

Aven, Heather M.

From: Paul Brock <brock_paul@hotmail.com>
Sent: Thursday, December 5, 2024 2:28 PM
To: Bell, Kathy M.; Sundin, Steven C.
Subject: The Woods at Viewcrest
Attachments: T-Con Certificate.pdf

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

Kathy and Steve,

Attached you will find a copy of the 2022 Multimodal Transportation Concurrency Certificate for The Woods at Viewcrest development which states that the PM peak person trips is 51.68 and the applicant was charged \$121,292.96. As I'm sure you are aware a value over 50 triggers the applicant to "complete a full transportation impact analysis (TIA) as per Section 11, Public Works Development Guidelines before the City can accept a development application as "complete"". Section 11 of the public works development guidelines has not been followed and the current TIA that the applicant is including in the application is no longer valid because it was done more than 2 years ago and done at the height of a global pandemic meaning that conditions have significantly changed since that time.

Per section 11 "Unless waived by the City, a written study meeting the City criteria will be required for a development proposal when trip generation during any peak hour is expected to exceed 50 vehicles or the criteria provided in Appendix 1." So far there has been no evidence that the city has waived the study.

Even if the PM was under 50 the next paragraph of section 11 would trigger a study because of neighborhood opposition.

"Developments within 10% of these criteria may, at the discretion of the Public Works Department, be required to provide a traffic study. If they are more than 10% below the criteria, a traffic study should not be required unless there are special extenuating circumstances such as safety concerns over access, neighborhood opposition to the project or existing levels of service on area roads are at "D", "E", or "F." Levels of service are defined in Subsection 11-2.06."

Further on in section 11 the length of time and conditions of validity of a TIA are spelled out. The conditions of the supplied study have changed significantly since the depths of a global pandemic.

"All previous traffic studies relating to the development that are more than 2 years old will have to be updated unless the Planning and Economic Development Department and Public Works Department determines that conditions have not changed significantly."

Reference to the Public Works Guidelines: <https://cob.org/wp-content/uploads/pw-dgi-standards-narrative-only-temp.pdf>

Please consider requiring a current and complete full transportation impact analysis (TIA) as per Section 11, Public Works Development Guidelines before the City can accept a development application as "complete".

Thank you,
Paul Brock
301 Crest Ln
Bellingham WA 98229



Permit Center
 210 Lottie Street
 Bellingham, WA 98225
 phone: 360-778-8300
 fax: 360-778-8301
 www.cob.org

2022 Multimodal Transportation Concurrency Certificate¹ and Multimodal Transportation Impact Fee (MTIF) Determination²

Certificate: CON2022-0001

Issued: February 7, 2022

Expires: February 7, 2023

All Applicants Please Note:

- 1.) Projects affecting arterials or intersections with low level of service (LOS) or that produce 50+ peak hour trips will also be required to complete a full transportation impact analysis (TIA) as per Section 11, Public Works Development Guidelines before the City can accept a development application as "complete".
- 2.) Projects abutting public right-of-way will be required to construct standard street improvements.
- 3.) 2022 Transportation Impact Fees (TIF) at \$2,347/person trip will be required at building permit issuance (TIF Estimate Below).

Project Name:	The Woods at Viewcrest		
Street Address:	Yet-to-be-addressed on Viewcrest Road	Bellingham, WA	98229
Parcel(s):	370212030004; 370213075542; 370213083499;	CSA No: 1	Edgemoor Neighborhood
Applicant:	Andrea Hemley, AVT Consulting	Approved By:	Chris Comeau, Transportation Planner
Email:	andrea@avtplanning.com	Email:	ccomeau@cob.org

¹ Temporary Certificate of Multimodal Transportation Concurrency allows applicant listed above **one (1) full year** to submit a complete application for development to the City, or the Temporary Certificate **expires on the date listed above**. If a complete application is accepted by the City, then the Temporary Certificate automatically becomes a Final Certificate. Final Certificates expire in 5 years, permit expiration date, or actual construction, whichever happens first.

Multimodal Transportation Impact Fee Determination

Building Permit No: BLD2022-_____	Person Trip Rate	Person Trip Measure	Project Size	PM Peak Person Trips	2021 MTIF Rate	2021 MTIF
ITE Land Use Code for Proposed Use						
210 Single Family Homes	1.36	/Unit	38	51.68	\$2,347.00	\$121,292.96
Pre-Reduction New Trips Subtotal			=	51.68		\$121,292.96

BMC 19.06.040 E. Table 2. URBAN VILLAGE (Not Applicable Outside Urban Villages)				Person Trips Reduced	Urban Village MTIF Savings	2021 MTIF
AUTOMATIC TRIP REDUCTIONS			Reduction %			
Urban Village Location				n/a		\$0.00
WTA GO Line 1/4-mile (15-20 min service)				n/a		
Maximum 50%	Urban Village Vehicle Trip Reduction			n/a		

PREVIOUS USE CREDIT [Calculated last to maximize credit]						
ITE Code & Land Use Description	Person Trip Rate	Person Trip Measure	Project Size	Person Trips Reduced	Previous Use MTIF Savings	2021 MTIF
Vacant				n/a		
Total UV Trip Reduction, Previous Use Credit, & MTIF Savings to Developer						
Post-Reduction Net New Trips & MTIF Subtotal				51.68		\$121,292.96
\$121,292.96					\$121,292.96	
Pre-Reduction TIF Cost		Trip Reduction Credit		Total Post-Reduction TIF Due at Permit Issuance ²		

²Note: Applicants have 10 days from issuance of this certificate to appeal MTIF determination per procedures listed in [BMC 19.06.050](#)

Aven, Heather M.

From: Paul Brock <brock_paul@hotmail.com>
Sent: Thursday, December 5, 2024 4:06 PM
To: Bell, Kathy M.; Sundin, Steven C.
Subject: The Woods at Viewcrest
Attachments: T-Con Certificate.pdf

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Kathy and Steve,

It has come to my attention that the TIA was already discussed with Brent in an internal meeting who replied in writing that the PM peak is less than 50. This contradicts with what the T-Con states. There seems to be a discrepancy between the T-Con, the TIA as submitted by the applicant and what Public Works is saying.

The T-Con says 51.68 as a max peak but the TIA as submitted says 40 as a max peak. This discrepancy between what Brent, Chris in the T-Con and the applicant are saying is troubling. The value the applicant agreed to and paid against in the T-Con was 51.68 and there is no evidence that number was contested. Below is the statement Brent made about a TIA, the number of vehicle trips and some general mischaracterizations about the sidewalks and road improvements being proposed in the application. These inconsistencies should be addressed before the application is allowed to move forward.

Subject: RE: Meeting follow up: Woods at Viewcrest
Date: Mon, 12 Aug 2024 23:36:10 +0000
From: Baldwin, Brent L. <bbaldwin@cob.org>
To: Bell, Kathy M. <kbell@cob.org>
CC: Pfundt, Joel F. <jfpfundt@cob.org>, Sundin, Steven C. <ssundin@cob.org>

The scope of the development proposal did not generate enough vehicle trips to trigger the City's requirement for a traffic analysis to be conducted and was not examined as part of the review. The addition of less than 50 pm peak vehicle trips would not create a unacceptable level of service on the 12th Street bridge based on the most recent traffic counts produced by the City in 2023. The proposed development will construct curb, gutter and sidewalk on internal and abutting streets for pedestrian safety. The development is not responsible for remedying the existing minimum standard street cross section of the rest of the Edgemore neighborhood. The development will be required to pay transportation impact fees at time of building permit.

Brent Baldwin
Development Manager
Bellingham Public Works

Thank you,
Paul Brock
301 Crest Ln
Bellingham WA 98229

From: Paul Brock <brock_paul@hotmail.com>
Sent: Thursday, December 5, 2024 2:28 PM
To: Bell, Kathy M. <kbell@cob.org>; Sundin, Steven C. <ssundin@cob.org>
Subject: The Woods at Viewcrest

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Email:	andrea@avtplanning.com	Email:	ccomeau@cob.org

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Aven, Heather M.

From: noreply@cob.org on behalf of City of Bellingham <noreply@cob.org>
Sent: Tuesday, December 17, 2024 11:32 AM
To: G.Proj.Wood at Viewcrest
Subject: Public Comment -Paul Brock
Attachments: Public Comment - 758.pdf



City of Bellingham

Public Comment

Entry Details

NAME	Paul Brock
CHOOSE TOPIC	The Woods at Viewcrest
COMMENT OR TESTIMONY	I understand that AVT has asked for, and been granted, a 30-day extension to the August 14 RFI. Can we expect to see those materials made available via the public project page at The Woods at Viewcrest - City of Bellingham?
EMAIL	brock_paul@hotmail.com
DATE	12/17/2024

Aven, Heather M.

From: Paul Brock <brock_paul@hotmail.com>
Sent: Tuesday, December 31, 2024 4:56 PM
To: G.Proj.Wood at Viewcrest; Bell, Kathy M.; Sundin, Steven C.
Cc: Lyon, Blake G.
Subject: The Woods at Viewcrest response to Dec 23 RFI critical areas submission.
Attachments: Wetland response.pdf

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

Please find my public comment about The Woods at Viewcrest response to Dec 23 RFI critical areas submission in the attached PDF document.

Thank you,
Paul Brock
301 Crest Ln
Bellingham WA 98229

The Woods at Viewcrest response to Dec 23 RFI critical areas submission.

CRITICAL AREAS

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

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

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

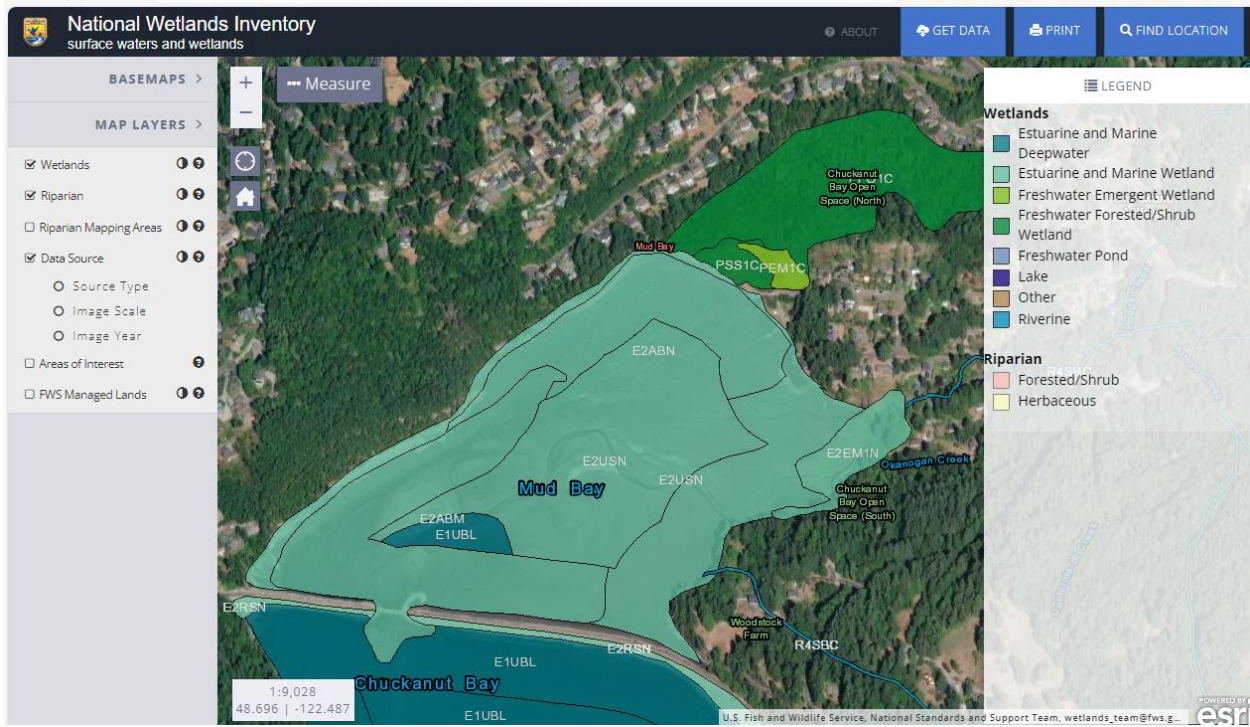
The applicant has hired a lawyer and various experts to prove that Mud Bay is not a wetland. The applicant is presenting as evidence that Mud Bay is not a wetland but simply a mud flat, and they will not be putting an outflow in or within the buffer of a wetland. PMBC has hired their own experts who all agree that Mud Bay is a wetland and presented evidence why it is such. To our good fortune we don't have to rely on a lawyer, or experts because the National Wetland Inventory clearly classifies Mud Bay as a category E2USN body, Bellingham CityIQ classifies Mud Bay as a category E2USN body and the applicant themselves classifies Mud Bay as a category E2USN body in their own expert wetland determination form. When we look up the "System Definition" of E2USN from the National Wetland Inventory we get the following:

The Estuarine System consists of deepwater tidal habitats and adjacent tidal wetlands that are usually semienclosed by land but have open, partly obstructed, or sporadic access to the open ocean, and in which ocean water is at least occasionally diluted by freshwater runoff from the land. The salinity may be periodically increased above that of the open ocean by evaporation. Along some low-energy coastlines, there is appreciable dilution of sea water. Offshore areas with typical estuarine plants and animals, such as red mangroves (*Rhizophora mangle*) and eastern oysters (*Crassostrea virginica*), are also included in the Estuarine System.

Since we all agree that the body is E2USN then we must all agree that the definition of the space that Mud Bay occupies is literally defined as "The Estuarine System consists of

deepwater tidal habitats and adjacent **tidal wetlands** that are usually semienclosed by land but have open, partly obstructed, or sporadic access to the open ocean, and in which ocean water is at least occasionally diluted by freshwater runoff from the land.” It’s also interesting to note that there are other categories identified by NWI in Mud Bay specifically E1UBL. The applicant makes no mention of this category which is also classified as a wetland but NWI goes further to identify it by class as “Includes **all wetlands** and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), **and a vegetative cover less than 30%.**”. The not less than 30% vegetative cover clause negates the applicant’s argument that the system must be covered by 50% or more vegetation to be considered a wetland. The applicant has not argued that the location is not a kind of wetland that matters, or not a freshwater wetland, or not a regulated wetland, or that the NWI mapping is wrong. The applicant has presented as emphatic fact in their application materials that Mud Bay is not a wetland while at the same time saying that the location is classified as E2USN. This is a contradiction that can’t be ignored and demonstrates that the applicant fully understands that Mud Bay is a wetland but is trying to confuse that fact. Because the applicant can’t be trusted as an honest broker of fact on this point and has spent considerable resources to obfuscate that Mud Bay is a wetland by definition, then the applicant can’t be trusted to present any level of detail as fact, and as such, should be subject to an independent EIS to review the application, project and project plans for bias if not all out deception.

This is about common sense and not falling prey to lawyer speak. I will leave the definition of what kind of wetland and what kind of protections are required to the experts, but Mud Bay is a “wetland” by definition and no amount of word salad will change that.



National Wetlands Inventory Mapper

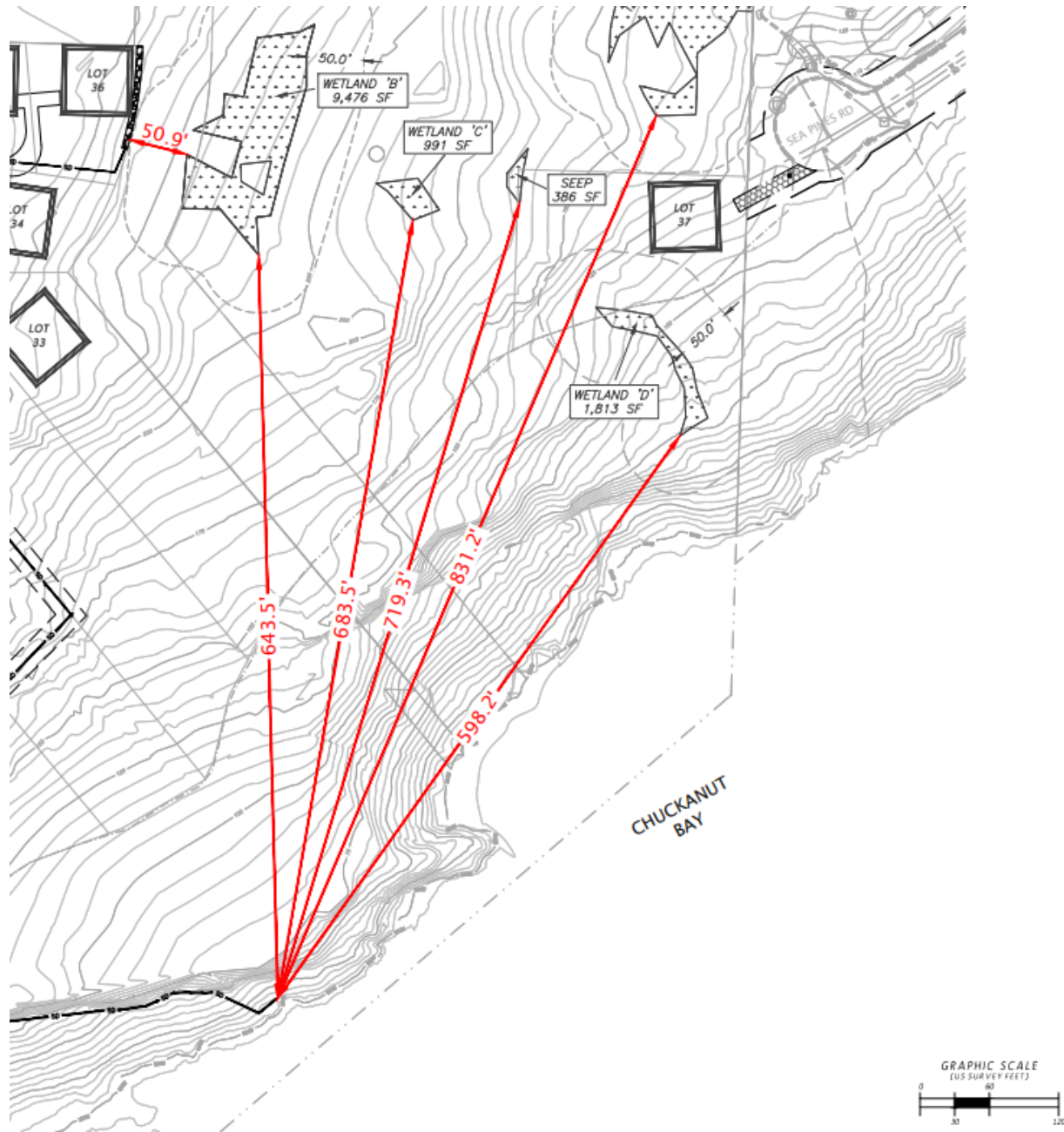
WETLAND DETERMINATION DATA FORM – Western Mountain, Valley Coast Region

Project Site: Viewcrest	City/County: Bellingham	Sample Date: 05/23/24
Applicant/Owner: Jones	State: WA	Sample Point: 200
Investigator: Van Slyke	Section/Township/Range: 13/37N/02E	
Landform (hillslope, terrace, etc): mudflat	Local Relief (concave, convex, none) : none	Subregion: LRR A
Soil Map Unit Name: none	NWJ Classification: E2USN	
Are climatic/hydrologic conditions on the site typical of this time of year? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (if no, explain in Remarks)		
Are Vegetation <input type="checkbox"/> , Soil <input type="checkbox"/> , or Hydrology <input type="checkbox"/> significantly disturbed?		Are "Normal Circumstances" present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Are Vegetation <input type="checkbox"/> , Soil <input type="checkbox"/> , or Hydrology <input type="checkbox"/> naturally problematic? (if needed, explain any answers in Remarks.)		

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Wetland Hydrology Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Relevant header of applicant Wetland Determination Data Form.



Applicant deceptive demonstration of wetland proximity to outfall showing distance of outfalls to wetlands.