subdivision residents, neighbors, and the community at large. These dangers would begin with development disturbances, and would persist for decades to come.

- There is no Hydrology assessment at all, which this unique site's characteristics and setting necessitate. A Hydrology report is essential to evaluate potential environmental impacts, and ensure that any development at this site will not harm local ecosystems and water quality. Clearly, development of infrastructure such as roads, retention walls, driveways, structures and other hardscaping will alter the topography and the flow of water on this geologically complex site. With soils disturbances and proposed infrastructure cutting across the site, it is probable that saturation, drainage, and flooding would be greatly affected. Erosion, rockfall, landslide and flooding to the north would be likely, unless plans are developed using Hydrology information. These likely impacts could severely affect neighboring public and private lands, waters, and wildlife habitat.
- The applicant has failed to show how tree removal during both initial infrastructure development, and then later by lot owners, would impact the **mature woodland**. There is no assessment for how the gales from worsening storms, combined with extensive tree removal, would impact sheltering wildlife and public safety. There is no assessment of how the remaining trees in the proposed narrow 200-foot "buffer" along the shoreline would be affected by adjacent tree removal; it is probable that tree removal would degrade the health of nearby trees in the proposed "buffer" wildlife habitat connecting two Important Habitat Hubs.
- The Traffic Impact Analysis fails to address how Levels of Service to public parks, public natural amenities, and scenic byway would be impacted by traffic from this development. Further, it fails to address the known public safety issues which would be exacerbated by increased traffic from the 152 potential new housing units, since fourplexes would be allowed on all 38 lots under a new statewide law.

Because of this site's unique specific characteristics and unique physical setting, and because of the subdivision application's profound flaws, the city does not have the accurate, sufficient, and objective information it needs to identify and assess potential significant adverse impacts.

Moreover, the application materials themselves indicate that the proposal is likely to have a significant adverse impact on the natural environment, the built environment, and public health and safety.

I ask the city to protect our public interest and prevent harms to the community:

Require an Environmental Impact Statement, so that any permit decisions are based on a full understanding of the risks to the environment, and to public safety.

Sincerely,

Izaak Post

Aven, Heather M.

From: Susie Sherburne <susanne.sherburne@gmail.com>
Sent: Wednesday, April 24, 2024 2:31 PM
To: Bell, Kathy M.; Sundin, Steven C.; Lyon, Blake G.
Subject: Woods at Viewcrest
Attachments: Mud Bay Cliffs Letter.docx

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Hello,

Please read the attached letter outlining my concerns with the Woods at Viewcrest project. I'm a 10+year Fieldston resident (2 blocks from the property) and have had a career in property development (currently retired) and I strongly believe that the Environment Impact Statement should be mandatory before any steps are made towards developing the land.

Thank you for reading my letter and for your consideration of my request,

Susanne Sherburne

712 Fieldston Rd, Bellingham, WA 98225

206-795-2155

To: Kathy Bell, Senior Planner, kbell@cob.org, Steve Sundin, Senior Planner, ssundin@cob.org

Blake Lyon, Planning & Community Development Department Director,
bglyon@cob.org

Planning & Community Development Department

210 Lottie Street

Bellingham, WA 98225

From: Susanne Sherburne

4/24/2024

Subject: Require an EIS for the Proposed Subdivision on Mud Bay Cliffs

Dear Ms. Bell, Mr. Sundin, and Mr. Lyon,

I request that an Environmental Impact Statement (EIS) be prepared for *The Woods at Viewcrest*, a proposed subdivision on the mature woodlands and wetlands of Mud Bay Cliffs.

I believe the proposed subdivision (of 4 current lots into 38 proposed lots, with up to 152 housing units) would likely impose **significant adverse impacts to the environment**. This is a unique and very special site with old growth trees and abundant wildlife. Following are some specific characteristics:

Specific Characteristics

- **Important Habitat Hub.** The 2021 City of Bellingham *Wildlife Corridor Analysis* designates this property, which consists of rare mature shoreline woodlands and wetlands habitat, as an *Important Habitat Hub* – and one of the only *Important Habitat Hubs* in south Bellingham that remains unprotected.

- **Geohazards.** Significant landslide, erosion and seismic hazards exist throughout the site, and they are sensitive to development disturbances including hydrological changes.
- **Storm Microclimate.** This location is well-known locally for its microclimate of gales during storms – among the strongest gales in Bellingham. Gale intensity has been increasing over the past decade due to climate change. The existing mature woodland acts as a protective buffer for wildlife (both resident and sheltering), and for the community.

Physical Setting

- **Wildlife Network.** This *Important Habitat Hub* is the center part that links two other *Important Habitat Hubs* – Clark’s Point and Chuckanut Village Marsh/ Chuckanut Bay Open Space – all of which are connected to a larger, protected *Wildlife Network*. The public has invested heavily to protect and maintain the Hubs and Corridors of this Wildlife Network.
- **Estuarine Wetlands.** Mud Bay Cliffs is a key watershed adjacent to Mud Bay’s Category I Estuarine Wetlands.
- **Stormwater.** Most drainage from this site flows directly into the Mud Bay Estuarine Wetlands. Drainage discharges from existing city stormwater outlets have already begun to impair the health of this wetland habitat.
- **Great Blue Herons.** The Post Point Colony of Great Blue Herons relies on this site for shelter, and on the Mud Bay Estuarine Wetlands to feed their young. This Heron Colony fled its previous home near Chuckanut Bay as a result of subdivision development activity. Significant public investment has been made to provide habitat protection for this Colony at its new Post Point nesting location.
- **Salmon.** Juvenile salmonids rely on clean water and safe passage through the Mud Bay Estuarine Wetlands, Chuckanut Village Marsh, and Chuckanut Creek. Significant public investment has been made to restore these habitats for salmon.
- **Traffic Safety and Level of Service.**

- Traffic safety issues have been well documented on Edgemoor's narrow, hilly roads with limited sightlines, including where Viewcrest Road intersects Chuckanut Drive (State Route 11). The traffic conditions where Fairhaven Middle School meets the 12th Street Bridge are particularly dangerous. These well-documented issues create precarious and unsafe conditions for walkers, runners, cyclists, and motorists. The city has been notified of these hazardous conditions but has yet to take any action to mitigate them.
- Viewcrest Road and the roadways it intersects provide unique access to important public amenities. These amenities tend to have more visitors seasonally and on weekends. Viewcrest's intersection with Chuckanut Drive is significant as an access point to public amenities including Clark's Point, Hundred Acre Woods (trailhead at the intersection), and the Chuckanut Scenic Byway (which itself is the sole access to multiple public parklands, trail systems, and public natural amenities).

It also has been brought to my attention that many of the existing studies are incomplete and/or inaccurate. Please, before anything is put into effect, review the current submittals and application materials and require the Environmental Impact Statement so that we are all aware of the risks to this property development.

I understand the desire for growth, my work career has been with property developers, but this project needs more exploration and research. Thank you for reading my letter.

Sincerely,

Susanne Sherburne (resident on Fieldston Road)

Aven, Heather M.

From: agstodola@comcast.net
Sent: Wednesday, April 24, 2024 10:14 AM
To: Bell, Kathy M.; Sundin, Steven C.; Lyon, Blake G.
Subject: The Woods at Viewcrest proposed development

You don't often get email from agstodola@comcast.net. [Learn why this is important](#)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Dear Ms. Bell, Mr. Sundin, and Mr. Lyon,

I am writing to express my opposition to the proposed development of The Woods at Viewcrest. First and foremost, the proposed development is simply too large for our neighborhood. Edgemoor is a neighborhood with larger lots and a more “rural” feel. The number of houses proposed is simply not in keeping with the character of our neighborhood. I would ask the City to review the proposal in terms of what is appropriate for the area and what provides compatible development of the neighborhood while conserving the important physical characteristics it already has.

I understand that property owners have a right to develop their property but not in any way they see fit. Citizens must rely on the City to protect the public interest by enforcing rules and regulations when it comes to property development. The city should not allow a development to go forward by allowing variances to suit the needs of the property owner.

The construction and eventual increase in population density will put a strain on our infrastructure, leading to increased traffic congestion, noise pollution, and strain on our public services. Additionally, the construction of this project would result in significant environmental damage, destroying natural habitats and putting wildlife at risk. **Please require an Environmental Impact Statement (EIS) to assess the critical areas, including wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas and their associated buffers.**

In conclusion, I strongly urge you to reconsider this proposed housing development. I believe that this project as proposed is simply not the right fit for our neighborhood.

Thank you,

Ann Stodola
631 Briar Rd.
Bellingham, WA 98225

Aven, Heather M.

From: Joseph Taraska <jmtaraska@gmail.com>
Sent: Wednesday, April 24, 2024 6:49 AM
To: Bell, Kathy M.; Sundin, Steven C.; Lyon, Blake G.
Subject: View Crest Development

Some people who received this message don't often get email from jmtaraska@gmail.com. [Learn why this is important](#)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Dear Ms. Bell,

As you may recall, I own the home that is at 354 Viewcrest and directly abuts the eastern side of the development on Viewcrest. I spoke with you last summer in that the property line for the development (panhandle) is just 10 feet from the western wall of my home and the original plan for development showed a driveway in that panhandle of land. I was concerned that this would seriously affect our privacy and require the removal of a rather magnificent several hundred year old sequoia and a number of mature fir trees. These form a natural barrier between the development and the homes to the east.

You recommended that I speak with Mr. Taysi and I did so. He was kind enough to meet me at the property and discuss my concerns. He then spoke to the Jones family and they graciously agreed to move the driveway from the eastern panhandle of land onto the 10th street easement. They were very open and accommodating and I greatly appreciated their concern with our request. I do understand that this will require city approval and respectfully request that the approval be granted. This will not only protect our privacy but also protect a wonderful stand of trees.

Thank you for your consideration and again I appreciate the concern and accommodation of Mr. Taysi and the Jones family to our request.

Joseph Taraska
354 Viewcrest Rd
Bellingham Wa
321-662-8826

Aven, Heather M.

From: Mindy Toney <meltone55@gmail.com>
Sent: Wednesday, April 24, 2024 7:27 AM
To: Bell, Kathy M.; Sundin, Steven C.; Lyon, Blake G.
Subject: Mud Bay Cliffs

Some people who received this message don't often get email from meltone55@gmail.com. [Learn why this is important](#)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Dear Mr. Sundin, Ms. Bell, and Mr. Lyon,

I am writing to ask that you require an EIS for the proposed subdivision on Mud Bay Cliffs. It has come to my attention that this proposed use of land is detrimental to the wildlife, the people, and the land. Perhaps if more study were involved this project would come to a halt.

Mud Bay is a beautiful, peaceful, important place for humans and for wildlife. We need more spaces like this. Please don't take this important piece of land away from us.

From another's letter to you I want to add:

I ask the city to protect our public interest and prevent harms to the community:

Require an Environmental Impact Statement, so that any permit decisions are based on a full understanding of the risks to the environment, and to public safety.

With respect,

Melinda Toney

220 Sea Pines Rd, Bellingham, WA 98229

Aven, Heather M.

From: Leslie Wilson <lesliepaw@gmail.com>
Sent: Wednesday, April 24, 2024 2:35 PM
To: Bell, Kathy M.; Sundin, Steven C.; Lyon, Blake G.
Subject: Require an EIS for the Proposed Subdivision on Mud Bay Cliffs

Some people who received this message don't often get email from lesliepaw@gmail.com. [Learn why this is important](#)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Dear Ms. Bell, Mr. Sundin, and Mr. Lyon,

We have been educating ourselves on the proposed development for *The Woods at Viewcrest*. This development is in our neighborhood and would have a huge impact on the amazing wildlife and habitat at Mud Bay Cliffs. We join with others in asking the city to act responsibly to thoroughly research the impact that this development would mean on the beautiful area in Bellingham.

We ask you to prevent harms to Bellingham's publicly-owned spaces connected to Mud Bay Cliffs, and to safeguard our community against known and severe subdivision development risks, by requiring an Environmental Impact Statement (EIS) be prepared for *The Woods at Viewcrest*, a proposed subdivision on the mature woodlands and wetlands of Mud Bay Cliffs.

The proposed subdivision (of 4 current lots into 38 proposed lots, with up to 152 housing units) would likely impose **significant adverse impacts to the environment**. In addition to these adverse impacts, the developer's application materials are flawed in substantive ways, which further exposes the public's interests, including public investments in neighboring fish and wildlife habitats, to considerable risk. The likely significant adverse impacts, coupled with the substantive application flaws, compel the city to issue a State Environmental Protection Act (SEPA) Determination of Significance and require an EIS.

A. Unique and Special Site. The location of the proposed subdivision is unique both in its **specific characteristics** and its **physical setting**. These unique characteristics and physical setting are important factors that influence why the current subdivision proposal is likely to have significant adverse environmental impacts. The site of this proposed subdivision is currently distinguished by these features:

Specific Characteristics

- **Important Habitat Hub.** The 2021 City of Bellingham *Wildlife Corridor Analysis* designates this property, which consists of rare mature shoreline woodlands and wetlands habitat, as an *Important Habitat Hub* – and one of the only *Important Habitat Hubs* in south Bellingham that remains unprotected.
- **Geohazards.** Significant landslide, erosion and seismic hazards exist throughout the site, and they are sensitive to development disturbances including hydrological changes.
- **Storm Microclimate.** This location is well-known locally for its microclimate of gales during storms – among the strongest gales in Bellingham. Gale intensity has been increasing over the past decade due to climate change. The existing mature woodland acts as a protective buffer for wildlife (both resident and sheltering), and for the community.

Physical Setting

- **Wildlife Network.** This *Important Habitat Hub* is the center part that links two other *Important Habitat Hubs* – Clark’s Point and Chuckanut Village Marsh/ Chuckanut Bay Open Space – all of which are connected to a larger, protected *Wildlife Network*. The public has invested heavily to protect and maintain the Hubs and Corridors of this Wildlife Network.
- **Estuarine Wetlands.** Mud Bay Cliffs is a key watershed adjacent to Mud Bay’s Category I Estuarine Wetlands.
- **Stormwater.** Most drainage from this site flows directly into the Mud Bay Estuarine Wetlands. Drainage discharges from existing city stormwater outlets have already begun to impair the health of this wetland habitat.
- **Great Blue Herons.** The Post Point Colony of Great Blue Herons relies on this site for shelter, and on the Mud Bay Estuarine Wetlands to feed their young. This Heron Colony fled its previous home near Chuckanut Bay as a result of subdivision development activity. Significant public investment has been made to provide habitat protection for this Colony at its new Post Point nesting location.
- **Salmon.** Juvenile salmonids rely on clean water and safe passage through the Mud Bay Estuarine Wetlands, Chuckanut Village Marsh, and Chuckanut Creek. Significant public investment has been made to restore these habitats for salmon.
- **Traffic Safety and Level of Service.**

- Traffic safety issues have been well documented on Edgemoor’s narrow, hilly roads with limited sightlines, including where Viewcrest Road intersects Chuckanut Drive (State Route 11). The traffic conditions where Fairhaven Middle School meets the 12th Street Bridge are particularly dangerous. These well-documented issues create precarious and unsafe conditions for walkers, runners, cyclists, and motorists. The city has been notified of these hazardous conditions but has yet to take any action to mitigate them.
- Viewcrest Road and the roadways it intersects provide unique access to important public amenities. These amenities tend to have more visitors seasonally and on weekends. Viewcrest’s intersection with Chuckanut Drive is significant as an access point to public amenities including Clark’s Point, Hundred Acre Woods (trailhead at the intersection), and the Chuckanut Scenic Byway (which itself is the sole access to multiple public parklands, trail systems, and public natural amenities).

B. Severe Application Flaws. The proposed subdivision application is severely flawed. Objective and comprehensive assessments suitable to this unique site and setting must be completed to address these flaws before an informed consideration of any subdivision proposals can be made. For example:

- The Stormwater Management Plan is incomplete, lacking key required plan elements. As proposed, the subdivision would result in significant increases in runoff volumes, speeds, and sediment/pollution loads. Moreover, by discharging polluted stormwater into the Mud Bay Estuarine Wetlands, significant adverse environmental impacts are probable. The plan fails to address how the ecologically sensitive Mud Bay Estuarine Wetlands, and the Public Shoreline, will be impacted by this development.
- The Wildlife Habitat Assessment fails to: identify this site as an *Important Habitat Hub* connected to other nearby hubs by two Important Habitat Corridors; address the harmful wildlife *Habitat Network* fragmentation the proposed development would cause; address impacts to the Mud Bay Estuarine Wetlands and salmon habitat of Chuckanut Village Marsh and Chuckanut Creek; address impacts to the Post Point Heron Colony (feeding and sheltering); provide a sufficient wildlife inventory.
- The Geotechnical Investigation & Geohazard Report fails to assess the impact of development on groundwater flow and the likely increase in probability, frequency and magnitude of flooding, erosion, and landslide activity. It is documented that

development activities would likely make the site hazardous for the subdivision residents, neighbors, and the community at large. These dangers would begin with development disturbances, and would persist for decades to come.

- There is no Hydrology assessment at all, which this unique site's characteristics and setting necessitate. A Hydrology report is essential to evaluate potential environmental impacts, and ensure that any development at this site will not harm local ecosystems and water quality. Clearly, development of infrastructure such as roads, retention walls, driveways, structures and other hardscaping will alter the topography and the flow of water on this geologically complex site. With soils disturbances and proposed infrastructure cutting across the site, it is probable that saturation, drainage, and flooding would be greatly affected. Erosion, rockfall, landslide and flooding to the north would be likely, unless plans are developed using Hydrology information. These likely impacts could severely affect neighboring public and private lands, waters, and wildlife habitat.
- The applicant has failed to show how tree removal during both initial infrastructure development, and then later by lot owners, would impact the **mature woodland**. There is no assessment for how the gales from worsening storms, combined with extensive tree removal, would impact sheltering wildlife and public safety. There is no assessment of how the remaining trees in the proposed narrow 200-foot "buffer" along the shoreline would be affected by adjacent tree removal; it is probable that tree removal would degrade the health of nearby trees in the proposed "buffer" wildlife habitat connecting two Important Habitat Hubs.
- The Traffic Impact Analysis fails to address how Levels of Service to public parks, public natural amenities, and scenic byway would be impacted by traffic from this development. Further, it fails to address the known public safety issues which would be exacerbated by increased traffic from the 152 potential new housing units, since fourplexes would be allowed on all 38 lots under a new statewide law.

Because of this site's unique specific characteristics and unique physical setting, and because of the subdivision application's profound flaws, the city does not have the accurate, sufficient, and objective information it needs to identify and assess potential significant adverse impacts.

Moreover, the application materials themselves indicate that the proposal is likely to have a significant adverse impact on the natural environment, the built environment, and public health and safety.

We ask the city to protect our public interest and prevent harms to the community:

Require an Environmental Impact Statement, so that any permit decisions are based on a full understanding of the risks to the environment, and to public safety.

Best regards,

Leslie & Lee Wilson

132 Viewcrest Road, Bellingham WA

Aven, Heather M.

From: Bill Wright <uberlinuxuser@gmail.com>
Sent: Wednesday, April 24, 2024 11:38 AM
To: Bell, Kathy M.; Sundin, Steven C.; Lyon, Blake G.
Subject: EIS for the Proposed Subdivision on Mud Bay Cliffs and alternative scenario.

Some people who received this message don't often get email from uberlinuxuser@gmail.com. [Learn why this is important](#)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Ms. Bell, Mr. Sundin, and Mr. Lyon,

I believe the proposed subdivision, from 4 lots to 38 lots, of the wooded area above Mud Bay would create an adverse impact on the existing forested wildlife corridor as well as Mud Bay's ecosystem.

Please require an Environmental Impact Statement for this proposed subdivision.

I submit the following three existing examples of successful alternate ideas for the development of urban forests:

- 1) Governor's Pt ~124 acres (with help of Whatcom Land Trust) 16 home sites and 98 acres in a Wildlife Reserve and 2 miles of public trails.
- 2) Clark's Pt, ~71 acres (with help of Whatcom Land Trust) 4 home sites and 68 acres in a Wildlife Reserve and 2 public trails to 2 Viewpoints on North End.
- 3) 100 Acre Woods Park ~82 acres purchased by Bellingham for a city park, with public trails.

Neither fit exactly but, maybe Jone"s Sub-Divn could be No.4. with a reasonable number of homes and public trails that maintain the integrity of the forest.

Why not get creative for the greater good?

Respectively submitted,
Bill Wright
Edgemoor Neighborhood

Aven, Heather M.

From: Larry Horowitz <dakini1@comcast.net>
Sent: Thursday, April 25, 2024 9:42 AM
To: G.Proj.Wood at Viewcrest
Subject: PMBC Public Comment Submittal for The Woods at Viewcrest
Attachments: PMBC Transmittal Memo.pdf

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

FYI, to simply the city's download, PMBC's consolidated public comment for *The Woods at Viewcrest* Administrative Record, including all Exhibits, is available in a single PDF at <https://bit.ly/PMBC-EXH-ALL>.

----- Forwarded Message -----

Subject: PMBC Public Comment Submittal for The Woods at Viewcrest

Date: Wed, 24 Apr 2024 16:05:34 -0700

From: Larry Horowitz <dakini1@comcast.net>

To: Blake Lyon <bglyon@cob.org>, Kurt Nabbefeld <knabbefeld@cob.org>, Kathy Bell <kbell@cob.org>, Steve Sundin <ssundin@cob.org>

CC: Kim Lund <KJLund@cob.org>, Renee LaCroix <RLaCroix@cob.org>, Bellingham City Council <cmail@cob.org>

TO:
Blake Lyon
Kurt Nabbefeld
Kathy Bell
Steve Sundin

CC:
Mayor Kim Lund
Renee LaCroix
Bellingham City Council

FROM:
Protect Mud Bay Cliffs (PMBC)

RE: PMBC's Public Comment Submittal for *The Woods at Viewcrest* Administrative Record

Please find attached *Protect Mud Bay Cliff's* [Transmittal Memorandum](#) regarding PMBC's public comment submittal for *The Woods at Viewcrest* Administrative Record. All documents can be downloaded from the *PMBC - Woods at Viewcrest Public Comment Submittal* [Dropbox Folder](#) at <https://bit.ly/PMBC-DROPBOX>.

The attached Transmittal Memo provides a Table of Contents for each exhibit (A through S) along with Bitly links for each exhibit, the Dropbox folder, and the Transmittal Memo.

PMBC's public comments apply to these *Woods at Viewcrest* applications:

- Type I: Critical Areas Permit: CAP202-0005
- Type II: Shoreline Substantial Development Permit: SHR2022-0008
- Type IIIA: Shoreline Conditional Use Permit: SHR2022-0007
- Type IIIB: Preliminary Plat and Subdivision Variance: SUB2022-0011 & VAR2022-0002
- Street Vacation Petition: VAC2022-0001
- SEPA Environmental Checklist: SEP2022-0013

Thank you for your timely consideration of these materials.

Sincerely,

Paul Brock · Ava Ferguson · Larry Horowitz · Wendy Larson

Janet Migaki · Gary Ranz · Brent Woodland

Protect Mud Bay Cliffs Coordination Committee Members

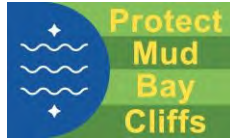
Info@MudBayCliffs.org



**Public Comment Submittal for
The Woods at Viewcrest
Administrative Record**

TRANSMITTAL MEMO

**Submitted by
Protect Mud Bay Cliffs
Coordination Committee
April 24, 2024**



1050 Larrabee Ave Suite 104 · PMB #476
Bellingham, WA 98225

TRANSMITTAL MEMORANDUM

DATE: April 24, 2024
FROM: **Protect Mud Bay Cliffs** (PMBC) Coordination Committee
TO: Blake Lyon, Kurt Nabbefeld, Kathy Bell, Steve Sundin
RE: **Public Comment Submittal for *The Woods at Viewcrest* Administrative Record**

Dear Mr. Lyon, Mr. Nabbefeld, Ms. Bell, and Mr. Sundin:

Protect Mud Bay Cliffs (PMBC) is a community group sponsored by *Responsible Development*. PMBC was formed in 2021 out of the public's concern regarding the significant adverse environmental impacts *The Woods at Viewcrest* subdivision proposal is likely to impose. PMBC appreciates the opportunity to provide public comment for the administrative record.

PMBC's comprehensive public comment submittal for *The Woods at Viewcrest* administrative record can be accessed via Dropbox at <https://bit.ly/PMBC-DROPBOX>. A *Table of Contents* listing PMBC's Public Comment Submittal Exhibits, along with Bitly links, is presented on page 2 of this Transmittal Memorandum.

PMBC's public comments apply to these *Woods at Viewcrest* applications:

- Type I: Critical Areas Permit: CAP202-0005
- Type II: Shoreline Substantial Development Permit: SHR2022-0008
- Type IIIA: Shoreline Conditional Use Permit: SHR2022-0007
- Type IIIB: Preliminary Plat and Subdivision Variance: SUB2022-0011 & VAR2022-0002
- Street Vacation Petition: VAC2022-0001
- SEPA Environmental Checklist: SEP2022-0013

Thank you for your timely consideration of these materials.

Sincerely,

Paul Brock · Ava Ferguson · Larry Horowitz · Wendy Larson
Janet Migaki · Gary Ranz · Brent Woodland

Protect Mud Bay Cliffs Coordination Committee Members

Info@MudBayCliffs.org

PMBC PUBLIC COMMENT TABLE OF CONTENTS & BITLY LINKS		
EXH	DESCRIPTION	BITLY LINK
FOLDER	PMBC Public Comment Submittal Dropbox Folder	bit.ly/PMBC-DROPBOX
MEMO	PMBC Transmittal Memo	bit.ly/PMBC-MEMO
A	PMBC Comment Letter re: Determination of Significance/EIS	bit.ly/PMBC-EXH-A
B	Richard Horner Expert Opinion re: Stormwater Management	bit.ly/PMBC-EXH-B
C	Dan McShane Expert Opinion re: Geohazards/Shoreline Impact	bit.ly/PMBC-EXH-C
D	Lyndon Lee Expert Opinion re: Impacts to Mud Bay Ecosystem	bit.ly/PMBC-EXH-D
E	John M Rybczyk Expert Opinion re: Mud Bay Wetland	bit.ly/PMBC-EXH-E
F	Brent Woodland Project Management Assessment	bit.ly/PMBC-EXH-F
G	PMBC Comment Letter re: Traffic	bit.ly/PMBC-EXH-G
H	PMBC Comment Letter re: Wildlife & Wildlife Habitat	bit.ly/PMBC-EXH-H
I	PMBC Comment Letter re: Forest, Trees & Vegetation	bit.ly/PMBC-EXH-I
J	PMBC Comment Letter re: Hydrology & Drainage	bit.ly/PMBC-EXH-J
K	PMBC Comment Letter re: SEPA Checklist Deficiencies	bit.ly/PMBC-EXH-K
L	PMBC Comment Letter re: Excessive Discretionary Liberties	bit.ly/PMBC-EXH-L
M	PMBC Issue Paper re: Stormwater Outlet Structures	bit.ly/PMBC-EXH-M
N	PMBC Comment Document re: Application Deficiencies	bit.ly/PMBC-EXH-N
O	Larry Horowitz Comment Letter re: Public Safety	bit.ly/PMBC-EXH-O
P	Brown / Gudbranson Comment Letter re: Public Access Trail	bit.ly/PMBC-EXH-P
Q	Bricklin & Newman Comment Letter re: Legal Implications	bit.ly/PMBC-EXH-Q
R	PMBC LIDAR Images: Building Envelopes & Geohazard Buffers	bit.ly/PMBC-EXH-R
S	PMBC Petition re: Determination of Significance/EIS	bit.ly/PMBC-EXH-S

April 24, 2024

Kathy Bell, Senior Planner

Steve Sundin, Senior Planner

Blake Lyon, Planning & Community Development Department Director

City of Bellingham Planning & Community Development Department

210 Lottie Street

Bellingham, WA 98225

Comment on the Proposed Woods at Viewcrest Project

I am an engineer by training, and I held various engineering/management roles in my professional life. During my career I managed projects of different types, including a major capital project in Washington State which required the development of an EIS. I have also lived next to Mud Bay for 22 years, and have grown to appreciate this valuable shoreline habitat.

I reviewed Exhibit F, "Preliminary Stormwater Management Report" dated December 4, 2023 for the proposed Woods at Viewcrest project (PSWMR) provided on the city of Bellingham's website. Threshold Discharge Area 2 (TDA 2) stormwater drains to the tidal mudflats of Mud Bay. The potential for shoreline erosion from this stormwater discharge is not discussed in the PSWMR; the project developer should include this important issue in the scope of the project Stormwater Management plan.

Stormwater from TDA 2 is routed through a PVC pipe to a location above the High Tide Line as shown in the following rendering from PSWMR page 117 (Red box added to highlight discharge tee location).



Figure 1: Rendering of proposed discharge tee area as shown in PSWMR page 117

I took the following photo of the area surrounding the proposed discharge tee on April 6, 2024. The red box shows the proposed location of the discharge tee, based on rendering shown in Figure 1.



Figure 2: Photo of the proposed discharge tee area

At the time this photo was taken, about 25 feet of beach near the discharge tee location was exposed (the water edge can be seen in the foreground). I became concerned there could be erosion of these sediments from TDA 2 stormwater effluent. The discharge tee is designed to spread out the stormwater effluent over a 20' section of the effluent pipe. However once the stormwater leaves this pipe the grade under the discharge tee, and boulders scattered near the shoreline would cause channeling of the stormwater effluent leading to sediment erosion. Once the stormwater passes these boulders, shallow channels could be cut into sediments as the stormwater flows out to the bay.

To determine if this concern is valid, I tabulated 2023 and 2024 year-to-date hourly water level data using the Mean Low Low Water (MLLW) datum from the Friday Harbor NOAA station, which is the control station for Bellingham. I made four visits to the dispersion tee location at particular times to measure how much of the beach was exposed at different predicted water levels¹, using the rock face of the discharge tee area as the measurement starting point. (This rock face can be seen just below the red box in Figure 2). I assumed the

¹ NOAA publishes verified water levels for a calendar month after that month ends. Since I made these measurements over the April 6-9, 2024 timeframe, I had to use predicted water levels as the basis for my field measurements. Using the 2023 hourly data as a sample, the average difference between predicted and verified water levels was 0.21 feet, or about 4% of the average MLLW water level. This is within the range of accuracy of other inputs to my analysis. I used verified water level measurements for all of the 2023 data analysis.

slope of the tide flats was relatively constant over the distance I was measuring, which seemed reasonable based on my observations of the area. The results of these measurements are shown in Chart 1, below.

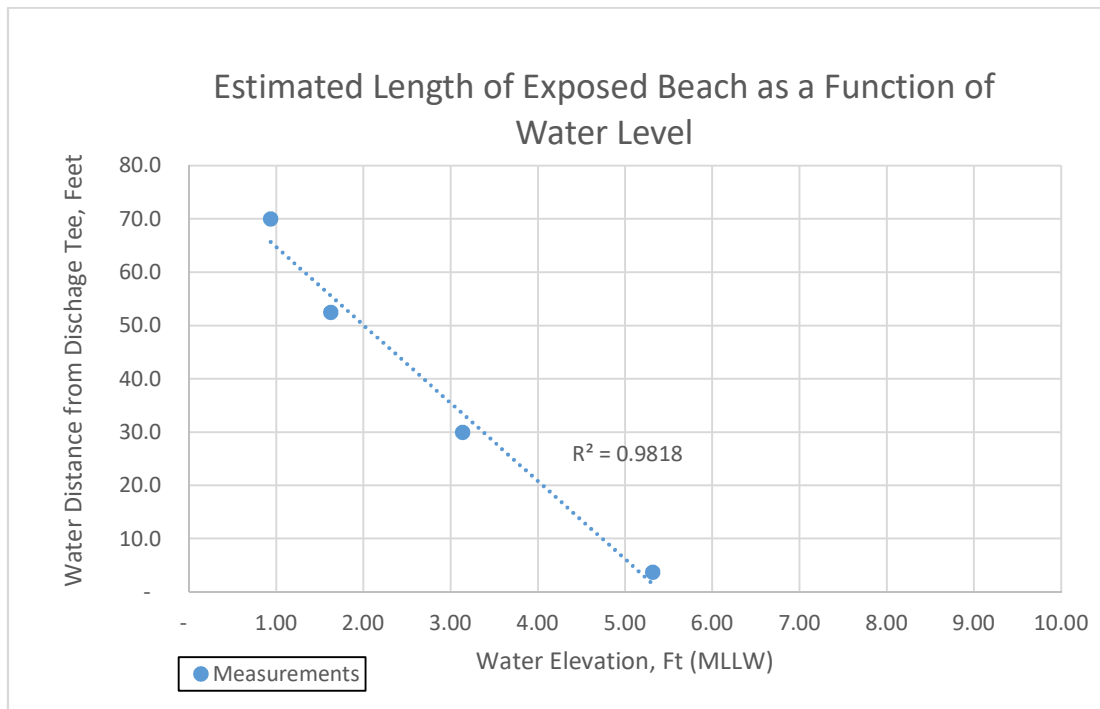


Chart 1: Estimated length of exposed beach by proposed discharge tee as a function of water elevation

I then used the 2023 verified hourly tide data to estimate the number of hours each of these points would be at or above the tide level and thus subject to erosion.

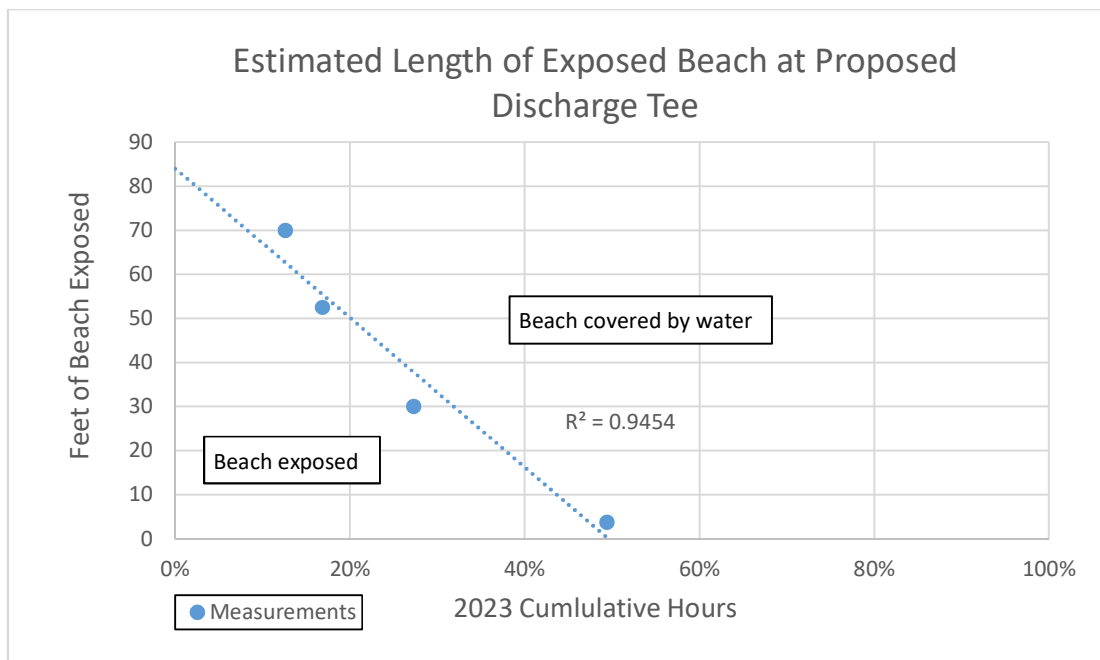


Chart 2: Percent of time that different beach elevations near the proposed discharge tee were exposed in 2023

Chart 2 shows that a portion of the beach near the dispersion tee would be exposed a substantial number of hours over the course of a year, with areas nearer to the tee having more hours of exposure. It's likely that the

erosion potential would be higher during the rainy season (Oct 1 through Apr 30) than the dry season. The data for the rainy season showed cumulative hours of beach exposure would only 1-2% less than the exposure shown in Chart 2 based on all annual hours.

The mixed semidiurnal tides cause frequent changes in sediment saturation which could increase the potential for erosion. For example, the area of the beach about 35 feet from the discharge tee (measured perpendicular to the shoreline) has an MLLW elevation of about 3.0 feet as shown in Chart 1 above. In 2023 there were 368 instances where the tide receded, exposing this part of the beach for one or more consecutive hours, before once again covering it with sea water (each instance an exposure cycle). The bar chart below tabulates these cycles by the number of hours this part of the beach was exposed before being covered again by the advancing tide.

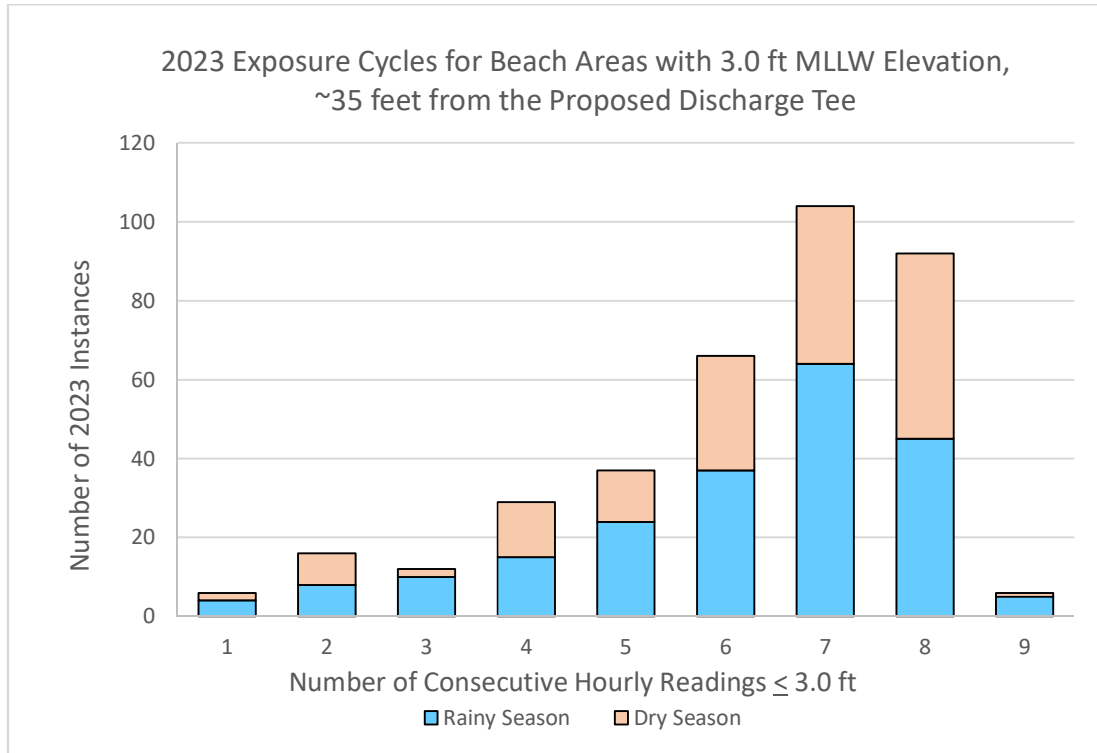


Chart 3: Number of beach exposure cycles for a beach areas having a 3.0 ft. MLLW water elevation

The number of exposure cycles over a year varies with beach elevation. Areas having a MLLW elevation of about 4.0 feet (about 20 feet from the discharge tee) experienced 418 cycles, and areas having a MLLW elevation of about 2.0 feet (about 50 feet from the discharge tee) experienced 317 cycles. Areas having more cycles could have higher potential for erosion, all other factors being constant.

Given the above, shoreline erosion from the TDA 2 stormwater discharge should be included in the Stormwater Management plan for this project, but the developer has not yet addressed this issue in the PSWMR. The environmental impacts of such erosion, and mitigation steps (or alternatives to avoid this erosion completely), should be included in the Stormwater Management plan for this project.

Thank you for the opportunity to comment on this project.

Mark Moore