



Public Comment

Name

Lucas Nardella

Full name or organization

Your name is required for identification as a part of the public record.

Choose Topic

CityView Project

Topics available for online public comment are listed above. If no topics are listed, there may be opportunities for public comment on various topics through email, letters, and public comment periods during meetings.

More information on this topic can be found at <https://www.cob.org/cityview>

Comment or Testimony

The project is too large for the lot and the family neighborhood. The topography is hilly, wet, and well forested. The city would better serve the neighborhood and community by acquiring the lot and allowing those that to enjoy the trails and nature to continue to do so. As someone that has a home nearby, a lot of people enjoy the access to trails and forest. Additionally, the developers needs and goals would be better served utilizing a different piece of property, one that is flat and already deforested. A closer location to WWU would better serve the tenants the developer is seeking to attract. There are plenty of good examples of land to be developed near Samish Way or on Lincoln st, near Viking circle. If you lived in our single family home neighborhood, would you want this development to be approved? Would you want to lose access to your favorite trails? Thank you for your consideration.

Files

Documents or images related to your comments.

Email

Nardellalucas@gmail.com

Please provide your email address to receive a copy of your comment or testimony and confirm its receipt by the Council.

May 10, 2021

via email to: Bellingham Planning Commission (planningcommission@cob.org)

copies to: Mr. Rick Sepler, Director, PCDD (rmsepler@cob.org)

Ms. Kathy Bell, Senior Planner, PCDD (kbell@cob.org)

Mr. Seth Fleetwood, Mayor, City of Bellingham (smfleetwood@cob.org)

Subject: CityView

My questions and comments in this letter pertain to your upcoming consideration of the proposal from Mr. Morgan Bartlett to build CityView, a 106-unit, 318-bedroom student housing development in the Puget Neighborhood. The two issues I am highlighting are new traffic and parking demand generated by CityView.

Here are the three questions I would like you to ask Mr. Bartlett. In the remainder of this letter I will elaborate on why I think these are important questions that the developer must credibly answer while you are examining his proposal.

1. Why was new traffic predicted using data for multifamily housing instead of data for off-campus student apartments?
2. Why was traffic counted during an atypical week of the WWU school year and then used as a "normal" count?
3. Because nearly all future student residents of CityView will have cars, how can you ask local neighbors to accept anywhere from 50 to 100 extra vehicles as overflow parking on their neighborhood residential streets?

Regarding Question #1:

from the Transpo TIA:

"Trip generation was calculated based on the average trip rate for a standard multifamily housing mid-rise apartment building (LU #221) from the Institute of Transportation Engineers (ITE) Trip Generation, 10th Edition (2017)."

There are data in the ITE manual for Land Use #225, Off-Campus Student Apartments. It was not used here. Why not? It seems clear that CityView is targeted at college student tenants. CityView is designed to serve this market with 318 private bed/bath units leased individually, much like The Lark Apartments on Lincoln Street. I don't know if using LU #225 for trip rate calculations would increase or decrease traffic predictions, but it should be evaluated as possibly a more realistic predictor of traffic generation.

Regarding Question #2:

In a memorandum from Transpo Group to Mr. Bartlett dated March 3, 2021 the claim is made that “These [traffic] counts were collected **while school was in typical session** (prior to finals week)” (emphasis mine). The week before finals **is not typical** since it is “dead week” when there are very limited classes. June 5, the date of traffic counts, was in dead week. Therefore, it is almost certain that the counts were not representative of normal traffic in the survey area.

The TIA submitted by Transpo Group purports to predict future traffic in the area of CityView. All the predictions for new traffic and its impact on evaluating LOS for intersections submitted by Transpo Group are built on two pieces of data: the average trip rate in the ITE Manual and the current traffic counts. Since both of these data sets used in the TIA are very likely to be wrong, as I have tried to show here, how can future traffic calculated in the TIA be correct? It can’t, unless the sources of the data are re-evaluated.

Regarding Question #3:

If you ask parents of upperclassmen at WWU or similar universities you will hear that nearly all students have a car. This is not speculation, it is simply reality. These cars will need to be parked somewhere. If there are not sufficient slots in the CityView plan, and it appears there aren’t, where will they be parked? Answer: along neighboring residential streets which were not built to absorb this parking load.

The developer is trying to claim that providing 160 bike parking spots will induce a significant number of student residents to forego having a car. This is, in my opinion, fantasy. If you doubt this, ride a bike up Consolidation Avenue from Ashley Street to the CityView site. Also, what about visitor (read: party) parking? The developer claims that parking will be strictly enforced. Parking overflow will then have little choice but to flood into neighborhood streets to the detriment of local homeowners.

In Summary:

Consolidation Avenue is the dividing line between Puget and Samish Neighborhoods. Current residents of both neighborhood areas will be impacted by a future CityView and should be entitled, along with the Planning Commission, to a realistic picture of what the development will do to their streets. In my opinion the developer has yet to provide that. You are in a position to insist that he does.

Sincerely,

Steve Abell
Member of the Puget Neighborhood Working Group



Public Comment

Name

George Francis Sanders

Full name or organization

Your name is required for identification as a part of the public record.

Choose Topic

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Comment or Testimony

ATTACHED DOCUMENT

2020 Hawley Development--Existing unimproved trail shortcuts connecting Puget Street with WWU Park-and-Ride.pdf ATTACHED

COMMENTS

Any new zig-zag, graveled foot trail constructed into this forested hillside will be shortcut daily (see analysis ATTACHED).

The muddy mess along the existing trail straight down the fall line from Puget Street to Consolidation Avenue will get worse with increased traffic.

Bellingham's South Hill neighborhood has stairways down the steep portions of the hillside.

Why isn't the City of Bellingham insisting on stairways down these steep slopes too?

Files

2020 Hawley Development--Existing unimproved trail shortcuts connecting Puget Street with WWU Park-and-Ride.pdf

Documents or images related to your comments.

Email

gsanders@openaccess.org

Your email address will only be used to send you a copy of this comment and any official notifications related to this topic.

Date

5/11/2021

**CityView Applicant Response to August 10, 2019
City-Issued Notice of Incomplete Application**

Presented by concerned resident of Samish Neighborhood based on review of documents
submitted by Madrona Bay Real Estate Investments on February 24, 2020

Re: Existing unimproved trail shortcuts connecting Puget Street with WWU Park-and-Ride

2020 Hawley Development--Existing unimproved trail shortcuts connecting Puget Street with WWU Park-and-Ride.pdf

Date: May 6, 2020

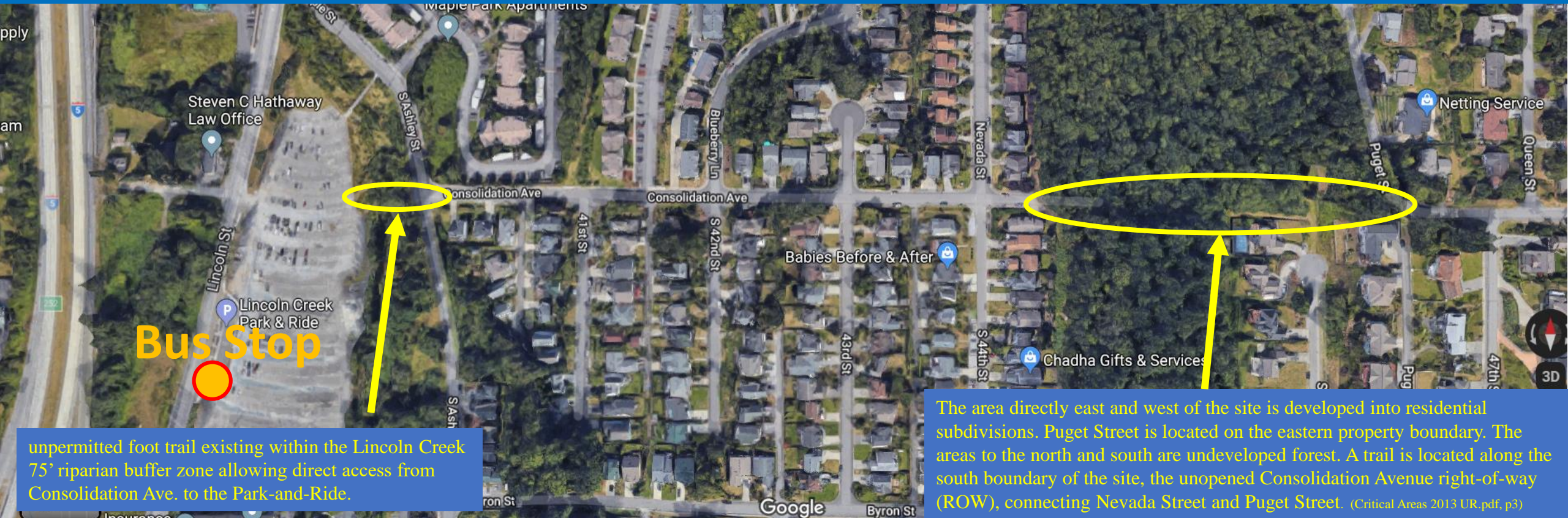
Prepared by:

George F. Sanders, LEG

4062 Consolidation Ave.
Bellingham, WA 98229

WA State Department of Licensing, Licensed Engineering Geologist LEG #400

Existing unimproved trail shortcuts connecting Puget Street with WWU Park-and-Ride



unpermitted foot trail existing within the Lincoln Creek 75' riparian buffer zone allowing direct access from Consolidation Ave. to the Park-and-Ride.

The area directly east and west of the site is developed into residential subdivisions. Puget Street is located on the eastern property boundary. The areas to the north and south are undeveloped forest. A trail is located along the south boundary of the site, the unopened Consolidation Avenue right-of-way (ROW), connecting Nevada Street and Puget Street. (Critical Areas 2013 UR.pdf, p3)

Environmental studies must take these unpermitted, primitive foot trails into account. Pedestrians are currently trespassing on private property on these steep, muddy trails, with no practical way to prevent access, creating danger to themselves and causing damage to riparian habitat. The City of Bellingham currently lacks any policy on this issue.

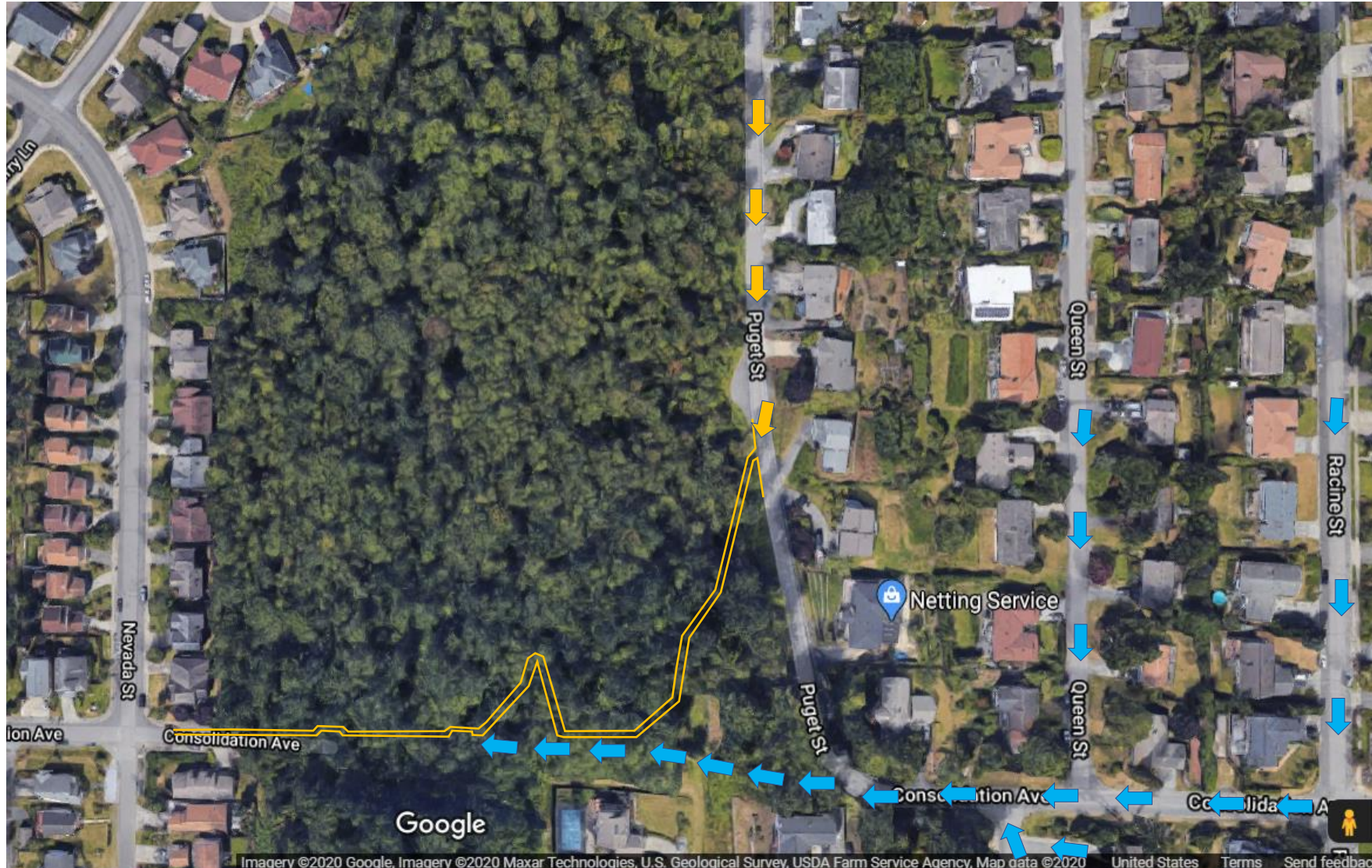
Primitive Trail Shortcut Through Ashley Street Apartments

Permitted development of the Ashley Street Apartments in 2017 failed to take into consideration the risk of pedestrians shortcutting through the Lincoln Creek Critical Area.

This is an ongoing problem, and the unpermitted, primitive foot trail cutting through the 75' riparian buffer zone continues to be used when WWU is in session.



Existing Primitive Trail Shortcut From Puget Street To Consolidation Ave Will Continue To Attract Pedestrian Foot Traffic



Pedestrians will always take the shortest route, especially downhill. The proposed gravel foot trail would be short-cut daily by pedestrians in favor of the existing unimproved trail going straight downhill towards the WWU park-and-Ride.



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Comment or Testimony

REFERENCED DOCUMENT

BFMF to COB re Hawley Replat rs - Low Resolution.pdf ATTACHED

COMMENT

Density Allowances for CityView Development Challenged

I agree with the findings in the attorney's letter ATTACHED which challenges the 176 unit density allocated to the 11.5 acre Tract F of the Hawley Property.

I believe the City was in error allowing this density to be applied to this property, and that the City did not intend for this property to be zoned for such density.

I would support a campaign to fight this issue in court if the City of Bellingham permits this project to go forward under these false premises, threatening to ruin the character of my neighborhood.

George F. Sanders

Licensed Engineering Geologist, WADOL #400

4062 Consolidation Ave.

Bellingham, WA 9829

gsanders@openaccess.org

Files

BFMF to COB re Hawley Replatforms - Low Resolution.pdf

Documents or images related to your comments.

Email

gsanders@openaccess.org

Your email address will only be used to send you a copy of this comment and any official notifications related to this topic.

Date

5/11/2021

**BURI FUNSTON
MUMFOPD FURLONG
ATTORNEYS AT LAW**

PHILIP BURI
PHILIP@BURIFUNSTON.COM

February 6, 2020

Kathy Bell
Senior Planner
Planning and Community Development Department
City of Bellingham
210 Lottie Street
Bellingham, WA 98225



RE: CityView Proposal, PDP2019-0015; DR2019-0036;
VAR20190009; CAP2019-0037; SEP2019-0039.

Dear Ms. Bell:

I represent the Puget Neighborhood Working Group. They have asked for my help to reveal a flaw in the density calculations for the CityView Proposal site, also known as Tract F to the Hawley Replat. Unfortunately, both the name of the site and its location have had as many variations as the calculations. Because CityView relies on an inaccurate and inappropriately large density allowance, the Puget Neighborhood opposes its development in the current form.

INTRODUCTION

This is the story of how a caption on an unrecorded, unapproved lot layout drawing became a phantom density allowance. On November 15, 1993, Jepson and Associates produced a set of project plans for Exxel Development Company. (Exhibit H). On page 7 of the plans, an undeveloped portion of the site, labeled "Area B", noted a designation of 176 units. Neither the plans nor any accompanying documents explain where this number came from. It is the first mention of a density allocation, which reappears sporadically in plat maps that have never received public review, let alone approval.

The proposed CityView relies on this phantom density allowance without answering why the Unit Density for the Hawley Replat - Tract F is 176 units? This density is approximately twice that allowed under the City of Bellingham Zoning Table for Area 17 of the Puget Neighborhood. It also underlaid several development plans, never approved or built, that proposed huge, out of character multi-unit buildings that would have dwarfed the surrounding single-family residential neighborhood. For years, the Puget Neighborhood Association has challenged the

phantom density allowance and the proposed developments that seek to exploit it. This letter provides the City with the most comprehensive

Buri Funston Munford & Furlong, pi-LC
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Mount Vernon office: 825 Cleveland Avenue, Mount Vernon, Washington 98273 P 360-336-6508 F 560-336-5-58
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**BURI FUNSTON
MUMFORD FURLONG**
ATTORNEYS AT LAW

PHILIPBURI
PHILIP@BURIFUNSTON.COM

February 6, 2020

Kathy Bell
Senior Planner
Planning and Community Development Department
City of Bellingham
210 Lottie Street
Bellingham, WA 98225

RE: CityView Proposal, PDP2019-0015; DR2019-0036;
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investigation into the source of this mystery number. We ask that the City reject the phantom density for good and require CityView's proponent to provide an accurate density calculation.

Our review of the public record leads to three conclusions:

1. THE CITY HAS NEVER CALCULATED OR APPROVED THE UNIT DENSITY FOR TRACT F. Review of the public process and official actions involving the overall Hawley Replat starting in 1994, shows that assignment of a Unit Density to the current Tract F was never explicitly identified in the Bellingham City Council Agenda Bills or Resolutions. A review of public documents reveals that no Unit Density designation is explicitly defined by official action and filed for the subject property.

2. THE CONFUSING PLAT MAPS MERELY REPEAT AN ERRONEOUS

ASSUMPTION. Since Unit Density was never explicitly defined for the current Tract F, the fallback has been to cite notations printed on the various plans (Plat Maps) as reporting Unit Density. Unfortunately, the notations on the Plat Maps are confusing, lack definition, or omitted from official filings. For example, the original Project Lot Layout includes a printed notation for "Area 'B' Future Development (176 Units)". However, Area "B" is not defined as to size, physical location or boundaries. Regardless of the size or configuration of the remaining undeveloped portion of the Hawley Replat, the developer puts the "1 76 Units" label on it.

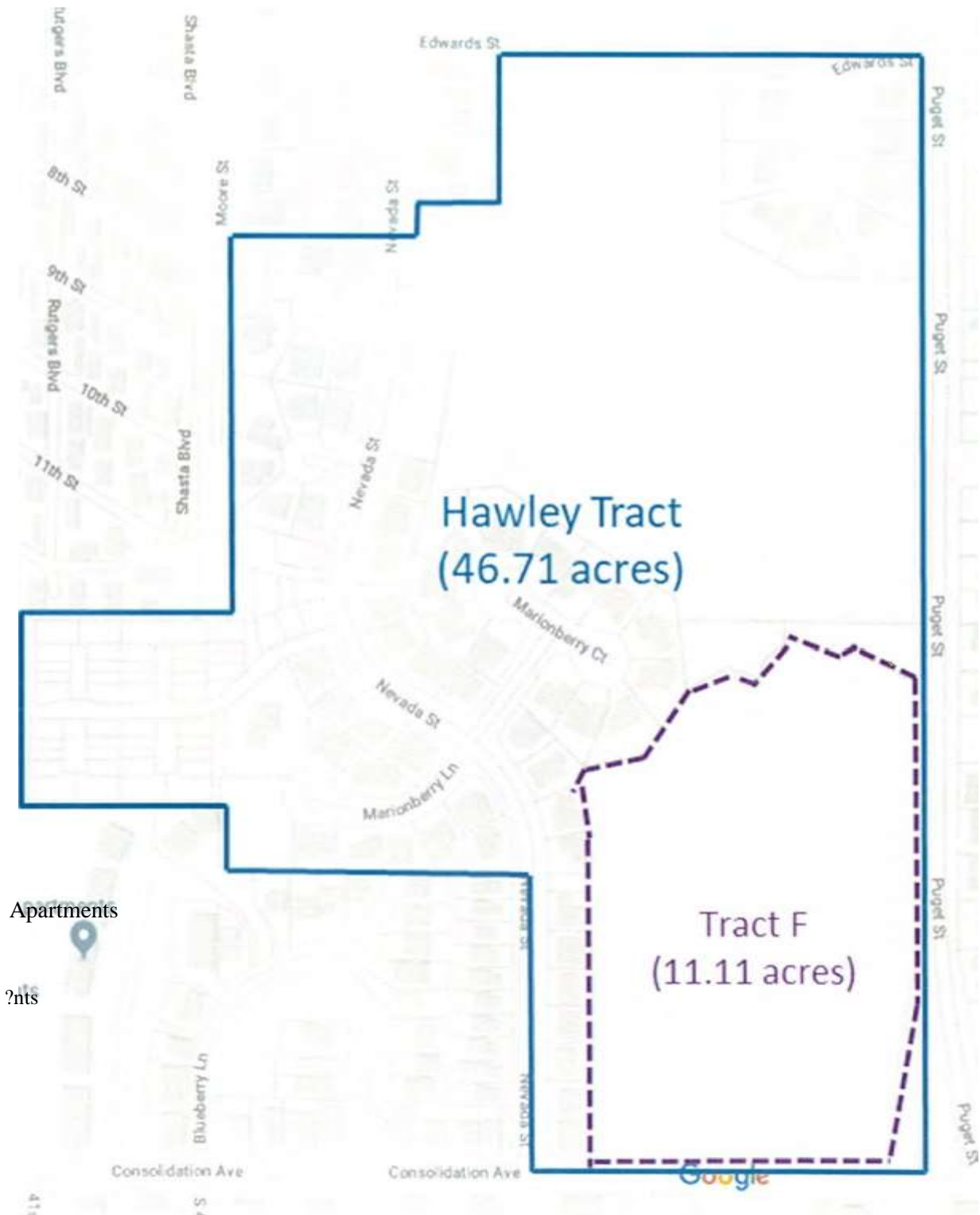
3. THE APPROPRIATE DENSITY CALCULATION ACCOUNTS FOR

CURRENT CONDITIONS. Since the original project plan was submitted, and resulting process, reviews and filings have occurred, additional issues have arisen. For example, the original proposal did not include multi-unit residential development in what is now Tract F. Other actions, such as the Wetlands/Open Space dedication, resulted in post hoc agreements that conflict with earlier

actions. These all have impacts on Puget Neighborhood and the appropriate density for any development on Tract F.

The City has yet to conduct the required public process to determine the appropriate Unit Density for Tract F, Until this is completed, any review of the CityView proposal is premature.

MAP 1 : BOUNDARIES - HAWLEY REPLAT AND TRACT F



Map 1 shows the original Hawley Replat boundaries (blue line) and the current Tract F boundaries (purple line).

1 . UNIT DENSITY - NEVER DEFINED FOR TRACT F.

The City's public records establish that the process required by the original Council Resolution for the Hawley Replat — Preliminary Plat (Exhibit C, page 8, Future Phases), never occurred for the subject area, Tract F.

Throughout the process, none of the City Council Agenda Bills included notice of a Unit Density designation for the portion of the Hawley Replat that would eventually be designated Tract F. All other portions of the Hawley Replat included an explicit Unit Density designation in the text of the Agenda Bills and resulting City Council Resolutions.

A. Planning Commission and Planning Department Report

The Agenda Bill (11302, April 25, 1994), Attachment A, presents the findings of the Planning Commission including Staff Analysis (Planning Department),

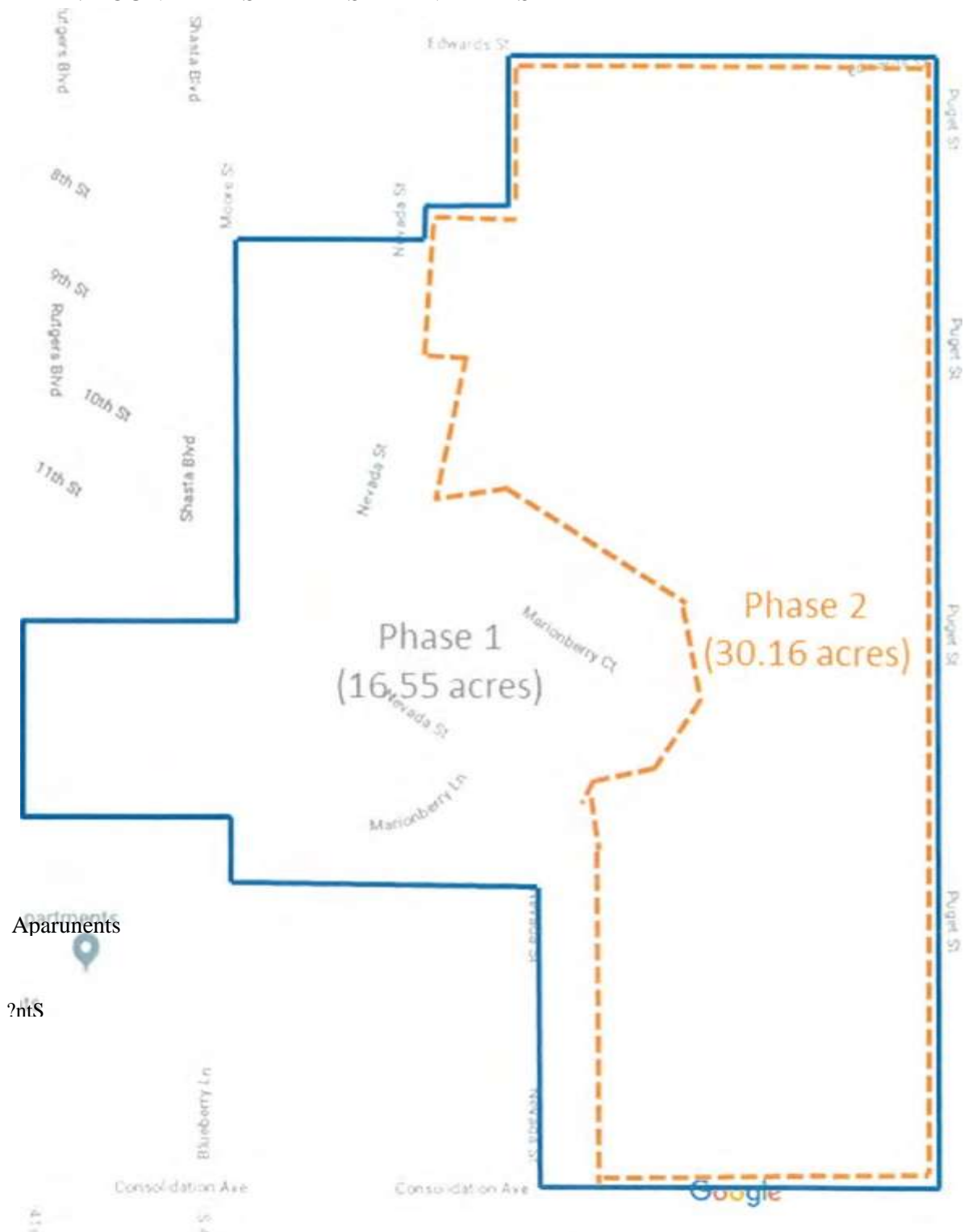
- 1) In the Findings of Fact (Exhibit A, page 4, Existing Site Conditions, Acreage), 123 units were defined as Phase 1, containing 16.55 acres, and Phase 2 (no unit density identified) on 30.16 acres, "located in the eastern region of the Hawley Property, contains the most severe slopes on the property and will require additional review prior to development." (emphasis added)
- 2) Under Applicable Comprehensive Plan Goals and Policies (Exhibit A, page 5, Vision for Bellingham Goals, paragraph 1) the report states, "Because infill is a major growth strategy, Bellingham devotes considerable energy in determining how to accommodate growth in existing neighborhoods in a manner that complements neighborhood character." (emphasis added)
- 3) Future Phases of Development (Exhibit A, page 7) states, "Because of the environmental constraints, development of future phases east of phase 1 will require additional staff and public review " (emphasis added). From the same report (Exhibit A, page 9), "However, due to environmental constraints, it will be extremely difficult to achieve maximum density on the property." (emphasis added)

The City recognized from the earliest stage that before Phase 2 is permitted for development, additional review would be required to assure the goals of the Comprehensive plan are realized. Careful determination of an appropriate Unity Density would be critical on a property that has significant environmental constraints.

Map 2 Shows the original Hawley Replat boundaries (blue line) and the

Phase 1 boundaries (western part of property) and
Phase 2 (orange line),

MAP 2: BOUNDARIES — PHASE 1 AND PHASE 2



1. UNIT DENSITY - NEVER DEFINED FOR TRACT F (continued)

B. City Council Agenda Bills and Resolutions

From 1994 through 2002, starting with the Preliminary Plat and ending with the Final Plat, the City Council reviewed and approved various developments within the Hawley Replat. The City Council never reviewed or approved a Unit Density for Tract E.

- 1) City Council Resolution (No. 19-94, April 25, 1994), states in the General Notes (Exhibit C, page 4) that the Hawley's Replat Plat Area included Phase 1 — 16.55 acres, consisting of 123 units; Phase 2 — 30.16 acres, with no Unit Density.
- 2) City Council Resolution (No. 2002-24, July 15, 2002), states it is, "A resolution granting Final Plat approval for the preliminary plat of Division 2, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract and a reserve tract [emphasis added] located in Area 17 of the Puget Neighborhood" (Exhibit E, page 1, paragraph 1). No Unit Density was included for Tract F,
- 3) City Council Resolution No. 2002-24, continues by reference the requirements of the Preliminary Plat Resolution 19-94, "attached hereto as Attachment 2, and made part hereof by reference as though set forth fully herein." (Exhibit E, page 7, Future Phases), that additional public review is required before development.

In 2013, the Hearing Examiner (Exhibit G, page 3, sentence 2) restates that, "The tract labeled Future Development is the subject property. The plat conditions provide that additional public review would be required prior to development of the reserve tract." (emphasis added)

2, PLAT MAPS - CONFUSION AND OMISSIONS

The various Plat Maps included with the Agenda Bills and Resolutions created the confusion over the allowed densities, incorporating notations that are inaccurate, lack definition, or omitted crucial information from filed documents.

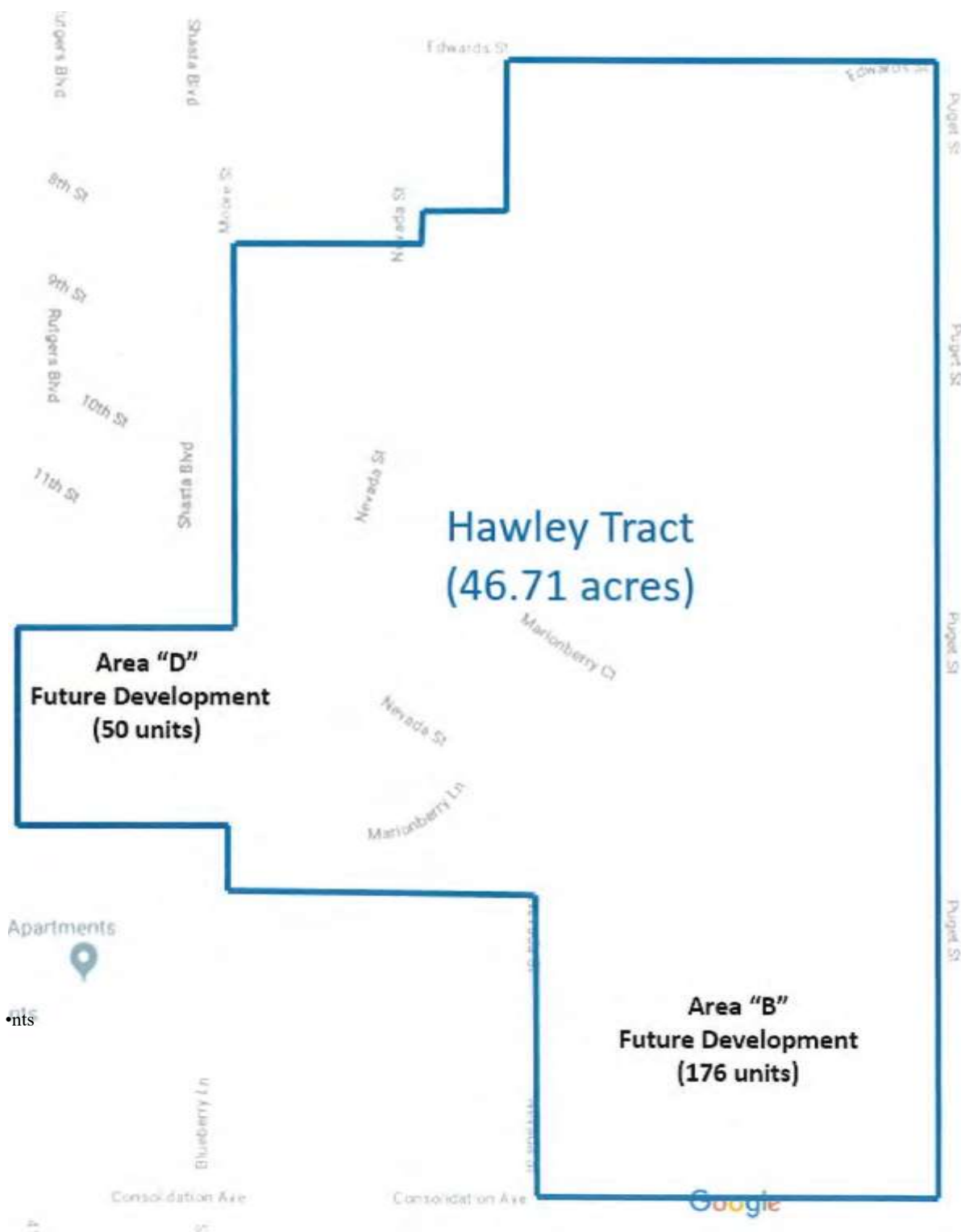
A. Original Project Plan

The original Proposed Lot Layout (dated 11/15/93) for the Hawley Tract (see Exhibit H) has numerous notations that are undefined as to size, physical location or boundary,

- 1) The initial Proposed Lot Layout (Exhibit H, pages 2 and 6) for the Hawley Tract (46.71 acres), included two notations; "Area "B" Future Development (176 Units)", and "Area "D" Future Development (50 Units)", for a total of 226 units. No definition is provided for Area "B" or Area "D" as to size, location or boundaries.
- 2) The Agenda Bill (11302, April 25, 1994), Findings of Fact (Exhibit A, page 4, Existing Site Conditions, Acreage), shows 123 units were defined as Phase 1, containing 16.55 acres, and Phase 2 (no unit density identified) on 30.16 acres, "located in the eastern region of the Hawley Property." The Proposed Lot Layout does not include a notation identifying Phase 1 or 2; no Plat Map attached to Agenda Bills or Resolutions includes these designations.
- 3) The printed notation for Area "B", in the lower right corner, on the Proposed Lot Layout (Exhibit H, page 6), is likely the source of the assumption that the Unit Density for Phase 2 and eventually the smaller Tract F, is 176 units.

Map 3 on the next page shows the original Hawley Replat boundaries (blue line), with the Area "D" and Area "B" notations from the Original Project Layout.

MAP 3: AREA "B" AND AREA "D" NOTATIONS FROM PROPOSED LOT LAYOUT



2, PLAT MAPS - CONFUSION AND OMISSIONS (continued) B. Unit Density Reconciliation — Original Project Plan with Preliminary Plat Approval (1994)

The Public Hearing on April 25, 1994 (Exhibit B, page 2, Public Hearing, paragraph 1, sentence 4) included a statement that 164 single family lots were planned.

- 1) The Original Project Plan (Attachment A, page 11) identified only 64 single family lots, leaving 100 lots (164 less 64 identified on the Plat Map) that were not identified as to location on the Hawley Plat.
- 2) This statement appears to preclude future development that is high density since the plan being presented was for single family lots with a minimum of 5,000 square feet.

The following (Table 1) reconciles the Original Project Plan with the Preliminary Plat Approval (1994). As shown on Table 1, the Original Project Plan (Plat Map) printed Unit Density notations for Area "B" and Area "D" (226 units), match the total Unit Density presented to the City Council by the Planning Department (226 units).

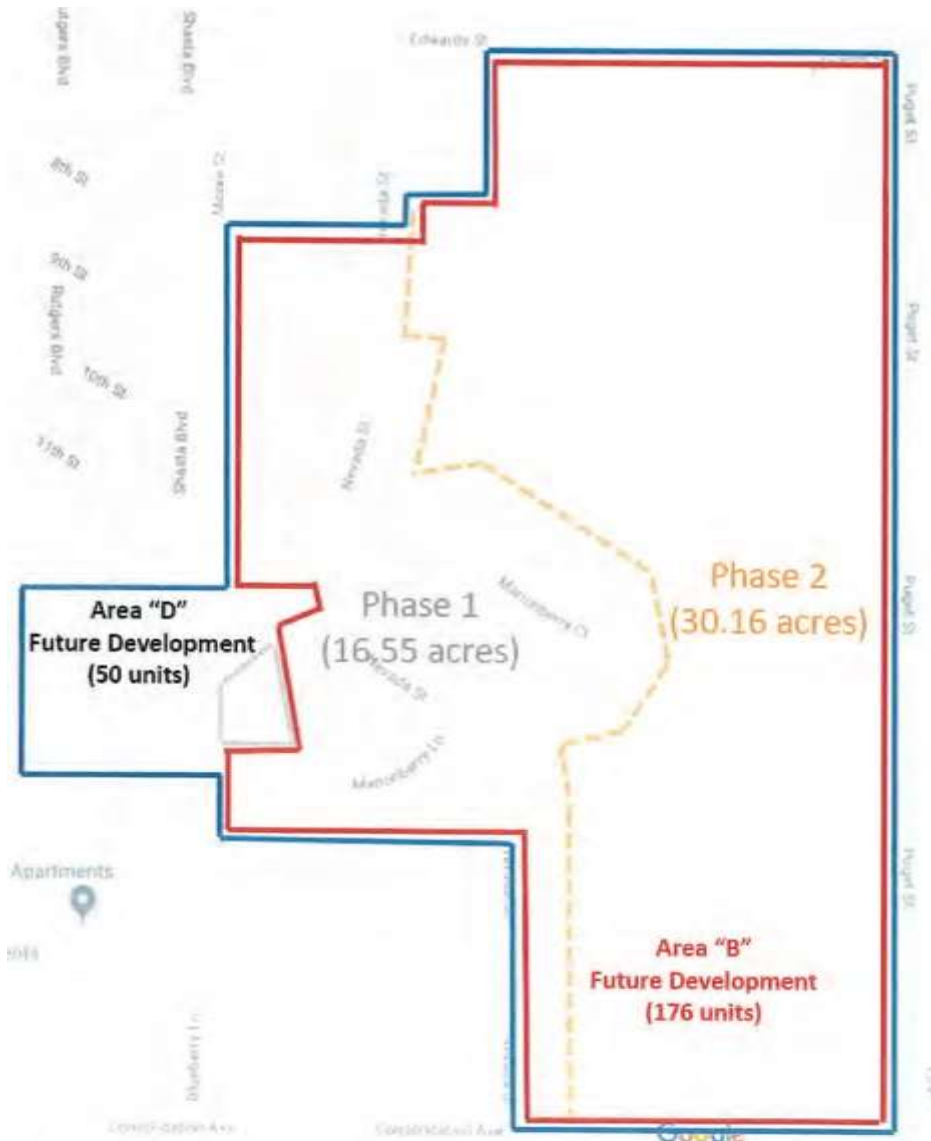
TABLE 1: ORIGINAL PROJECT PLAN UNIT DENSITY RECONCILIATION
WITH CITY COUNCIL RESOLUTION

Original Project Plan	units
Area "B" Unit Density (notation on Plat Map)	176
Area "D" Unit Density (notation on Plat Map)	50
Total Proposed unit Density	226
City Council Resolution No. 19-94, April 25, 1994 (Preliminary Plat Approval)	Units
City Council Meeting - Planning Department Presentation	
Total Single Family Lots Planned (City Council Minutes)	164
Less: Single Detached included in Phase 1 (see below)	(64)
Subtotal - Single Family Lots (not identified in Phase 1)	100
Agenda Bill 11302 - Phase 1	
Single Detached (units)	64
Duplex (2 units), Triplex (3 units), Fourplex (4 units)	9
Multiple (units)	50
Subtotal - Phase I Units	123
Agenda Bill 11302 — Dedications	
Lots 5, 6, 7 dedicated to Rain Garden	3
Subtotal - Dedications	
Total - Proposed Allocation of unit Density	226

Area "B" included more than just the eastern portion (Phase 2) of the Hawley Tract; it included all the Single Detached lots on each side of Nevada Street. Map 4 below shows how Area "B" was misunderstood.

2. PLAT MAPS - CONFUSION AND OMISSIONS; (continued)

- 1) As noted earlier, the Original Project Plan, shows a notation for Area "B" in the lower, right portion of the Plat Map. No information is provided for Area "B" as to size, location or boundaries. As similar is found located left, center for Area "D", also without information as to size, location or boundaries.
- 2) The eastern portion of the Hawley Replat identified as "Phase 2" by the Planning Department, was apparently misunderstood to represent the boundary of Area "B", located to the east of the orange line.
- 3) City Council Resolution 19-94, when reconciled with the Original Project Plan, shows Area "B" would include all Single Detached units shown by the red line.



3. DENSITY SHOULD ACCOUNT FOR CURRENT CONDITIONS.

Since the initial plan was submitted, and the resulting process, reviews and filings have occurred, additional issues have arisen. A. Single Family Lot Designation Issue

The Public Hearing on April 25, 1994 (Exhibit B, page 2, Public Hearing, paragraph 1, sentence 4) included a statement that 164 single family lots were planned

- 1) This statement appears to preclude future development that is highdensity since the plan was for single family lots with a minimum of 5,000 square feet.
- 2) The original Proposed Lot Layout (Exhibit H), did not include multiunit development in what is now Tract F, consistent with the statement in the Public Hearing.

- 3) The Plat Map included with the Resolution No. 2002-24 (Exhibit E, page 3, Attachment 1), has a printed notation, "Tract F — Multi Site," Which conflicts with the earlier statements that single family lots were planned.

B. Final Plat — Cedar Ridge Division 2 (formerly Hawley Replat)

The final Plat filing for Cedar Ridge Division 2 (revised title for the Hawley Replat) introduced additional confusion and issues.

- 1) The Plat Map included with the Resolution No. 2002-24 (Exhibit E, page 3, Attachment 1), consists of one map, and an entry in the lower right-hand corner for "Tract F — Future Multi Site". This was the first time the notation "Tract F" appears on any document for the Hawley Replat
- 2) No definition is included on the Plat Map (Attachment 1) for Tract F as to size, location or boundaries.
- 3) None of the City Council Agenda Bills or Resolution> ever included an explicit reference to Tract F.
- 4) Attachment 1 does not show a Unit Density. This is consistent with the text of the Resolution which states that, "Whereas, the City has received a request to finalize Division 2 of the Cedar Ridge, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot 1 fourplex lot, a 50-unit multifamily tract, and a reserve tract (site plan attached as Attachment 1).
- 5) The Hearing Examiner Report (see Exhibit G, page 3, item 7) states, "The Final Plat Resolution shows a site plan identifying the

subject property as Tract F, Future Multi Site, see Sheet 4 of 4. Sheet 4 is not attached to the Final Plat Resolution. " (emphasis added). Nothing in text of the ordinance or the plat map assigns a Unit Density to Tract F.

C. Discrepancies between Resolution 2002-24 and the Plat Filing

The Cedar Ridge Division 2 Plat was filed with the Whatcom County Auditor on July 23, 2002. This filing was done on behalf of Peoples Bank,

Irving H. Hawley Jr. and Joan Hawley, The attached Plat Map shows a Tract F, with a notation of 11.16 Acres, Future Units — 176 units (Exhibit F, page 5).

- 1) The Hearing Examiner Report (Exhibit G, page 3, item 7) states, "The Final Plat Resolution_ shows a site plan identifying the subject property as Tract F Future Multi Site, see Sheet 4 of 4. Sheet 4 is not attached to the Final Plat Resolution." However, the text of Resolution 2002-24 did not include an explicit Unit Density to Tract
- 2) The Filing of the Plat Map was a separate action performed by the property owners and their representatives after Council approval of Resolution 2002-24. Unlike other Resolutions previously identified, there is apparently no record of Resolution 2002-24 having been formerly filed with the Whatcom County Auditor that included a Unit Density designation for Tract F.

D. Wetlands Dedication — Unit Density Reduction Issue

The agreement recorded in the Conversation Easement (Exhibit D, page 1), states that allowable Unit Density is reduced by 100 units. This raises numerous issues:

- '1) The net results of the reduction in Unit Density is unknown; the remaining units are defined as to size, physical location or boundaries.
- 2) The reduction of Unit Density due to the Wetlands Dedication is never referenced in future Agenda Bills or Resolutions.
- 3) It appears that no reduction of Unit Density has been applied to any portion of the Hawley Replat, in spite that it is part of the Wetlands Dedication that was required to gain approval of the Preliminary Plat Plan.

CONCLUSION

For 25 years, what is now the Hawley Replat Tract F has been a conundrum for all involved, the property owner, developers and especially the neighborhood. The phantom Unit Density of 176 has resulted in numerous efforts to develop a property beyond what is feasible. This is truly an example of trying to fit a square-peg in a round-hole. No matter how much you try to make the peg fit (height, length, geology, environment, neighborhood compatibility), it just doesn't work,

The Hawley Replat was a multi-year process that in the case of Tract F, is still a major issue for the community. The question of Unit Density has been a problem with this property, due to the size of the proposed developments, which have been completely out of character with the Comprehensive Plan, Puget Neighborhood Plan and surrounding residences. The Puget Neighborhood working group respectfully suggests it is time to start over, using the City's own Infill Toolkit to bring all parties together, to move forward with development that fits and expands housing in the City of Bellingham.

Sincerely,

~~BURIPASTONMUMFORD & FURLONG,~~

 PLLC

Philip Buri

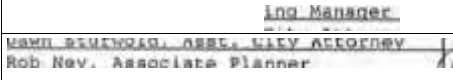
EXHIBIT LIST

- A. Bellingham City Council Agenda Bill No. 11302, April 25, 1994
- B. Bellingham City Council Meeting Minutes, April 25, 1994
- C. Bellingham City Council Resolution No. 19-94, April 25, 1994
- D. Conservation Easement and Deed, December, 1994
- E. Bellingham City Council Resolution No. 2002-24, July, 15, 2002
- F. Cedar Ridge - Division #2 Plat Filing No. 202703650, July 23, 2002
- G. Findings of Facts, Conclusions of Law and Order, City of Bellingham Hearing
Examiner, HE-13-PL-007, October 23, 2013
- H. Proposed Lot Layout, November 15, 1993

BELLINGHAM CITY COUNCIL AGENDA BILL

SUBJECT	FOR AGENDA OF	COUNCIL ASSIGNMENT	BILL NUMBER

Exhibit BCC Agenda Bill No. 11302, April 25, 1994

Consideration of preliminary plat approval of a 123 unit subdivision commonly known as the Hawley's Replat. The subject plat is located along the extension of Nevada Street, between Consolidation Street and Edwards Streets.				
				COUNCIL OFFICE
ATTACHMENTS	CLEARANCES:			
Planning Commission Findings of Fact Vicinity Map proposed plat Map Original plat Design Neighbors Letter				4/20/94
PUBLIC HEARING				
<p>Consideration of preliminary plat approval for the Hawley's Replat, located along the extension of Nevada Street north of Consolidation Street and south of Edwards Street. The Hawley's Replat consists of 64 single family lots, 1 duplex lot, 1 triplex lot, 1 four-plex and a 50 unit multi-family tract (123 total units).</p> <p>The planning Commission considered this application on March 17, 1994 and unanimously approved the proposal subject to a minor plat re-design and open space dedication.</p>				
<p>RECOMMENDED ACTION</p> <p>Recommend approval of the Hawley's Replat preliminary plat; subject to the Technical Review Committee and Planning Commission conditions/requirements. Direct staff to prepare a resolution for review in committee.</p>				
<p>COMMITTEE RECOMMENDATION</p>				
<p>CON 10</p>				

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<div>CITY OF BELLINGHAM</div> <div>PLANNING COMMISSION</div> <div>FINDINGS OF FACT AND CONCLUSIONS</div> <div>MARCH 17, 1994</div> <div>Re: HAWLEY'S REPLAT - PLANNED RESIDENTIAL SUBDIVISION</div> <div>A request for preliminary plat for a 123 unit planned residential subdivision consisting of 64 single family lots, one duplex lot, one triplex lot, one four-plex lot, and a 50 unit multi-family tract.</div> <div>The subject property is the old Hawley's Poultry Farm located along the extension of Nevada Street, between Consolidation and Edward Streets.</div> <div>Nevada Street extension, future development on up hill property.</div> <div>STAFF RECOMMENDATION Approve Phase 1 with conditions.</div> <div>PLANNING COMMISSION RECOMMENDATION Approval with conditions</div> <div><u>Background/Prior Hearings</u></div> <div>Historical use of the Property:</div> <div>Since 1920 this site has been used for rural farming activity. For many years the Hawley's Poultry Farm operated from the site, As early as 1920, the western half Of the site (relatively flat) was cleared for farming activity.</div> <div>Neighborhood Meeting:</div> <div>The applicant held a neighborhood meeting on December 20, 1993. Neighborhood concern Included the connection of Nevada Street between Consolidation and Edwards Streets and preservation of the forested hillside.</div> <div><u>Documents Considered</u></div> <div>Staff Report, Public Testimony</div>	<div>CITY OF BELLINGHAM</div> <div>PLANNING COMMISSION</div> <div>FINDINGS OF FACT AND CONCLUSIONS</div> <div>MARCH 17, 1994</div> <div>Re: HAWLEY'S REPLAT - PLANNED RESIDENTIAL SUBDIVISION</div> <div>A request for preliminary plat for a 123 unit planned residential subdivision consisting of 64 single family lots, one duplex lot, one triplex lot, one four-plex lot, and a 50 unit multi-family tract.</div> <div>The subject property is the old Hawley's Poultry Farm located along the extension of Nevada Street, between Consolidation and Edward Streets.</div> <div>Nevada Street extension, future development on up hill property.</div> <div>STAFF RECOMMENDATION Approve Phase 1 with conditions.</div> <div>PLANNING COMMISSION RECOMMENDATION Approval with conditions</div> <div><u>Background/Prior Hearings</u></div> <div>Historical use of the Property:</div> <div>Since 1920 this site has been used for rural farming activity. For many years the Hawley's Poultry Farm operated from the site, As early as 1920, the western half Of the site (relatively flat) was cleared for farming activity.</div> <div>Neighborhood Meeting:</div> <div>The applicant held a neighborhood meeting on December 20, 1993. Neighborhood concern Included the connection of Nevada Street between Consolidation and Edwards Streets and preservation of the forested hillside.</div> <div><u>Documents Considered</u></div> <div>Staff Report, Public Testimony</div>
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Public Hearing

TESTIMONY

Please see the attached draft minutes from the March 17, 1994 Public Hearing.

STAFF/TECHNICAL REVIEW COMMITTEE RECOMMENDATION

Approve the design of phase I subject to the conditions listed in Appendix A.

Based upon the application, record and public hearing held March 17, 1994, the Planning Commission makes the following:

FINDINGS OF FACT

Applicant/'initiator

Excell Development Ron Jepson and Associates (Keven DeVries,
Contact) Engineer

335 Telegraph Road
Bellingham, WA 98226

222 Grand Avenue, Suite C
Bellingham, WA 98225

Proposal

Excell Development owns 46,71 acres located north of Consolidation, south of Edwards Street, east of Moore Street, and west Of Pacific Street.

There are 123 units proposed in Phase 1 consisting of 64 single family lots, one duplex lot, one triplex lot, one four-plex lot, and a 50 unit multi-family tract, The project will extend Nevada Street between Consolidation and Edward Streets.

Future phases of development Will require additional review by staff, the Planning Commission, and Council.

Site Pescription

LEGAL DESCRIPTION See
attached

COMPREHENSIVE PLAN DESIGNATION
PUGET NEIGHBORHOOD Area 11

This is a largely undeveloped area which Includes wet areas, hillsides and areas
which are relatively flat. The area is an Ideal multiple housing area,

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General Use Type	"	Residential - Multi.
Use Qualifier	"	Planned.
Density	"	5,000 square feet per unit overall density,
Special Conditions	"	Clearing, view, no access to Lakeway via Nevada or Puget Streets from that area south of Edwards Street, water distribution system design.
Prerequisite		
Considerations	"	Whatcom Street to Nevada Street and Nevada Street from Whatcom to Lakeway should be improved prior to development north of Edwards Street.

venient to town, parks, and commercial areas. As this area develops, warrants

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for a traffic light at Lakeway and Nevada should be analyzed. Higher densities should be allowed on the level, dry areas, while the wet areas and steep areas should remain open. Water lines for development within this area must be carefully designed to provide adequate fire flow.

APPLICABLE COMPREHENSIVE PLAN GOALS AND POLICIES

- ResidentiQ' Multiple Planned designation should accommodate a variety of residential uses in a manner which will allow property to be developed as a coordinated unit according to an approved detailed plan in order to achieve flexibility to solve site specific problems, minimize impact on surrounding properties, and maximize utilization of the land.
- Steep hillside areas and stream corridors or low wet areas are recommended as a general theme for open space patterns in future development.

To preserve the visual integrity of the wooded hillsides which provide the backdrop for the City and many of the neighborhoods and to preserve the bluffs and slopes that reinforce the edge between water and City. Also to preserve the natural integrity of these areas by retaining vegetation, minimizing disruption of soils and slopes, maintaining drainage patterns, and encouraging wildlife habitats.

Provide a functional, convenient, safe and pleasant bicycling and pedestrian transportation network in the City,

(3)

Visions For Bellingham Goals:

- Because Infill is a major growth strategy, Bellingham devotes considerable energy in determining how to accommodate growth in existing neighborhoods in a manner that complements neighborhood character.
- Bellingham continues to retain its natural, green setting by protecting unique natural features and public open spaces, creating greenbelts and preserving wooded hillsides in and around the City. New development is encouraged to incorporate existing mature vegetation and additional trees and native vegetation.

SURROUNDING USES AND DESIGNATIONS

- North: Single family development and zoning (8,500 square feet minimum lot size),
- South: New single family development (Briarwood Subdivision a planned subdivision, Futurespec Development). Planned Residential zoning (5,000 square feet per unit)
- East: Future Hawley's Plat Phase 2. Forested hillside. Toledo Hill single family development and zoning.
- West: Lakeway Mobile Estates. The Moore Street right-of-way unimproved, identified in the Comprehensive Plan as a buffer between the mobile home park and the single family zone to the east. Maple Park apartments. Residential multiple zoning.

4. Existing Site Conditions

Acreage: Phase 1: 16,55 Acres
Entire property: 46,71 Acres

Number of Lots: Phase I 123 units: 63 Single Family

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Exhibit A

9

1 Duplex Lot
1 Triplex Lot
1 Four-plex Lot
50 unit MF Tract

Minimum Lot Size: 5,000 Square Feet
(Largest SF Lot - 8,689 Square Feet)

(4)

Page

Plat Density: 5,000 square feet per unit overall density required.

Phase 1 - 123 units on 16.55 acres = 7.4 units per acre.

Phase Single Family - 64 lots on 12.37 acres 5.1 units per acre.

Topography: The entire property has a natural slope from east to west up to 30%. Phase 1 is gently sloped and is located in the lowest and flattest portion of the site. Phase 2, located in the eastern region of the Hawley property, contains the most severe slopes on the property and will require additional review prior to development,

Hydrology:

The Hawley site is located in the Lincoln Creek watershed. This watershed is 803 acres in size and drains the northwestern portion of Samish Hill. All surface water runoff collects in Lincoln Creek and empties into Whatcom Creek at its terminus.

Infrastructure:

The local geology consists of bedrock, primarily sandstone, overlain by glacial material. The springs and hillside seeps found here produce numerous intermittent streams in the area. This is the source of water, in addition to direct precipitation, that feeds the wetlands on the Hawley farm.

Streets:

Nevada Street abutting proposed Lots 31-37 is 3/4 City standard with sidewalk, curb, gutter, and street lights on western side. Nevada Street south of Consolidation Avenue is improved to minimum City standards. Nevada Street north of the proposed development has approximately 16 feet of paved surface with open ditches.



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Water/Sewer/

Stormwater: Utilities are currently available from the south.
All new extensions shall be consistent with the Public Works infrastructure plan for the area.

6. Staff Analysis

Land Use:

Area I I of the Puget Neighborhood is owned for multi-family development at 5,000 square feet per unit (8.7 units per acre). The entire site (Phase 1 and 2) is comprised of 46.71 acres and current zoning would allow a maximum of 406 units. However, due to environmental constraints, it will be extremely difficult to achieve maximum density on this property.

Phase I consists of 123 units in a mix of single family and multi-family housing types. This meets the intent of the Residential Multiple Planned Land use Designation.

Nevada Street Dedication:

The Nevada Street right-of-way connecting Consolidation and Edwards Street was dedicated as a plat condition of the Briarwood Subdivision (see attached). However, this dedication was platted over a regulated wetland. The plat design under consideration will vacate the former right-of-way and dedicate a new Nevada Street right-of-way west of the original dedication. The new alignment will reduce the impacts to regulated wetlands. A City of Bellingham Wetland Permit and Army Corps of Engineer's permit must be issued for impacts/fill to regulated wetlands. (See attached Memo from Chris Spens, Senior Environmental Planner,)

Nevada Street Connection:

It has been the position of the City that the Nevada Street connection is an important circulation element in this area. This link will allow an alternative route to 1-5 without using Lakeway Drive.

For additional background, please see attached memo from Tom Rosenberg, City Engineer.

(6)

Plat Vacation:

Once approved and filed with the Whatcom County Auditor's office, this subdivision will vacate portions of the Cedar Addition to Whatcom Plat and streets/alleys located within the plat. (The Nevada Street right-of-way was dedicated by the property owners with the understanding that this plat would be vacated and the owner would not have to compensate the city for vacated rights-of-way.)

parks/Open Space:

The subdivision ordinance requires applicants to dedicate 100 square feet per lot within the plat boundary for parks and open space. In lieu of park dedication, a \$300.00 per lot payment into the Park Acquisition Fund is allowed.

If dedication of open space occurs within the Hawley Replat boundary, the preferred location would be within Phase 2 along the wooded hillside. Staff would support dedication for the entire property at this time. Said dedication should occur within the boundary of future Phase 2 and should incorporate the forested hillside areas and identified wetland areas.

if dedication of open space for the entire property is not feasible at this time, staff would prefer payment into the park acquisition fund in lieu of dedication for Phase I.

In addition, staff may propose an open space dedication upland as mitigation for wetland fill. Please see attached memo from Chris Spens.

Wetlands:

A wetland determination indicated there are 13.1 acres of wetlands on this site. Wetlands such as these that are located higher up in the drainage are very important for flood control downstream because they store water so effectively and then "meter" it out slowly. Wetlands of this size can be very valuable if a physical connection to other wetlands or open space is retained.

As more vegetation is removed from the watershed, particularly trees, drainage patterns are altered and there is a greater volume of runoff Which can overwhelm downstream capacity. Greater runoff volumes can also have a damaging effect on the wetlands if the water level fluctuation is dramatic.

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ause of environmental constraints, development of future phases east of

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Base

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Phase I will require additional staff and public review.

ADDITIONAL FINDINGS AND SPECIFIC SITE FACTS

- 1) The proposed layout of Lots 1-4 would require partial fill Of a forested wetland.
- 2) The extension of Nevada Street would allow multi-dimensional circulation in this area.
- 3) Open space/parks dedication is preferred over payment in lieu of land dedication.

Based upon the above findings, the Commission makes the following:

CONCLUSION

- 1) The plat should be modified to redesignate or eliminate proposed Lots 1-4.
- 2) Nevada Street should be connected between Edwards and Consolidation Streets.
- 3) Open space/parks dedication for all phases of development should occur in the area designated within the boundary of future Phase 2.
- 4) Additional open space should be dedicated as mitigation for wetland fill.

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From the above Conclusion, the Commission comes to the following:

RECOMMENDATION

The application is recommended for Approval subject to conditions outlined in the above "Conclusions" section and Technical Review Committee recommendation, Appendix A.

ADOPTED this 14 day of April, 19 .

Mary J. Chancey
Chairperson

ATTEST: P. Jameson
Recording Secretary

APPROVED AS TO FORM:

Office of the City Attorney

RECOMMENDATION

The application is recommended for Approval subject to conditions outlined in the above "Conclusions" section and Technical Review Committee recommendation; Appendix A.

ADOPTED this

ATTEST:

Recording Secretary

APPROVED AS TO FORM:

Office of the City Attorney

(9)

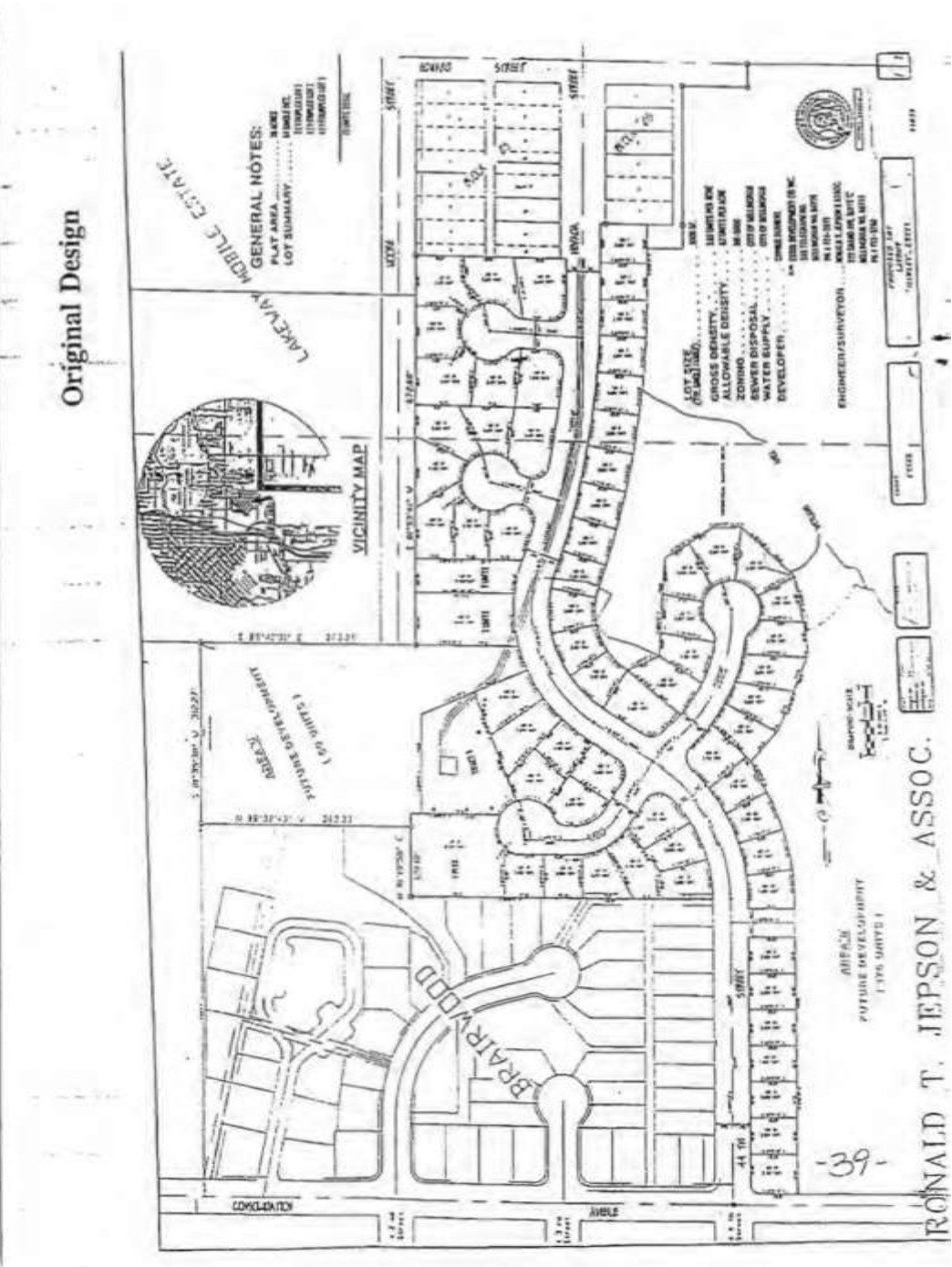



Exhibit A - BCC Agenda Bill No. 11302, This page intentionally left blank.

Exhibit A - BCC Agenda Bill No. 11302,

Council NLnutez Aptl 

RECORD OF PROCEEDING OF CITY COUNCIL CITY OF BELLINGHAM, WASHINGTON

BELLINGHAM SENIOR ACTIVITY CENTER

Monday, April 25, 1994, 07:00 PM

Book: 48, Page: 1

REGULAR MEETING

Called To Order

Roll Call

The meeting called to order by Council President Ame Hanna with a salute to the flag.

Present:

First Ward Councilmember Oon Giocher

Second Ward Councilmember Gene Knutson

Third Ward Councilmember Arne Hanna Fourth

Ward Councilmember Bob Hall

April 25, 1994

25, 1994 City WA
 Fifth Ward Councilmember Pat Rowe
 Sixth Ward Councilmember Bruce Ayero
 Councilmember At Large Louie Bjornson

Excused;

ANNOUNCEMENT(S)

LAIC WHATCOM MANAGEMENT COUNCIL SIB-COMMITTEE MEETING. FRIDAY, APRIL 29, 1994, AT NOON, IN
 THE POLICE TRAINING ROOM ON STREET (ENTER THROUGH THE PEDESTRIAN GATE THE PARKING LOT).

15 - MINUTE PUBLIC COMMENT PERIOD

1. City Kamp 2700 W. Connecticut, addressed the Henlitz project the S Quahcum Parkway area had presented a handout from

Planning Commission dated August 1991 regarding zoning of planned development for site. She has requested that this area be given consideration for the placement of a park.

With no further comment.

PRESENTATION the public comment period closed

AB113011, BUILDING INDUSTRY ASSOCIATION (ART CASTLE)

Mr. Castle, Director of the Building Industry Association conveyed that he had been to Kitap County in one week he had conducted Valene Sunth. YE. Sunth has been a year of experience working with a non-profit and a Denver before she had moved here couple of years ago. She has been the Activities and Event Director who largely for the "Home Show". Sunth spoke briefly and bid that forward to work with the community and leaning about before the Building Industry Association. Ayer expressed gratitude to Mr. Castle the organization into a leadership role the and his positive approach to the issue, and added that he would be named Councilmember Rowe praised Mr. Castle's energy level and stated that he would be

named Councilmember Hall gave fond farewell to Mr. Castle and for the inspiration he provided. Councilmember

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Council 25. 1994 City WA
 Minutes for APHI Ofelliag.bam.

Introduced in a final farewell to Mr. Castile • a a lot of applause all.

PRESENTATION(S)

PLI 10 H FARINGE)

ABI 130: 1. CONSIDERATION OF PRELIMINARY PLAT APPROVAL OF ~~11-UNIT~~ SUBDIVISION, COMMONLY KNOWN AS THE ~~HAWLEY'S~~ REPLAT, LOCATED ALONG EXTENSION OF SEVADA STREET, BETWEEN CONSOLIDATION AND EDWARDS STREET.

Rob Nye. Plan. ruag Departu. lent. made the The plat Of a planned located along Nevada Street between Edward' and Consolidation The development of approximately 17 acre planned With approximately 15 acres. dedicated for park and open space. There are 164 family lot: planned. all of the 5,000 square foot density In addition, one duplex one duplex. one duplex, and a SC-unit multiple tract are planned which will require planned residential renewal by staff once they are presented for approval The project includes. full -unit. unproved of Nevada Street within due property (2S-Eot • atazd. • street with gutter-a. • met with, and • meet on both ad"). and real: present of the extension Nevada Street right-of-way ("lightly wet of the current designation, which put of the Bnaawood Subdivision}). The engineer's order to outgate impact to wetland, that are in the u.a. addition 0L vacation of the Cedar addition proposed, which located the moat put of the property. The

Plan: uns approval of • cation to pursuing an open space dedication in the II area, and relocating a her 0? lot-a on the east side of Nevada Street. One of the Being the extension of Nevada Street between Court. old and Edwards. Saeet% the do not want to see it through • meet and thought it would remain dead-end Another issue the and wetland Of

the engineering consultant for the applicant, Excell Development, stated that project been before the for approval for 2 year. Of concern is consideration, at the 1-5' Saw, h uea. The 3rd development had obtained approval for the development the condition they a right-of-way to the development to the north with Nevada at it was planned at that time- Hawley. then-owner, dedicated a 60-foot strip to the alignment which was approved by the Public Works' Department, connecting the extension-platted with consented under terms. The impact or & zed we then adopted which opened the opportunity for development that created impact-a to be a zone an impact fee for each lot being developed at the time of building permit A detailed wetland analysis was performed and the alignment that was previously dedicated for Nevada went through wetland% than zone. They asked the City to the alignment which a future condition of plat. There were 1 acre of wetland identified the project and during With Planning Staff. it was determined that the upland between the wetland area identified and Puget Street, could be pre-erased & Hawley agreed that he would add wooded area from Puget Street to the wetland already designated. • n. ing a total of 15 acres dedicated for Open space, The proposed alignment of Nevada Street, correct. the 44th Street Bnaawood, E which encompasses the wetland area. Hawley a larger parcel corrected to development. The neighborhood meeting. held to date revealed an issue relating to Nevada Street correct LOZ and may be a misunderstanding in the Nevada Street desired by the City to connect Lakeway Drive for Nevada decided by Work' at the time of the approval. The damage be handled with the wetland and

The hearing was opened.

1. property and partner in the development of the project, stated that the family has waited for many years until an acceptable plan came forward that they could be involved in and be proud of. He stated that through a plan he agreed for Council approval of development.

Council member asked for the dollar of the fee imposed for each lot Clark Williams, Public that each would be \$270 the Sazuh-5

2. President Spec that he developing 50 on 44th Street that they have developed 10 Bnaawood Subdivision E10u. He suggested that Nevada and the project it is because of Bnaawood If the only going to 10-12 unit on the east side of Nevada Street. The impact on the neighborhood: would be to the

3. Bonnie Johnson, 1020 Puget, expressed concern of children traveling to school and using the crosswalks. Concern over the pupposed baffc at Puget and Lakeway and potential problems with the due to Luited 'Ig.htizg wheae Edward—. meet-. It appear to be

CO-tLzcil Mizute APHI f Bellingham, W. NT000012D2.html[8/14/2015 11:09:53 AM]
an accident potential and a for the children. hazard for the The loeal acce% only In Pac:fic View not helping and the al*rage speed E 40 mph that area With tome speedz cloze to 50 uph when they reach Edward-. and Puget.

Clark Willnur, W01i-., repoded that there iz a one block length (about 2 auth of Lakeway Drive) that eomecE Nevada Steet with Puget Sa•cet. but thir. length iz not a pubhe %teet. Lt a pm-ate acce% road. If thit became a cut-through route for City would untigate the tramc thit 13 not a City "treet.

4. udet%tood that Nevada would be a through %treet, but with •.pae and the wildlife conidor
Bnanwood leadent% ve coucemed With the cleanng from development'. (•.ueh at, Manner They believe tluz to be "bad planning and development" and a-uk that City enforce die regulation: to the letter of the law with axonztongg of the development. He doe fate a concern for the record. that re-olident% of Nevada Street and Bnaxwood were told at nerghborhood meeting: that the connecton â•ozn Lakeway through Nevada to 44th will not connect With the Jamish 7-5ovetpl% at Elwood

5. •Rated that when Zhe wait to the Planning Depaau•ent Zhe war. not a platted map, but wu a large map and wa. told It would be hr the to proceed. She not oppozed to develepeat, but ploputy With that It would quet that Zhe could enjoy the Midlife. There are other to the du-ough %fiet of Nevada :ueh a: rounng half of the Hawley development name auth on Nevada to Consolidaton and âe other half duough Lakeway.

6. tidied to the Planning Dept. before bought her propetty at Nevada and told that at thattune theae were zo plau•, to make Nevada a th»ough %treet. She plezeztz a pennon of 23 agraturez of Nevada Street rendent% who are oppozed to Nevada beouung through 'fiet. She expw.•ed that the development and trafficacce% router. to not a proponl, but a done deal.

7. Barry Windling, 1061 Nevada, spoke in opposition to the com performed. The many different zoning uses surrounding the area to the cou:ecriOn of Nevada Sheet and "ked haf futuuzspeed be
Will Cltze peattraffic i

A ducuzioa n that area. Councilmember Knutson a: then ensued bervven Corneth.neu±erz and •ataffregarding traffic patternz and acce% route oftEe cu•rent and future developueat-.
Works responded that the decision was Knut%on Uked when the decana war. made to make Nevada a through %treet Jack Garner, Public made when the Bnam•ood development wat approvea approx.mately late1988.

S. Nancy Woooley, 82) Nevada expre%e concern over the tramc patteruz and 'tated that people to be ZE-zagguxg all over to get to Lakeway.

Chri% Spe%, referated ffat there would be no connectonz die YetvYSamEb eonzector and urged Council to counder the pozable upectz ofload acce% that axe acce% Åble and 0>0, it b•amc prezure and Offer. mole ophouz to rendenE. This naturally the tramc beaeuze more Opnone— are available to A through road altematzvez of destuxahoa and for Ere and police acce% It mote ophozw In to wetlaze. ffe project stated out 13.2 a•ctez ofwetland% They will need to fill alightly les than acre. and dre Cifr zquare foot acreage e:tEer in the of ab%01ute wetland.z or newly gamed upland', up:lope of laage shape of tEe deagzed to uuzzmzze clearmg ou the property to hak up Wet meadow, temb and foæted wetlancE vnth tEeir zecezZy countapait, foretted uplaadz. The puce] 46 azd the puk dedication zpprox.mately 1/3 of die propeztz plu.% nghtz ofway to be dedicated, so the public benefit of project great. The detelopmet i: ptopo:ed oz a dowu-%lde of thewetland. wh:eh good beacate the ettubanee: twtd drain away fiozn the wetland. The wetlaud configutiou 'Oltd with a get meage ofwhat cuite plus tEe SO-foot buffer which averaged to a pe.7tu, harmoniouzyztem.

Cotumlnznezuber Knutson enpbaaz-ed that the situaou iz not go:ng to so away and that he puton711y %01d to get away taffie which now edged to home. There are that zeed to be on all ud that a czo•-vnde problem.

Council 25. 1994 City WA
 9. Cuidv S04 Salmon Benz If all be taken diat adJust appropnately. She that If Zhe haz to thu eVe1yone eke
 %ould

10. clanf:ed d2it the Plu dunng the Bnmvocr approval u:ucated âat the area zouth of Nevada
 exit t,outh. That becatue the Bvaon Coazolidaaou Parkway war. under consideranoa_ vnth the freeway
 (near Denzy%) Couzolidanoz tEe thoroughfare nnt area would exit to the major ff010ug.hâ1E
 It that had moved 'outh z01V San Juan Boulevard äUænent so Nevada Saet the
 acquied 'treet to go through. Hawleyt dedicated that to the

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Agil of Bellingham.

looked at the drawing showing the alignment as it was one of the exhibits for B street.

11. Lloyd Austin, 1838 Lakeside, has adjoining property to the development for wetlands; talk to him about it as he remembers he used to row his boat where L does not see any bad results in Bellingham because of it.

Bnuwood Subd21%i0n to occur. The owners stannng that they cud not know of Nevada bang made through '*beet. cotdd have aramng Zhowtng the az It was one of the Bnaxwood which •ahowed Nevada to be a through

tale and that for any question: about La&eway E%tate r. DOW. It been fled n, and be

With Ruther Comments forthcouung, the Public Heanng was closed.

AYERS MOVED HALL SECO>DED approval of the prelunzn.aay plat zubject to the Teehnz,eal Review Comuuttee and Pla.uung

Coauu%vau condihonz and tequrenent%. Staff dzected to prepaxe a resoluon for review u: committee. MOTION CARRIED 7.

ABIU03 2. (TILITV SERVICE *219

CB 11956 ORDNANCE RELATING TO UTILITY SERVICE EXTENSION, pvxsvæcr TO
 JUNCIPAL CODE CHAPTER 15.36 PROVIDNG FOR Ti-IE UNEXATION OF AREA
 LOCATED EAST OF DEEIER ROAD ANDsourH OF E. BAKER%IEW ROAD. TO THE CITYS
 SEVER SERVICE ZONE AS EXTENSIONNO. 219, PVFSVA>.-r TO
 TENIS CONDITIONS MOE PARTICVLA31Y DESCRIBED HEREN

Geoff Smythe, Public WINE, made the "taffptezutanou. There are 29.4 ul die application mth 7 piece: ofland desuug to come Into City •4%tezn. The development i: actæent to city limit'. and conghuouz to other ueu with unllty %emnce zone: aid iz witiun the tubu xviee bounday. Thea* no popo%d development for the land involved, only exza.ng %tuctuez and Qty unpozod zeveal stipulanonz which uxeluded the Language The readent applicant: have indicated concenz 'ooze ofthe capulation%.

The public *lied.

I. E. an applicmt. %tated that be does not want to be responsible for future LID's to unprove the 'beets due to umea:ed hafEc and the con would be too great for the sewer service zone applicant. to be caused by the retal development. The City haz acghboas compensate for the lack of road investment on the part of the County, planned to upgade the Deemer and Bakemew retail development. When he discussed this with the Planning Commission, Roae beu. He doe not thu,k Lt i' fau for the City neighbors: a break. to maie die or for an unnece trafficatuari0L catzed by the d:æ,' cud not respond and he

my Clark, 945 E. Bakerview, the owner of Bakerview Nursery, also st appeaE to Council to give the couzabment to improve the streets.

2. T stated oppoz:honto the Er future LID

fir 25, 1994 City WA
 A euued bertveu the applicant; and regarding the offfe ordinance and imp•heat10L Of
 LID Jack Garner. Public Work-a. that the applied beaute the property City not under City conhöl
 for zubbdivuicu buildäng rezozung, etc. The %tipulanouz are applied ifthe puope•ty were in the City to provide zome City
 conâöl over lud u:e- penult, aanzpottatloa impact drainage controE, etc. If a plat Or wele *Led for the
 City, ffe adjacent mutt be lithe land panel:
 zubdivided diete %tpulanoaz unae the It L: di/Ecult to unpoze LID to aea out-ade the Cry liuutz. so they use "P—ma.f. Tthe
 axe approved the it would the to decide ffe ethod and degree ofaze%uent and paniczpation

3. Hank Weeb, 629 E Bakerview, has owned his 5 acre property since 1983 and supports the utility service zone. He stated that
 when future property development occurs, it would be right to pay the proper fees and costs, but he would want clear instructions
 the time. He asks that Council act on this service zone extension.

4. Lloyd Austin, 1838 Lakeland, reiterates his theory of assessing LID's city-wide rather than to individual neighborhoods as the city
 as a whole uses all streets. He does not feel that this idea should extend to neighborhoods clear to the Canadian border, however. He
 also asks how much capacity our current sewer is set up for.

Jack Garner responded that the City has a 20 year growth cycle for sewer and 50 year cycle for water.

With no further comments forthcoming, the public hearing was closed.

at

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Council for City WA
NLautes Apr 25, 1994 of Bellu: gLaL

IOWTSON MOVED GSCJER SECONDED the approval of the office zone extension MOTION CANNED. 7-0.

A five-minute taken at the point the meeting.

REPORTS OF COMMITTEES

REPORTS OF COMMITTEES:

FINANCE AND PERSONNEL

MEMBERS: DON GISCHER, CHAIR; BOB RALL; PAT ROVE, E

Monday Apr 25, 1994; 1:00 PM - 1:20 PM. Library Lecture Room, 210 Central

.0113041. BID *32-94: LOADER, BACKHOE

On April 7, 1994, we opened to purchase two new loader, backhoe for the Sewer and Water Department... were evaluated and Camuartee leeoanzenaz the Low bid Wettem Power & Equipment Co. of Everett.

This bid was approved & put on the consent agenda.

AB1130S 2. Bid *33-94: FIRE STATION REMODEL

This project is funded from the Real Estate Excise Tax (REET) fund. Five bids were received evaluated Committee recommend; awarded to Ebenal Inc.

This bid approved part of the consent agenda.

ABI 3. Bid *34-94: ENGINEERING OFFICE PA-NELS

Bids were opened on April 14, 1994 for wood office panels for the Public Works Engineering Division office. The recommended awarding the bid to Regal Office Supply of Lynden, Washington.

Bids were
Opened

This bid was approved as part of the consent agenda.

Committee the bid to Regal

This bid was approved part of the

ABI RECREATION PROGRAM FUNDING APPROPRIATIONS FOR SPECIAL POPULATION PROGRAM --D ARCO
JESSE OMENS GAMES

CB 11957 ORDINANCE ELATING TO THE 1994 BUDGET APPROPRIATING ADDITIONAL
FUNDS TO GENERAL FUND FOR THE PURCHASE OF PROPERTY FOR A STATE CO-OPERATIVE GUNT FOR THE
DEVELOPMENTAL DISABILITY PROGRAM AND \$10,000 FOR THE ARCO JESSE GAMES, FROM
UNANTICIPATED REVENUE.

This ordinance is a "pass-through" ordinance with Arco providing \$10,000 for the Jesse Owens Games and a State grant providing \$5,000 for program for developmental disabled program.

GISCER MOVED BOEJERSON SECONDED that Guzzil Bill 1957 be read a first time MOTION CANNED Upon motion,
said bill read twice. MOTION CANNED 7-0.

PI OPUXI

MEMBERS: PAT ROVE, CHAIR; LOLISE BOJFSSON; BRICE AYERS; DON GISCHER
Apr 25, 1994; 1:45 210 central

Council for WA
 ABI 1. CONSIDERATION OF FINAL PLAT APPROVAL FOR Dmsross 1 : OF THE MT. BAKER
 FOEST st-BDIITSIOS

ES #16-94 A FESOLVTION PLAT EPROVAL TO MT BAKER FOREST RESIDENTIAL DIWSION 1
 (WYCLIFFE PARK) AND D,n.7SZON 2 (TZ'GLEWOOD\ PAFX_ DI%TSION 1, coNTams 51 SINGLE
 FAMILY CLUSTER LOTS. TANGLEWOOD. 2. CONTANS 23 SINGLE FAMILY CLUSTER LOTS MT BAKER
 FOREST 3ESIDEN11AL IS GEER-ALLY LOCATED NORTE OF SOT-LEVAFD AND 'EST OF TVÆED

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Mizutes Apal 25.1994 of Belh.ugLaaL

Twnrry BRENT WOOD SUBDIVISIONS.

Councilmember Rowe reported that thr- final plat approval was requested by the apphcmt pnor to eouvletion -Abject to bonding
 Couunittee recommended 3-1 to approve the subdr.%10m The bondmg of 150%. Councilmember Gucher e.re%ed concemz
 over gaiting final approval pnor to completion due to the to the CIO'. Other councilmember. arenttoted eoneem over die appJoval
 pnor to zuggeztod to add thi% a topLC for at the Couuuuttee of the Whole.

offfinalplat approval MOTION CAEXED. 5-2 (Gucher, HaUoppozed).

ALL COVSCIL MEMBERS; ARNE

Monday, Apr 25, 1994; 1:45 PM 4:30 PM,

210 Central

AB11309 1. PRESENTATION: VRBAN RESOENTLAL VACÆST LAND StTPLV

Councilmember Hanna repotted diat a preza*taoon WE Aven at the comuuttee ineehng by Roger Aluzkau*, Bill Henzhaw.
 Dayl McClelland Joe Burton, and Bill Geyer who dr.euzed the land zupply. ufonnanonol only, no acnon requrea The 'taff
 will be fortheouung a pw.entahon on land management.

AM1310 2. CONSIDERATION OF PARIUNG PI-AS AND DISTRICT FOR FAIRHAVEN

Councilmember Hanna lepcated that couneil made recommendatiotz regarding the plan and that %taffvhl be bnngmg a
 rezoludon forthat the next meeting for approval the parking plan in Fairhaven. Councilmember Ayers reported that they
 to approve the recommendations of the Plannx.ug C'oaumziou

AM 1311 3. COSSIDERATION OF PROPOSALS PREIIOCSLY PRESENTED AT PibLIC HEARINGS 5 HELD MARCH
 28TH APRIL ISTH ON POSSIBLE SIT-PLUS ACTION AND DISPOSITION OF A .WMBER OF CITY-OWNED
 PROPERTIES I.WOLITD A COMPLEX RESPONSE TO THE REQUEST FOR PROPOSALS FOR
 REDENELOPMENT OF THE WASI-ENCTON GROCERY BLILDISC

Councilmember Hazza repotted ffat New Improveuent Company removed the 40 We Padden parcel theupropozal In
 Cotuxd talkeâ Cathohc Cbantuuty Sen'ice and Critleal Veatu•ez regarding theu propuaE.

Councdmuber Ayer, roolted that the coauuuttee action wac to the propotaE to die Estate Appraizal CoumEttee for (retum on urce-
 financial considerations: (return on %bnent) and nutable downtown Ize and to pto%lde reouu»edationz back to Council within
 2 weeks.

BJORNSON MOVED KNUTSON

SECONDED the ream-al of he 40-acre Lake Padden parcel from the New Whatecou
 lavroveuent Company proponi- MOTION CARRIED. 7-0.

Councilmember Haæa recoæzed die following citizen to speak:

'636

questioned why

refened to %taffdoez not ahvayz

Council for WA
 Eave dae complete baciyound and mfomnriou Ee tugge%tz äat if 'taff it to auke recounendatlow, that they be aeee% to involved
 the propo-uaL%. Funhex, the City speeafically prohLbit•u the Of Lake Paddem parcel, yet the Idea ~~was~~eutexta:ned by ztaff a
 pmt of the New propocal,

C'Q , adăzez the i%ue regadms the propo:al procez and "tad that he did ccue up with the exchange Idea that the chaffer %hpulatez EO%v propruicee, to u;pozod aud TEQI• a zpeual prow-ion for dupo:ition to tike coz:deranoz deaE uuque or can't be preented for zealed Iz âct, you can not put out RFP u exeh.use ploc-e% pœc•pexty E otmed by someone

Bnre DEend clanfi   that cit-y• not eztexed anto uy zegoflationz With any patnez who have made proponlz but there have been mth all the proponents to get clanficatioa die term". and eozd2t01E of theu propozaE. Councilmember Aye-z that poult alto ud Itated that they have been working the developalezt ofeach ofthe propo:alz for preparation to

moae ala congratulated %tated that he waz for opuon aou the City zegardng an Interpretatloa Of the chafe. He up v.ith az offer that meluded an act'. center. HE nam concernwaz for the Paddea

SLzutes April 25, 1994 Ciry purel an that he did not feel it war, the bet ulterezst ofthe
Civ to drzp0%e ofd2t paoputy.

CONSENT AGENDA

All unteat- IEted underCONS2•ZT AGENDA eol%idezed to be routine to the City Council ud be enacted by inohotl There wall be ao zepuate dxzcu%lon of the e •tau. If ~~discussio~~ deduced, that Item be removed from the Content Agenda md eonacted teperately.

011304 1. BID *32-94: LOADERBACIOIOE
AB1130\$:. BID *33-94: FIRE STATION REMODEL
AB11306 BID *34-94: ENGINEERING OFFICE PANELS

GISC}ER MO'ÆDBJONSO>' SECONDED the approval of all ~~present~~ LI%ted on the agenda. MOTION CARRIED 7.0.

MAYQR'S REPORT

CONSFNT AGENDA

FINAL CONSIDERATION OF ORDINANCES

OTHER BIFINFSS

Thea being zo fiuther
COUNCIL PRESIDENT

AIL.ESI: Deputy City Clerk

APPROVED:

responsibility or liability for the contents of this document is the sole responsibility of the author(s).

This is a digital copy of an original document located at C.O The City of
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ouncil for WA
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EXHIBIT D

RESOLUTION NO.

19-94

RESOLUTION ~~ACCEPTING~~ PRELIMINARY PLAT OF HAYLEY'S REPINE

WHEREAS, pursuant to Chapter 18 . 16 of the Bellingham City Code, Cypress Partners (Excell Development and Irv Hawley) , proponents for the proposed subdivision, comprising 46.71 gross acres, ' located along the extension Of Nevada Street, between Edwards Street and Consolidation Avenue, within the City of Bellingham, have made application for approval of a preliminary plat containing 123 units including 64 single family lots, 1 duplex lot, 1 triplex lot, 1 A-plex lot, and a 50 unit multi-family tract, and

WHEREAS, pursuant: to section 1B.16.040 of the Bellingham City Code, the applicant met with the City's Technical Review Committee, and thereafter said committee formulated certain conditions for consideration by the Planning Commission and City Council; and

WHEREAS , the developer met with the neighborhood to discuss the proposal; and

WHEREAS, the Bellingham Planning and Development Commission held a public hearing concerning the matter on March 7., 1994; and

WHEREAS, the Bellingham Planning and Development Commission recommended approval of the application subject to the conditions set forth in the Technical Review Committee recommendation, relocation of four lots, and dedication Of open space; and

WHEREAS , said Preliminary . Plat: has been duly examined as a cluster subdivision and planned residential site plan i and

WHEREAS , an environmental checklist has been prepared and considered by the Responsible Official and a Determination of Nonsignificance has been issued; and

April 25, 1994

WHEREAS, the
hearing on April
Plat, NOW THEREFO

docs\rgn\hawley's

WHEREAS, the Bellingham City Council
held a public hearing on April 25, 1994,
concerning the above Preliminary
Plat, NOW THEREFORE,

of Bel 1 Inghau
210 Lottie Street

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98225

Bellingham,
Yash\$pgi:o:

Telephone (206)

Exhibit C- BCC Resolution No. 19-94,

April 25, 1994

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BELLINGHAM:

That the Preliminary Plat has been presented for acceptance, approval, and filing, as shown in Exhibit "A", and is hereby accepted, approved, and ordered filed, subject to the restrictions listed on Exhibit "B" attached hereto and made a part hereof by reference as though set forth fully herein. The property, in the city limits of the City of Bellingham, included in this plat is described in Exhibit "C".

PASSED by the council this 10th day of May, 1994.

Gene Hawley
Council President

APPROVED by me this 24th day of May, 1994.

Jim Douglas
Mayor

ATTEST: *Lynn Carpenter*
Finance Director

APPROVED AS TO FORM:

h. am. stewart
Office of the City Attorney

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City of Bellingham
CITY ATTORNEY
210 Lottie St. 290
Bellingham, WA 98225
Telephone (206) 676-6903

April 25, 1994

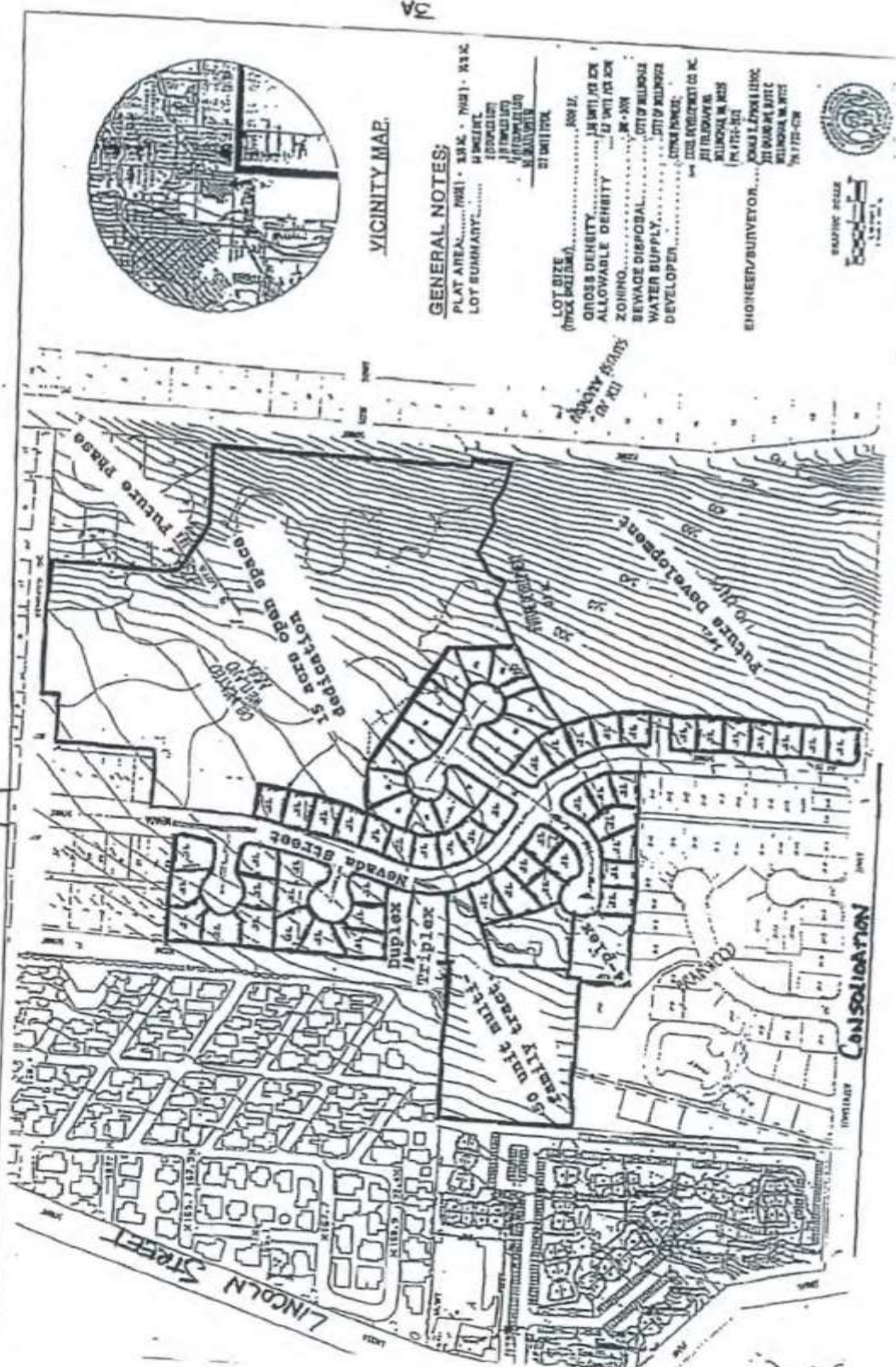
Exhibit C

Exhibit C- BCC Resolution No. 19-94,

Page 14

April 25, 1994

EXHIBIT A
HAWLEY'S REPLAT PRELIMINARY PLAT
Lakeway Drive



VICINITY MAP

GENERAL NOTES:

PLAT AREA..... 7.81 AC. - 7.81 AC. - 7.81 AC.
LOT SUMMARY.....

LOT SIZE
(TICK MARKS)
GROSS DENSITY..... 12.5 UNITS/AC
ALLOWABLE DENSITY..... 12.5 UNITS/AC
ZONING..... R-1
SEWAGE DISPOSAL..... CITY OF MILWAUKEE
WATER SUPPLY..... CITY OF MILWAUKEE
DEVELOPER.....

ENGINEER/SURVEYOR.....
JAMES L. JENSEN, INC.
MILWAUKEE, WI 53211
PHONE 775-1234



SEALING OFFICE
JENSEN & SONS
1234 N. 1ST ST.
MILWAUKEE, WI 53211

GENERAL NOTES:

PLAT AREA: PHASE! - - PHASE 2- 30.16K LOT SUMMARY: 64 SINGLE DET.

2

(1
DUPL
X LOT)

3

(1
LOT)

'4 (1 FOURPLEX LOT)
50 (MULTI. UNITS)
123 UNITS TOTAL

LOT SIZE

(TYPICAL SINGLE FAMILY). 5000 S.F.

GROSS DENSITY. 3.65 UNITS .PER ACRE

ALLOWABLE DENSITY 8.7 UNITS PER ACRE

ZONING. BM - 5000

SEWAGE DISPOSAL. CITY OF BELLINGHAM WATER SUPPLY.

. CITY OF BELLINGHAM

DEVELOPER.....CYPRUS
PARNERS

G/O EXXEL DEVELOPM

335 TELEGRAPH RD.

BELLINGHAM, 98226

PH. 734-2872

.....RONALD T. JEPSON &

222 GRAND AVE. S

ENGINEER/SURVEYOR
ASSOC.

BELLINGHAM, Wk 98225

PH. 733-5760

3B

EXHIBIT "B"

Hawley's Replat Conditions:

g-engux:

1. The applicant or its successor. in interest shall provide mitigation to the Bellingham School District at the building permit stage.

2. Bellingham •Municipal Code Applicable Land Use Development Regulationø

Detached single family lots shall be subject to standard Development Regulations found In Chapter 20.30.040. Attached single family structures Shall be subject: to regulations found in Chapter 20.32.045 C-J.

The duplex lot, triplex lot, and tour-plex lot shall be subject to Standard Multi-Family Regulations found in Chapter 20.32.000.

The 50 unit multi-family tract Shall be gubject to Planned Development Regulations found In Chapter 20.3B.050 B.

3 . Two Street trees shall be installed for each single family and duplex lot, one tree per each 50 feet Of street frontage for the triplex and four-plex lots (however, each lot shall not have less than 2 trees)

. Street tree requirements for the 50 unit multi-family tract shall be those specified in Bellingham Municipal Code 20.12.030 for similar uses. Street trees shall be installed according to a plan approved by the City.

4. Internal cul-de-sacs shall be named by the Planning Commission prior to final plat consideration.

circulation ~~Access~~

1. The existing Nevada Street ~~right-of-way~~ shall be vacated and a new 60 foot wide right of way shall be dedicated connecting Nevada Street between Edwards Street and Consolidation Avenue.
2. Within the plat, Nevada Street shall be constructed to 28' with concrete curbs, gutters, 5' foot wide sidewalks, street lighting, and enclosed storm drainage on both sides.
3. Nevada Street shall be improved to a minimum standard north of the plat to Lakeway Drive in any area where it is substandard.

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City Of Bellingham.
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington
90225
Telephone (206

4. All within the plat shall be constructed to 24' With rolled curb, 6 inch thick concrete sidewalk, street lighting, and enclosed storm drainage on both sides. Cul-de-sac shall be a minimum of 50 feet.
5. Consolidation Avenue shall be improved to 3/4 City standards of a 28' street adjacent to Phase 1.

1. All street signs and pavement markings shall comply with public Works Department

1. All corner lots shall access from the street.
2. All Nevada Street driveways shall meet minimum stopping sight distance standards at 25 miles an hour.

1. All street impervious surfaces are subject to water quality treatment prior to discharge to the existing public transport system,

Trapgportatipp xnp4et peep:

1. A transportation impact fee for off-site impacts shall be collected at the time of building permit issuance. The fee shall include a cost component for the Samish Overpass project.

- 1: stormwater management plan shall be submitted and approved by the Public Works Department and Planning Division. The plan shall be in accordance with the State Dept. of Ecology Stormwater Technical Manual and the City of Bellingham watershed Master Plan. The following elements must be addressed :

- a) permanent water quality facility shall be

- b) A stormwater detention facility meeting DOE criteria shall be provided. Alternative measures as outlined in the City of Bellingham Watershed master Plan may be substituted. Any alternative measures must be designed and implemented prior to final plat approval .

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Bellingham
City of ATTORNEY
210 CITY Lottier
Bellingham, Washington
90225
Telephone

- c) An erosion and sedimentation control plan shall be submitted and approved prior to ground disturbance.
- d) There shall be provisions for positive lot drainage for all lots within the subdivision.

1. All lots shall abut upon a publicly maintained sanitary sewer main capable of providing gravity service and conforming with Public Works Department Improvement standards. All sewer main, along with their size and location, shall be reviewed and approved by the public works Department. As required by the Public Works Department, sewer mains shall be extended where necessary to allow for future development around and adjacent to this plat.
1. All lots shall abut upon a publicly maintained water main. Water mains shall be extended from the existing main in the Briarwood Plat to the existing main on Nevada Street. All water mains shall be sized and installed in accordance with Public Works Department standards and shall be approved by the Fire Marshall.
1. The water supply for fire protection (fire) shall be a minimum of 750 gallons per minute at 20 pounds per square inch residual pressure. Fire hydrants shall be approved by the Fire Department, and shall be located no greater than 500 foot intervals.
2. Street names shall be selected to be consistent with the City's overall street naming plan and shall not conflict with names or homonyms already in Whatcom County.

Wetland mitigation shall be addressed a Wetland Permit approved by the Planning Division for the site.

*404 p gap ing :

1. A clearing plan shall be submitted to the Department of Planning and Community Development for approval. Mature stands of trees shall be preserved and

integrated with the site as approved by the City.
 Clearing shall not be permitted until after
 construction plans have been approved by the City, a
 bond submitted for construction,

City of Bollingha•

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 210 Lottie ATTORNEYgtrøøt
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and the erosion control plan approved and installed. Selective
 clearing of brush and treeg shall not unnecessarily disturb
 ground cover and shall be limited to rights-of-way and utility
 easements until final plat approval, except as necessary to
 accommodate said construction and only as approved by the Public
 Works Department and so indicated on the approved construction
 plans. Additional clearing on any lot shall not occur until a
 building permit hag been issued or a clearing management plan
 hae been approved by the City.

EXg:

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2.

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Approximately 15 acres of the site, as shown on Exhibit A, shall be dedicated to the City Of Bellingham for open space purposes. This dedication will fulfill the applicant's open space/park dedication requirement for the entire Hawley's site.

The final plat shall provide public access from each cul-de-sac and along Nevada Street to the public open space area. Public access points to the open space area shall be provided in locations approved by the Planning Division and Parks Department.

putuz_e **Phases**

Additional administrative site plan review shall be required prior to development on the 50 unit multi-family tract.

Additional public review will be required prior to development of Area B as shown on the attached site plan.

Phasing of single family lots Will be allowed consistent with a plan approved by the City. Preliminary plat shall be extended each time a final plat is recorded with the Whatcom County Auditor's Office.

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98225

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City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98201

Talophono

EXHIBIT

LEGAL DESCRIPTION

d112S

PARCEL n:

THE SOUTH HALF OF LOT 8, ALL OF LOTS 9 TO 24, INCLUSIVE, AND THE SOUTH HALF OF LOT 25 IN BLOCK 25; LOTS 7 TO 32, INCLUSIVE, IN BLOCK 26; ALL OF BLOCKS 33 AND 34 ; THE VACATED EAST .10 FEET OF MOORE STREET ABUTTING LOTS 1 TO 6 INCLUSIVE IN 34 AND ABUTTING THE SOUTH

HALF OF LOT 8 AND ALL OF LOTS 9 TO 16, INCLUSIVE IN BLOCK 25 ALL . -OF. VACATED BLOCKS 27, 28, AND 32<1 INCLUDING VACATED STREETS AND AL., LEYS, ALL "CEDER ADDITION TO NEW WHATCOM, n NOW PART OF THE CONSOLIDATED CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN VOLUME OF PLATS, PAGE 20, IN TF.z: AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

LESS THE EAST 40 FEET OF BLOCKS 28 AND AS DESCRIBED IN AUDITOR'S FILE NO/ 1010691.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL B:

A TRACT OF LAND SITUATED IN GOVERNMENT LOT 2, SECTION 32, TOWNSHIP 3a NORTH, RANGE EAST OF W.H. , DESCRIBED AS FOLLOWS:

ALL OF THE NORTH FIVE ACRES LYING WEST OF THE CENTRAL LINE OF STREET (EXTENDED) EXCEPT 30 FEET ALONG THE EAST SIDE WHICH FOR STREET. FACIF IS LE

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL C :

TRACT OF LAND IN GOVERNMENT LOT - SECTION 32, TOWNSHIP 38 T10R1F., PANGE 3 OF W.H. , DESCRIBED AS FOLLOWS:

COMMENCING AT STAKE 403 .84 FEET EAST OF THE WEST CORNER OF SAID LOT 1 ; THENCE RUNNING EAST .76 FEET TO THE EAST CORNER NORTHEAST

OF SAID LOT 1 ; THENCE SOUTH 433. 0; FEET; THENCE WEST 543.50 FEET; THENCE NORTH 120 FEET; THENCE WEST 370.26 FEET ; THENCE NORTH 313.04 FEET TO THE . POINT OF BEGINNING; CONTAINING 9 ACRES MORE OR LESS.

SITUATE COUNTY OF WHATCOM, •op WASHINGTON

(CONTI.%üZD)

- 210 -

PARCEL D:

GOVERNMENT LOT 2 IN SECTION 32, TOWNSHIP 3B NORTH, RANGE 3 EAST
OF W .M., EXCEPTING THEREFROM THE TRACT CONVEYED TO WILLE'ITE
WORNOTH,
BY DEED RECORDED UNDER AUDITOR'S FILE NO. 211054, DESCRIBED AS
FOLLOWS :

THE NORTH 5 ACRES WEST or THE CENTERLINE OF PACIFIC STREET IN
SAID GOVERNMENT LOT 2, EXCEPTING FROM SAID 5 ACRES THE EAST 30
FEET, WHICH TO BE LEFT FOR STREET.

EXCEPT, ALSO THAT PORTION LYING WITHIN THE "PLAT OF BROADVIEW
ESTATES, DIVISION NO. 1, " AS PER THE MAP THEREOF, RECORDED IN
VOLUME 9 OF PLATS, PAGE 59, IN THE AUDITOR'S OFFICE OF SAID
COUNTY AND STATE.

SITUATE IN COUNTY OF WHATCOM, STAT? or WASHINGTON

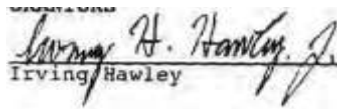
-37-

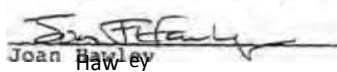
GRANTORS, IRVING AND JOAN HARLEY, do hereby covenant, grant and convey to and for the benefit of the CITY or BELLINGHAM, GRANTEE, in perpetuity a conservation easement On portions Of their property legally described in Exhibit A, Township 3B North, Range 3 East, West one—half of Section 32, Whatcom County Washington, follows:

1. In accordance with the provisions Of Plat Resolution NO. 19—94 which is associated with the "HAWLEY REPEAT" this Conservation Easement and subsequent dedications in fee, shall fulfill all conditions pertaining to Parka obligation, Wetland preservation and Open Space allocations.
2. This easement area and dedication in fee Shall occasion a reduction in over unit, density, as provided for by zoning of 100 dwelling The allowable density as computed by utilizing gross acreage shall therefore be reduced by 100 units by this grant and dedication.
3. This tract, which is now a natural part Of the overall site drainage also be incorporated into the projects mitigation and drainage controls in order to perpetuate the natural hydrologic functions.

These covenants and easements shall run with the land and be binding On successors and assigns.

Executed this day of December, 1994.


Irving Hawley


Joan Hawley

#TCON COUNTY

GRANTORS

BELLINGHAM, WA

12/30/94 09 AM

REQUEST OF: RONALD J.

Shirt" Forslof, AUDITOR

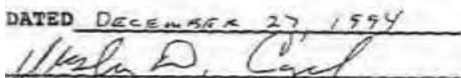
BY: PTY DEPUTY

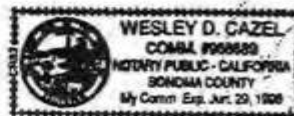
E .00 EASE

STATE OF CALIFORNIA)

I certify that know or have satisfactory evidence that Irving Hawley and Joan Hawley are the persons who appeared before me, and said persons acknowledged that they signed this

for the uses and purposes mentioned in the instrument.

DATED December 27, 1994

NOTARY PUBLIC IN AND FOR THE STATE
OF CALIFORNIA. MY COMMISSION
EXPIRES 6/29/96



/pb
exx11223



Vol: 425 Page: 535
File No: 941230008

instrument and acknowledged it to be their free and voluntary act for the uses and purposes

425

no:

941

Exhibit D Hawley Replat Conservation Easement and Deed, December,30,1994

EXHIBIT A

DECEMBER 1, 1994

CLIENT: EXXEL DEVELOPMENT (HAWLEY PROPERTY)LEGAL DESCRIPTIONOPEN SPACE TRACT DEDICATION

THAT PORTION OF THE WEST ONE-HALF OF SECTION 32, TOWNSHIP 38 NORTH,
RANGE 3 EAST OF W.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE INTERSECTION
OF NEVADA STREET AND EDWARDS STREET WITHIN THE PLAT OF "CEDAR
ADDITION TO NEW WHATCOM" NOW A PART OF THE CONSOLIDATED CITY
OF BELLINGHAM AND RECORDED IN VOLUME 6 OF PLATS, PAGE 3B,
RECORDS OF THE WHATCOM COUNTY AUDITOR;
THENCE SOUTH $1^{\circ} 53' 41''$ WEST ALONG THE CENTERLINE OF NEVADA
STREET, 339.87 FEET; THENCE AT RIGHT ANGLES TO SAID
CENTERLINE SOUTH $88^{\circ} 06' 19''$ EAST, 30.00 FEET TO THE TRUE
POINT OF BEGINNING; THENCE CONTINUING SOUTH $88^{\circ} 06' 19''$
EAST, 10.00 FEET; THENCE NORTH $1^{\circ} 53' 41''$ EAST, 59.93 FEET'
THENCE SOUTH $88^{\circ} 03' 06''$ EAST, 128.00 FEET; THENCE NORTH 1°
 $53' 41''$ EAST, 239.90 FEET TO A POINT ON THE SOUTH LINE OF
EDWARDS STREET; THENCE SOUTH $88^{\circ} 03' 06''$ EAST, ALONG SAID
SOUTH LINE 112.00 FEET; THENCE NORTH $10^{\circ} 53' 41''$ EAST, 40.00
FEET; THENCE SOUTH $88^{\circ} 03' 06''$ EAST, 296.76 FEET; THENCE
SOUTH $1^{\circ} 55' 01''$ WEST, 323.09 FEET; THENCE SOUTH $59^{\circ} 45' 04''$
EAST, 162.23 FEET; THENCE SOUTH $88^{\circ} 03' 06''$ EAST, 200.00
FEET TO A POINT ON THE WEST LINE OF PUGET STREET; THENCE
SOUTH $1^{\circ} 55' 01''$ WEST ALONG SAID WEST LINE 599.78 FEET;
THENCE SOUTH $88^{\circ} 39' 56''$ EAST, 20.00 FEET; THENCE SOUTH 1°
 $33' 12''$ WEST, 88.49 FEET; THENCE SOUTH $78^{\circ} 09' 03''$ WEST,
29.31 FEET; THENCE NORTH $62^{\circ} 33' 50''$ WEST, 94.16 FEET; THENCE
SOUTH $86^{\circ} 12' 35''$ WEST, 39.88 FEET; THENCE NORTH $67'$
 $59' 2B''$ WEST, 87.62 FEET; THENCE SOUTH $54^{\circ} 24' 26''$ WEST,
58.75 FEET; THENCE SOUTH $16^{\circ} 32' 48''$ WEST, 34.15 FEET; THENCE
NORTH $70^{\circ} 56' 02''$ WEST, 58.09 FEET; THENCE SOUTH 63°
 $51' 48''$ WEST, 82.09 FEET; THENCE NORTH $5^{\circ} 31' 21''$ WEST,
158.72 FEET; THENCE NORTH $56^{\circ} 29' 06''$ WEST, 366.08 FEET;
THENCE SOUTH $85^{\circ} 58' 57''$ WEST, 125.84 FEET TO A POINT ON THE
ARC OF A CURVE, THE CENTER OF WHICH BEARS NORTH $14^{\circ} 01' 18''$
WEST HAVING A RADIUS OF 1540.00 FEET; THENCE NORTHERLY ALONG
THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 9
 $^{\circ} 12' 22''$ AN ARC DISTANCE OF 247.44 FEET; THENCE NORTH 83°
 $13' 40''$ WEST, RADIAL TO SAID CURVE, 80.00 FEET TO A POINT ON
THE EASTERLY LINE OF NEVADA STREET; THENCE NORTHERLY ALONG THE
ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1460.00
FEET THROUGH A CENTRAL ANGLE OF $4^{\circ} 52' 39''$ AN ARC DISTANCE

OF 124.29 FEET TO A POINT or TANGENCY; THENCE NORTH 53' 41"
EAST ALONG SAID TANGENT 68.36 FEET TO THE POINT OF BEGINNING.

SITUATE WITHIN THE CITY LIMITS OF BELLINGHAM, WHATCOM COUNTY,
WASHINGTON.

(CONTAINING IS. 0 ACRES)

exxel201 91039

Vol: 478 Page: 536
File No: 941230008



**First American Title
Insurance Company**

THIS SPACE PROVIDED FOR RECORDER'S USE

Filed for Record at Request of

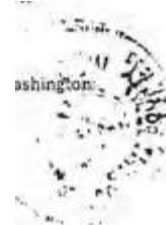
Name City of Bellingham
c/o City Attorney
Address 210 Lottie Street
City and State Bellingham, WA. 98225

Statute of Warrants Deed
Exhibit D - Hawley Replat Conservation Easement and Deed, December 30, 1994
First American Title
Insurance Company

Filed for Record at Request Of
City of Bellingham

THE GRANTORS IRVING H. HAWLEY, JR. , ANr JOAN F. HAWLEY, HUSBAND AND WIFE
fur und In consideration Of One Dollar (\$1 . 00) and Other Valuable Consideration
paid, conveys and warranvs to CITY OF BELLINGHAM, A MUNICIPAL
CORPORATION following described real estate. situated in the
County Of WHATCOM State Of WashinÄ0%.

SEE ATTACHED



uHATCOM COUNTY
EELLIUGHAM, WA
12E0, '94 09:02 AM

REQUEST OF: RONALD JE
Shirley Forslof, **AUDITOR**

BY: LR, DEPUTY

\$9.00 **FEES**

vol: 425 Page: 337

File No: 941230009

Dated Dec 7, 1994

Shirley Forslof
My Comm. Expires 12/31/95

STATE OF WASHINGTON
COUNTY OF _____ ss.

On this day personally appeared before me

to me known to be the individual(s) described in and who
executed the within and foregoing instrument, and
acknowledged that _____ signed the same
as _____ free and voluntary act and deed,
for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this
_____ day of _____, 19____

Notary Public in and for the State of Washington, residing at _____

STATE OF WASHINGTON
COUNTY OF _____ ss.

On this _____ day of _____, 19____
before me, the undersigned, a Notary Public in and for the State of Washington, duly com-
missioned and sworn, personally appeared _____

and _____
to me known to be the _____ President and _____ Secretary,
respectively, of _____
the corporation that executed the foregoing instrument, and acknowledged the said instru-
ment to be the free and voluntary act and deed of said corporation, for the uses and purposes
therein mentioned, and on oath stated that
authorized to execute the said instrument and that the seal affixed is the corporate seal of said
corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

Notary Public in and for the State of Washington, residing at _____

LPB.i06/94

DECEMBER 1994

CLIENT: EXXEL DEVELOPMENT (HAWLEY PROPERTY)

LEGAL DESCRIPTION

OPEN SPACE | | | | |

THAT PORTION OF THE WEST ONE-HALF OF SECTION 32, TOWNSHIP
38
NORTH, RANGE 3 EAST OF W .M. MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT CONCRETE MONUMENT MARKING THE INTERSECTION
OF NEVADA STREET AND EDWARDS STREET WITHIN THE PLAT OF "CEDAR
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THE ARC OF A CURVE, THE CENTER OF WHICH BEARS NORTH $74^{\circ} 01' 18''$

WEST HAVING A RADIUS OF 1540.00 FEET; THENCE NORTHERLY ALONG

THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE
OF $9^{\circ} 12' 22''$ AN ARC DISTANCE OF 247.44 FEET; THENCE NORTH
 $83^{\circ} 13' 40''$ WEST, RADIAL TO SAID CURVE. 80.00 FEET TO A
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THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1460.00
FEET THROUGH A CENTRAL ANGLE OF $4^{\circ} 52' 39''$ AN ARC DISTANCE
OF 124.29 FEET TO A POINT OF TANGENCY; THENCE NORTH $1^{\circ} 53' 41''$ EAST ALONG SAID TANGENT 68.36 FEET TO THE POINT
OF BEGINNING.

SITUATE WITHIN THE CITY LIMITS OF BELLINGHAM, WHATCOM
COUNTY, WASHINGTON.

(CONTAINING 15.0 ACRES)

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File No; 94123131339

Exh

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

state of

County Of

on

before me, Cindi L. Buell, Notary Public

OF

• E.G. Doe, NOTARY

Pugoc • personally appeared Tt-vânq

Hawley. gr. and Joan F. Hawley

OF SIGNER(S)

-X proved to me on the basis Of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and ac• knowledged to me that hegebe/they executed the same in *séhec/their authorized capacity(ies), and that by signature(s) on the instrument the person(s), or the entity upon behalf Of which the person(s) acted, executed the instrument,



OFFICIAL NOTARY
L, BUELL
Nota'y Public —
C\$iforn;a SONOMA
COUNTY wcomm
oct27.1Ges

WITNESS my hand and Official seal.

OF NOTARY

Cindi L. Buell, Notary public

OPTIONAL

Though the data below is not required by law, it may prove to persons relying on the document and fraudulent reattachment this form.

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

D INDIVIDUAL

C] CORPORATE OFFICER

TITLE OR TYPE OF DOCUMENT

I .1 PARTNER(S)

C] LIMITED

C] GENERAL

ATTORNEY-IN-FACT

NUMBER OF PAGES

L) TRUSTEE(S)

C] GUARDIAN/CONSERVATOR

I. OTHER

DATE OF DOCUMENT

SIGNER IS REPRESENTING:

425 P.æ: sag

File No: 941 Z3EIE • tE1

SIGNER(S) OTHER THAN NAMED ABOVE

D Hawley Replat Conservation Easement and Deed, December, 30, 1994 This page intentionally left blank.

D Hawley Replat Conservation Easement and Deed, ~~Decembe~~

RESOLUTION 200? - 211

A RESOLUTION GRANTING FINAL PLAT APPROVAL FOR THE PRELIMINARY PLAT OF CEDAR RIDGE, DIVISION 2, CONSISTING OF 48 SINGLE FAMILY LOTS, 1 DUPLEX LOT, 1 TRIPLEX LOT, 1 FOURPLEX LOT, A 50-UNIT MULTIFAMILY LOT, AND A RESERVE TRACT LOCATED IN AREA 17 OF THE PUGET NEIGHBORHOOD AND GENERALLY LOCATED ALONG THE EXTENSION OF NEVADA STREET BETWEEN EDWARDS STREET AND CONSOLIDATION AVENUE.

WHEREAS, the City has received a request to finalize Division 2 of the Cedar Ridge, consisting of 48 single family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract, and a reserve tract (site plan attached as Attachment I); and

WHEREAS, said plat received City Council approval on May 10, 1994, by Resolution No. 19-94; and

WHEREAS, on December 30, 1994, the welland/opon space tract was dedicated to the City of Bellingham; and

WHEREAS, on May 7, 1996, Division I, consisting of 7 single family lots. was recorded at the Whatcom County Auditor's Office (960507105); and

WHEREAS, on June 5, 1998 the Edwards Short, consisting of 9 single family lots, was recorded at the Whatcom County Auditor's Office; and

WHEREAS, on May 6.2002, the City Council approved first and second reading of an ordinance for the vacation of the undeveloped portions of Nevada, Lopez, and alley rights of way associated with said plat; and

WHEREAS, the public Improvement requirements associated with Division 2 have been installed or bonded for at time of approval; and,

City Of Bellingham
ary ATTORNEY
210 Lottie Street

Bollingham, Wash'nglcn 98225
Telephone (360)676-\$903

CedarRidgeDiv2.fnl

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E

WHEREAS, the Council has reviewed Division 2 Of this plat and finds that the public use and interest will be served and that Division 2 of this plat meets the requirements of the City Subdivision Ordinance and other State or Local Ordinances pertaining thereto, and conforms to the preliminary plat design and the plat conditions as set out in Resolution No. 19-94
(Attachment P),

NOW THEREFORE, BE IT RESOLVED BY THE BELLINGHAM CITY COUNCIL THAT:

Cedar Ridge, Division 2, consisting of 48 single-family lots, 1 duplex lot, 1 triplex lot, 1 fourplex lot, a 50-unit multifamily tract, and a reserve tract has been presented for acceptance, approval, and filing, and is hereby accepted, approved, and ordered filed, subject to the Preliminary Plat Resolution No. 19-96. attached hereto as Attachment 2, and made a part hereof by reference as though set forth fully herein. The property is in the City of Bellingham on property legally described as attached.

PASSED by the council this 15TH day of JULY 2002.

Council Presiden

APPROVED by me this day of // , 2002,

Mayor

ATTEST:

APPROVED as to form;



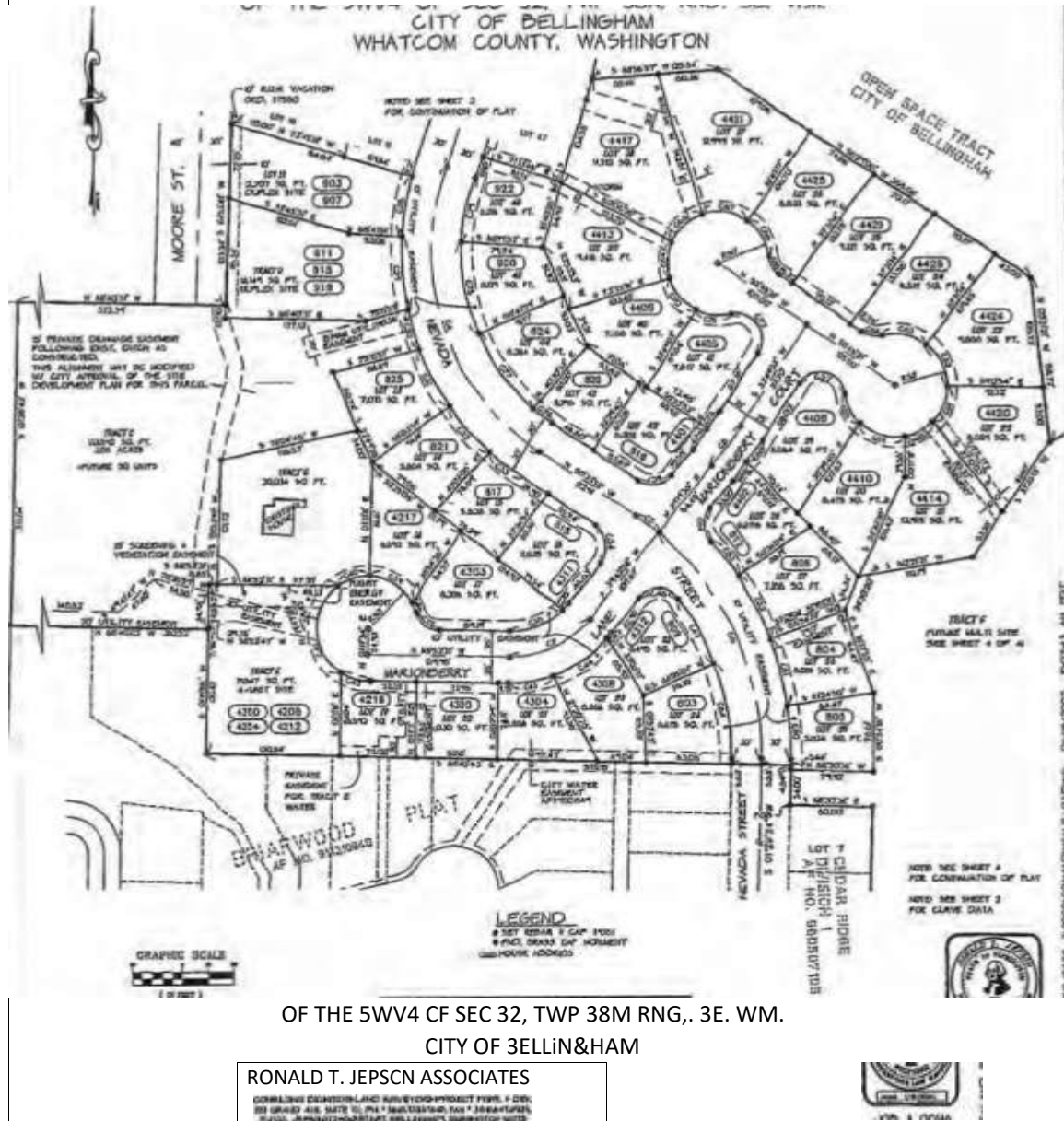
Offiée o the City Attorney

City Of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, WashIn9ton 98225
Telephone (360)376-5903

CedarRidgeDiv2.fni

ATTACHMENT 1

CCDAP P/DÆ DIV/C/ON 2
PTNB. OF THE 51/2 OF THE NWV4 AND TEE NI/2



ATTACHMENT 2

RESOLUTION NO. 19-94

RESOLUTION PRELIMINARY OF EAVLEYTS~~REP~~

WHEREAS, pursuant Co Chapter 18 .16 of the Bellingham City code, cypress partners (Exxell Development and Irv Hawley) proponents tor the proposed subdivision, comprising 46.71 gross acres, • located along the extension of Nevada Street: , between Edwards Street. and Consolidation Avenue, wit:h in the City of Bell Ingham, have made application for approval of a preliminary plat: containing 123 units including 64 sing le family lots, 1 duplex lot, 1 triplex lot, 1 4-plex lot, and a 50 unit multi-fanily tract, and

pursuant to Section 18.16.040 Of the Bellingham City code, the applicant met with the City" s Technical Review Committee, and thereafter said Committee formulated certain conditions for consideration by the Planning Conunission and City council; and

WHEREAS , the developer met With the neighborhood to discuss the proposal; and

, the Bellingham P Lanning and Development: Commission held a public hearing concerning the matter on March 17., 1994 ; and

WHEREAS, the Bellingham Planning and Development Commiss ion recommended approval of the application subject to the conditions set forth in the Technical Review Committee recommendation, relocation of four lots , and dedication Of open space; and

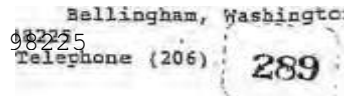
WHEREAS , said preliminary Plat has been duly examined as a cluster subdivision and planned residential site plan; and

an environmental checklist has been prepared and considered by the Responsible Official and a Determination Of Nonsignificange has been issued; and

WHEREAS, the Bellingham City Council held a public hearing on April 25, 1994, concerning the above preliminary Plat, NOW THEREFORE, -

CIE? Of Bellingham
CIN ATTORNEY
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\rgn \hawley/ s 1



BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BELLINGHAM:

That the Preliminary Plat has been presented for acceptance, approval, and filing, as shown in Exhibit "A", and is hereby accepted, approved, and ordered filed, subject to the restrictions listed on Exhibit "B" attached hereto and made a part hereof by reference as though set forth fully herein. The property, in the city limits of the City of Bellingham, included in this plat is described in Exhibit "C".

PASSED by the council this 10th day of May, 1994.

Gene Harn
Council President

APPROVED by me this 24th day of May, 1994.

Jim Douglas
Mayor

ATTEST: Lynn Carpenter
Finance Director

APPROVED AS TO FORM:

[Signature]
Office of the City Attorney

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2

City of Bellingham
CITY ATTORNEY
210 Lottie St. 290
Bellingham,
98225
Telephone (206) 676-6903

BE IT RESOLVED BY COUNCIL OF THE C.'ITY OF BELLINGHAM:

That the preliminary Plat: has been Presented for acceptance, approval, and filing, as shown in Exhibit and is hereby accepted, approved, and ordered filed , subject to the restrictions listed on Exhibit "B" attached hereto and made a part hereof by reference as though set forth fully herein. 'The property, in the city limits of the City of Bellingham, included in this plat is described in Exhibit "Cit.

PASSED by the council this 10th day Of May

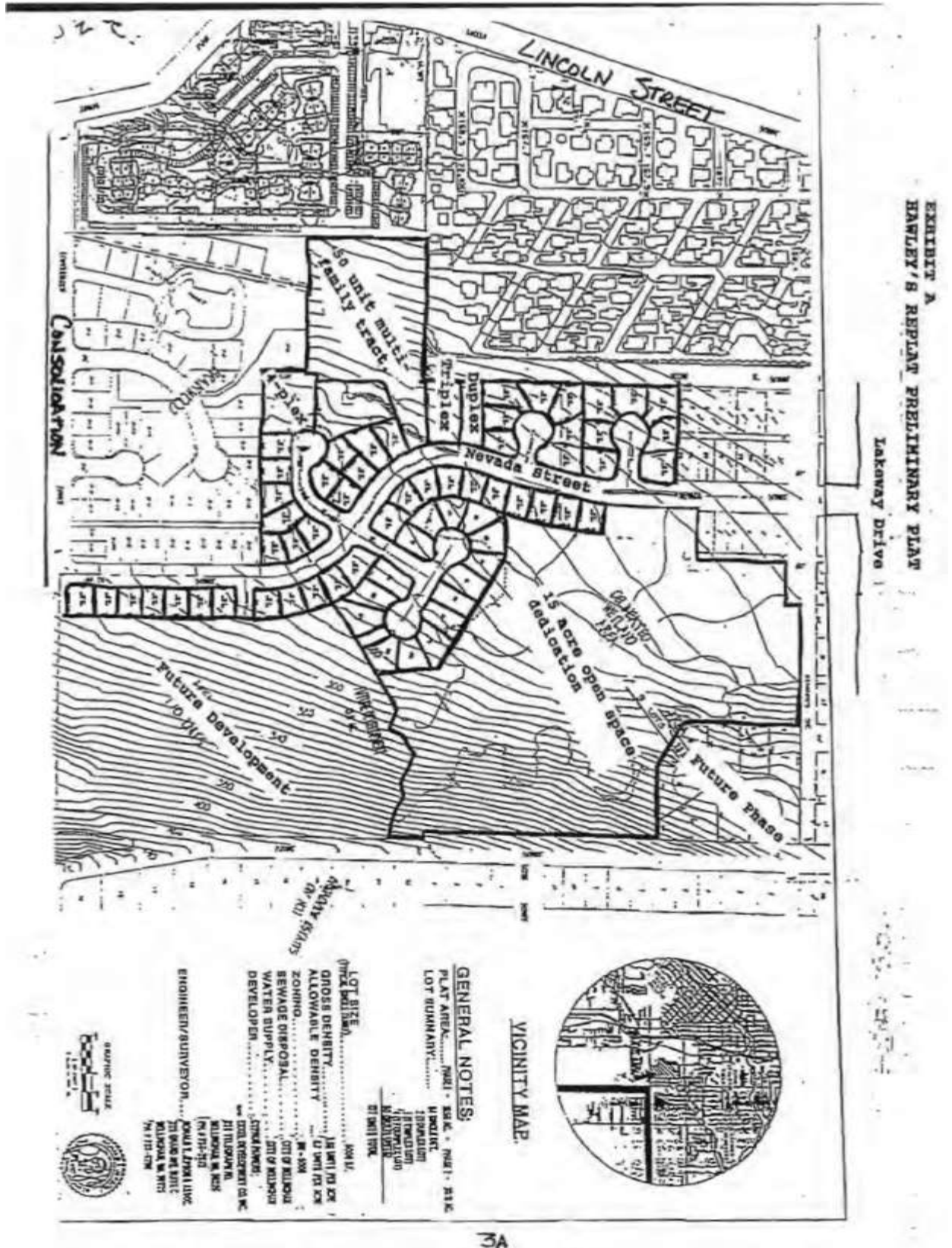
1994.

TO FORM:

he C ty Attorney

ey g

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GENERAL NOTES:

PLAT AREA: 16.55 AC. - PHASE 2 - 30.16M LOT SUMMARY: 64 SINGLE DET.

2 (1 DUPLEX LOT)

3 (1 TRIPLEX LOT)

4 (1 FOURPLEX LOT)

50 (MULTI. UNITS)

123 UNITS TOTAL

LOT SIZE

(TYPICAL SINGLE FAMILY).5000 S.F.

GROSS

DENSITY.3.65 UNITS PER ACRE

ALLOWABLE DENSITY 8.7 UNITS PER
ACRE

5000

SEWAGE DISPOSAL CITY OF BELLINGHAM

WATER SUPPLY.

.CITY OF BELLINGHAM

DEVELOPER.CYPRUS

EXCELDEVELOPMENT
CO. INC,
335 TELEGRAPH
BELLINGHAM, 98226
PH. 1 734-2872

ENGINEER/SURVEYOR RONALD T, JEPSON
& Assoc.

222 GRAND SUITE C
BELLINGHAM, 98225

PH. 733-5760

EXHIBIT "B"

Hawley's Replat Conditions:

gennu.1:

1. The applicant or its successor in interest Shall provide mitigation to the Bellingham School District at the building permit stage.
2. Bellingham •Municipal Code Applicable Land Use Development Regulations:

Detached single family lots shall be subject to Standard Development Regulations found in Chapter 20.30.040.
Attached single family structureg Shall be gubject to regulations found in Chapter 20.32.045 C-J.

The duplex lot, triplex lot, and four-plex lot shall be subject to Standard Multi-Famllly Regulations found In Chapter 20.32.000.

The 50 unit multi-family tract Shall be subject to Planned Development Regulations found in Chapter
•20.38.050 B.

3. Two Street trees shall be installed for each single family and duplex lot, one tree per each 50 feet of street frontage for the triplex and four-plex lots (however, each lot shall not have less than 2 trees) . Street tree requirements for the 50 unit multi-family tract shall be those specified Bellingham Municipal Code 20.12.030 for similar uses. Street trees shall be installed according to a plan approved by- the City.

Internal shall be named by the planning Commission prior to final plat consideration.

The existing Nevada Street ~~right-of-way~~ shall be vacated and a new 60 foot wide right of way shall be dedicated connecting Nevada Street between Edwards Street and Consolidation Avenue.

2. Within the plat, Nevada Street shall be constructed to 28' with concrete curbs, gutters, 5' foot wide Bidevalks, street lighting, and enclosed storm drainage on both sides.

Nevada Street: shall be improved to a minimum standard north of the plat to Lakeway Drive In any area where ~~it~~

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington
98225
Telephone (206) 676-6903

All within the plat shall be constructed to 24' with rolled curb, 6 inch thick concrete sidewalk, street lighting, and enclosed storm drainage on both sides. shall be a minimum of '50 feet.

5. Congolidation Avenue shall be improved to 3/4 City standards of a 28' street adjacent to Phage I.

All street signs and pavement markings shall comply with public Works Department standards.

1. All corner lots shall access fron the ~~cul-de-sac~~ street.

2. All Nevada Street driveways shall meet minimum stopping sight distance standards at 25 miles an hour.
1. All street impervious surfaces are subject to water quality treatment prior to discharge to the existing public transport system.
1. A transportation impact fee for off-site impacts shall be collected at the time of building permit issuance. The fee shall include a cost component for the Sanigh Overpass project

A stormwater management plan shall be submitted and approved by the Public Works Department and Planning Division. The plan shall be in accordance with the State Dept. of Ecology Stormwater Technical Manual and the City of Bellingham Watershed Master plan. The following elements must be addressed :

- a) permanent Water quality facility shall be provided.
- b) A stormwater detention facility meeting DOE criteria shall be provided. Alternative measures as outlined in the City of Bellingham Watershed master Plan may be substituted. Any alternative measures must be designed and Implemented prior to final plat

approva I.

City of Bellingham
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210 Lottie ATTORNEY Street
Bellingham, Houhi.ngtgt
98225
Telephone (206) 616-6903

An erosion and sedimentation control plan shall be submitted and approved prior to ground disturbance.

There shall be provisions for positive lot drainage for all lots within the subdivision.

c) An erosion and sedimentation control plan shall be submitted and approved prior to ground disturbance.

d) There shall be provisions for positive lot drainage for all lots within the subdivision.

All lots shall abut upon a publicly maintained sanitary sewer main capable of providing gravity service and conforming with public works department improvement standards.

Sanitary Sewer:

1. All lots shall be reviewed and approved by the Public Works Department. As required by the Public Works Department, sewer mains shall be extended where necessary to allow for future development around and adjacent to this plat.

All lots shall abut upon a publicly maintained water main. Water mains shall be extended from the existing mains in the Briarwood Plat to the existing main on Nevada Street.

Water:

1. All lots shall be reviewed and approved by the Public Works Department. As required by the Public Works Department, water mains shall be installed in accordance with Public Works Department standards and shall be approved by the Fire Marshall.

Fire: The water supply for fire protection (fire flow) shall be a minimum of 750 gallons per minute at 20 pounds per square inch residual pressure. Fire hydrants shall be approved by the Fire Department, and shall be located no greater than 500 foot intervals.

1. The water supply for fire protection (fire flow) shall be a minimum of 750 gallons per minute at 20 pounds per square inch residual pressure. Fire hydrants shall be approved by the Fire Department, and shall be located no greater than 500 foot intervals.
2. Street names shall be selected to be consistent with the City's overall street naming plan and shall not conflict with names or homonyms already in Whatcom county.

Wetlands:

- 1: Wetland mitigation shall be addressed in a Wetland Permit approved by the Planning Division for the site.

Landscaping/Vegetation:

1. A clearing plan shall be submitted to the Department of Planning and Community Development for approval. Mature stands of trees shall be preserved and integrated with the site as approved by the City. Clearing shall not be permitted until after construction plans have been approved by the City, a bond submitted for construction,

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City Of Bellingham
CITY ATTORNEY
210 Lottia Street
Bellingham, Washington
98225
Telephone (206) 676-6903

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and the erosion control plan approved and installed, brush and trees shall not cover and shall be limited and unnecessarily disturb ground utility easements until final plat approval, except as necessary to accommodate said construction and only as approved by the Public Works Department and so indicated on the approved construction Plans. Additional clearing plans shall not occur until a building permit has been issued and a clearing management plan has been approved by the City.

Parks:

1. Approximately 15 acres of the site, as shown on Exhibit A, shall be dedicated to the City of Bellingham for open space purposes. This dedication will fulfill the applicant's open space/park dedication requirement for the entire Hawley's site.
2. The final plat shall provide public access from each cul-de-sac and along Nevada Street to the public open space area. Public access points to the open space area shall be provided in locations approved by the Planning Division and Parks Department.

Future Phases:

1. Additional administrative site plan review shall be required prior to development on the 50 unit multi-family tract.
2. Additional public review Will be required prior to development of Area B as shown on the attached Site plan.
3. Phasing of single family lots will be allowed Consistent with plans approved by the City. Preliminary plat shall be extended each time a final plat is recorded with the Whatcom County Auditor's Office.

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City of Bellingham
CITY ATTORNEY
210 Lottia Street
Bellingham, Washington
98225
Telephone (206) 676-6903

EXHIBIT LEGAL DESCRIPTION NO. 4112B

PARCEL A:

THE SOUTH HALF OF LOT g, ALL OF LOTS 9 TO 24, INCLUSIVE, AND THE SOUTH HALF OF LOT 25 IN BLOCK 25; LOTS 7 '1'0 32, INCLUSIVE, IN BLOCK 26; ALL OF BLOCKS 33 AND 34; THE VACATED EAST .10 FEET OF MOORE STREET ABUTTING LOTS 1 TO 6 INCLUSIVE IN BLOCK 34 AND ABUTTING THE SOUTH

HALF OF LOT g AND ALL OF LOTS 9 TO 16, INCLUSIVE IN BLOCK 25 AND ALL -OF. VACATED BLOCKS 27, ag, 31 AND VACATED STREETS AND ALLEYS, ALL IN "CEDER ADDITION TO NEW WHATCOM, NOW A PART OF THE CONSOLIDATED crry OF BELLINGHAM, WHATCOM COOUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGE 20, IN THE AUDITOR'S OFFICE 0? SAID COUNTY AND STATE.

LESS THE EAST 40 FEET O? BLOCKS 28 AND 31 AS DESCRIBED IN AUDITOR'S FILE NO. 1010691.

SITUATE IN COUNTY OF WHATCOM, -STATE OF WASHINGTON

PARCEL B :

A TRACT OF LAND SITUATED IN GOVERNMENT LOT 2, SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.H., DESCRIBED AS FOLLOWS:

ALL OF NORTH FIVE ACRES LYING OF THE CENTRAL LINE OF PACIFIC STREET (EXTENDED) EXCEPT 30 FEET ALONG THE EAST SIDE WHICH IS LEST FOR A STREET .

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL C:

N. TRACT 0? LAND IN GOVERNMENT LOT i, SECTION 32, TOWNSHIP FORTE, PANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS:

CING AT A STAKE 403 .84 FEE OF THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUNNING EAST 91 : .76 FEET TO THE NORTHEAST COÄ.'E?.

OF SAID LOT 1 ; THENCE SOUTH 433.04 FEET; THENCE WEST 543.50 FEET; 111.04 LESS.

THENCE KORTH 120 FEET; THENCE WEST 370.26 FEET ; THENCE NORTE

FEET TO THE. POINT OF BEGINNING; CONTAINING B . OE ACRES MORE OR

SITUATE IN courry OF WHATCOM, •or WASHINGTON

(CONTI.'FJZD)

- 26 -

E

EXHIBIT C - LEGAL DESCRIPTION 41125
(CONTINUED)

PARCEL b:

GOVERNMENT LOT 2 IN SECTION 32, TOWNSHIP 3B NORTH, RANGE 3 EAST
07 W.H. , EXCEPTING THEREFROM THE TRACT CONVEYED TO WILLETTE
WORNOTH, BY DEED RECORDED UNDER AUDITOR'S FILE NO. 211054,
DESCRIBED AS FOLLOWS :

THE NORTH 5 ACRES WEST OF THE CENTERLINE OF PACIFIC STREET IN
SAID GOVERNMENT LOT 2, EXCEPTING FROM SAID 5 ACRES THE EAST 30
FEET, WHICH IS TO BE LEFT FOR STREET.

EXCEPT., ALSO THAT PORTION LYING WITHIN THE "PLAT OF BROADVIEW
ESTATES, DIVISION NO. 1, " AS PER THE MAP THEREOF, RECORDED IN
VOLUME 9 OF PLATS, PAGE 59, IN THE AUDITOR'S OFFICE OF SAID
COUNTY AND STATE.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

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-37-

E

2020703650
Page: 1 of 5
7/23/2002 3:28 PM
PLAT \$65.00
Whatcom County, WA
Request of: TERRY UNGER

2020703650
Page: 2 of 5
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PLAT \$65.00
Whatcom County, WA
Request of: TERRY UNGER

PLAT

2020703650
Page: 3 of 5
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PLAT \$65.00
Whatcom County, WA
Request of: TERRY UNGER

NAME OF PLAT:

Cedar Ridge - Division #2

2020703650
Page: 4 of 5
7/23/2002 3:28 PM
PLAT \$65.00
Whatcom County, WA
Request of: TERRY UNGER

DECLARANTS:

Peoples Bank
Irving H. Hawley JR
Joan Hawley

2020703650
Page: 5 of 5
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PLAT \$65.00
Whatcom County, WA
Request of: TERRY UNGER

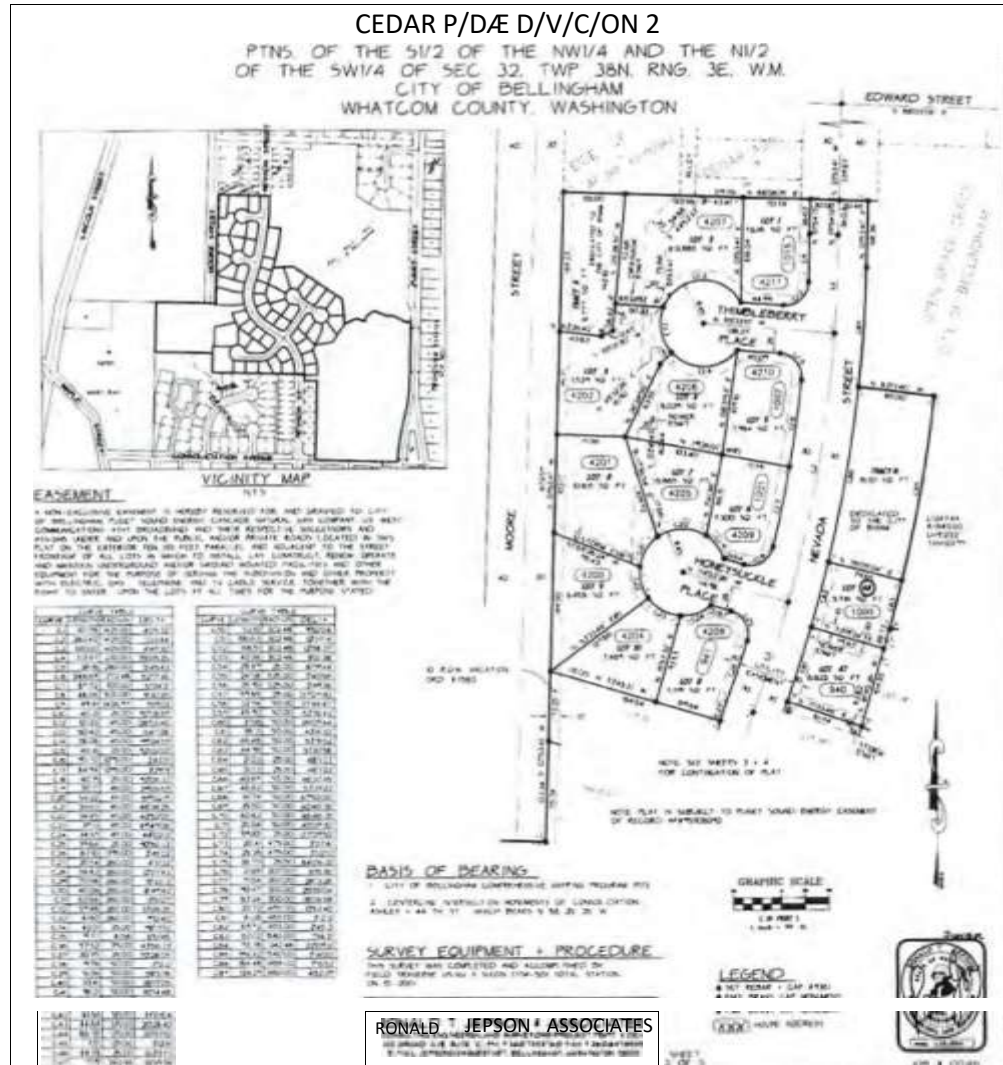
SURVEYOR:

Ronald T. Jepson & Assoc.*5 pages*SECTION: z TOWNSHIP:

RANGE:

Exhibit

[illegible]



Exhibit



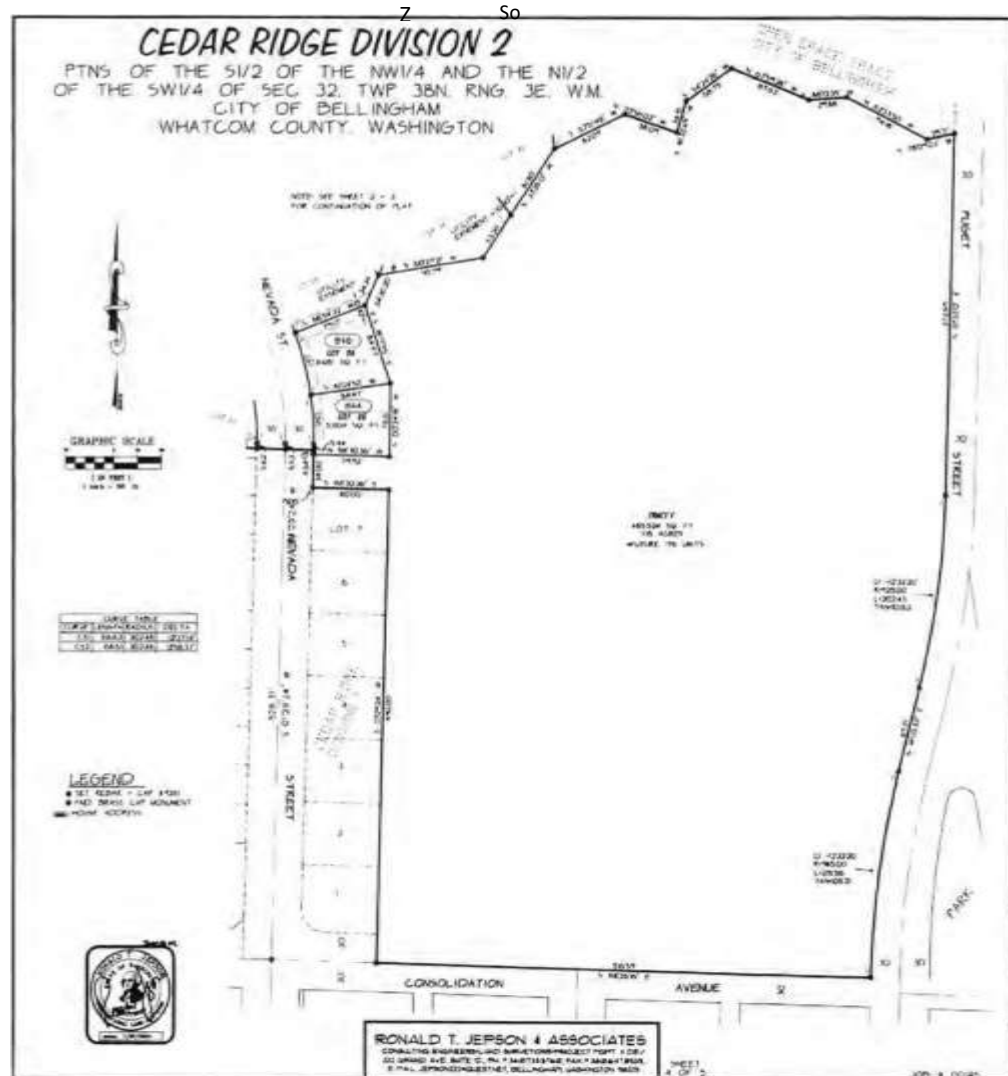


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Hearing Examiner
Summary and Decision

Hearing Examiner No.

Planning No.

Incident NO.

Filing Date

City Contact

Hearing Date

Description

Decision Date

Decision Summary

HE-13-PL-007

PDC2013-000021 VAR2013-00001 / DRC2013-000081 CAP2013-00019

02/08/2013

Kathy Bea

Planned Development / Variance request of Ambling University Development
10/23/2013 rewer

09/11/2013 Approved subject to conditions. Boarding and Rooming Houses not allowed re 4413 Ave-mR (aka
University

THE HEARING EXAMINER OF THE CITY OF BELLINGHAM

WIMTCOM COUNTY, WASHINGTON

IN RE:

HE-f3-PL407

AMBLING UNIVERSITY DEVELOPMENT APPLICANT FINDINGS OF FACT
4413 Consolidation Avenue CONCLUSIONS OF LAW
AND ORDER

PDC20f340002. VAR20f30000f. DRC20f3-00008 &

CAP20f3400f9 J Planned development for University Sharon Rice. Hearing Examiner

Hearing Date:

This matter came before the Bellingham Hearing Examiner for hearing on the 11th day of September 2013 on the application of Ambling University Development Group, LLC Planned Development approval, height variance, Design Review approval, and a Critical Areas Permit for located at 4413 Consolidation Avenue in Bellingham to construct and operate purpose-built student housing known as Ridge consisting of four multi-residential buildings, a clubhouse and parking.

Testimony was received from Kamy Bell, Planning and Community Development Department; Brent Baldwin, Public Works Department; Charles Perry, Applicant's representative; Glen Peterson, Applicant's architect; Brad Swanson, Applicant's legal counsel; Ron Jepson, Applicant's engineer; Joseph Carpenter, 4215 Adams Avenue; Don Diebert, 4414 Marionberry Court; Gaythia Weis, 1713 Edwards Court; Steve Abell, 1021 34th Street; Rod Dean, 848 Nevada; Madeleine Baines, 4417 Marionberry Court; Beth Fryback, 200 Milton Street; Ajit

Exhibit G - Hearing Examiner Report HE-13-PL-007

Rupaal. 805 Queen Street Paty Bover, 4420 Marionberr, ' Coor: Jim Le Galley, 124 S. 44 th Street: Dave ivie, 1 ICI Nevada Street: Sandy Brown 122@ Toledo Street; Gene Marx, 810 Salmonberry Lane: Terri Marshall. 1125 Nevada Street John Brown. 233 Terrace Place; Steve James, 1324 Whatcom Street: Anita Lee. 005 Nevada Street: Kathy Taylor. 814 Nevada

Street: Sherry Schafer. 128 S. 44th Street; Rebecca Belford, 813 Nevada Street Erwin Lloyd, 1005 Kelley Ridge Court: Susan Bayer. 825 Queen Street Jim Bachman, 134 43rd Street: Sill Langley. 4424 Marionberty Court: Jacob Oescherves. Salmonberry Lane: Dan McKinney. Transpo Group; Alan Danforth, t IOC Nevada Street; and Robert Wong. 208 Milton Street. In addition to the Bellingham Municipal Code and Cornprehensive Plan, the followrng documents were considered as part of he record: See Exhibit List.

The record was he'd open for public comment until September 23, 2013 and for responses from City staf and fie Applicant until September 30.2013. Materials relating to prior proceedings for the subject propefty (Hat C/f Cedar Ridge. Divis•on 2) were requested on September 11.2013 and received by the Hearing Examiner on October 11, 2013, at which time the record in matter was closed.

I. FINDINGS OF FACT

PROPERTY LOCATION. OESCRPTION & HISTORY

1. Ron Jepson. on behalf of Ambling University Development Group, LLC, applied for Planned Development approval. a Variance from height restricbons. a Critical Areas Permit. and Design Review for 3 proposed 164 unit. purpose-butt student housing development with 576 beds in four multi-unit buildings and a clubhouse on property bocated at 4413 Consolidation Avenue.
2. The subject propen•y is legally described as Tract F. Cedar Rodge Division 2. It is located in Area 17 of the Puget Neighborhood. This area is designated Residential Multi, Planned, 5.000 square feet per unit overall density. Special conditions include clearing and view.
3. The propeny is owned by the Ir.'ing H. Jr. & Joan Hawoey Trust.
4. The propeny is 'located north of Consolidation Avenue. west of Puget Street. east of Nevada Street and south of Marionberry Court It abuts Area 13 of the Puget Neighborhood on the eastern bourvdary. Area 13 is designated Residential Single. Detached. 10.00C square feet minimum detached lot size. and is deveboped with single-farnity residences across Puget Street from the subject property. To the south. across Consolidation Avenue are Areas 2 and 4 of the Samish Neighborhood. Area 3 is designated Residential Mufti, Planned, 5,000 square feet per unit. Area 4 is desognated Residential Single. Detached. cluster detached, 12,000 square feet minimum detached lot size. one loÜ12.COC square fee-t overall cluster density. The propenes across Consolidation Avenue from the subject site are either undeveloped or developed with single-family residences. The properties to the west of the suibject site are bocated within the same area as the proposal. Area 17 of the Puget Neighborhood. and are developed with singlefamily residences. The proper%' to the north was dedicated to the City for open space purposes as pan of the subdivision approval for the Hawley Re-Plat, also known as Cedar Ridge Plat, which included the site of the proposal. This open space area is approximately acres and contains a Category I wetland and buffer. This area willl not be developed. It was intended to satisfy the required oper space for the Cedar Ridge Plat.
5. The subject Ste is approximately t 1.15 acres. or 485.444 square feet. in size. The property is currently undeveloped and contains a mixed deciduous and coniferous forest canopy

With an understory of shrubs and ground cover. The typical slope of the site is 20 — 22%, sloping down from east to west. The eastern portion of the site contains slopes in excess of 40% and is a geologically hazardous area, regulated by the City's Critical Areas Ordinance, EMC 18.55 (CAI). A 100-foot wetland buffer for the Category wetland located on the City-owned open space property to the north, and along the northern property line of the property, extends onto the subject site.

8. The Hawfley Replat or Cedar Ridge Plat received Preliminary Plat approval in May in Bellingham Resolution No. 1904. The plat included 46.71 acres and provided for a total of 123 units, including 84 single-family lots, one duplex lot, one triplex lot, one four-plex lot, and 35-unit multi-family tract. It also contained 3.15-acre open space parcel that was dedicated to the

G Hearing Examiner Report HE-13-PL-007

City and tract that was Future Development. The tract labeled Future Development is the subject property. The plat conditions that addition of public reveal would be required prior to development of the reserve tract. No unit count was assigned to the Future Development tract in the Preliminary Plat Resolution. Division 1 of the plat contained the seven single-family residences abutting Nevada Street north of Consolidation Avenue and immediately the west of the subject property. Final Plat for I was granted in April I in Resolution 28-06.

7. Division 2 of the Cedar Ridge Plat received Final approval in July 2002 in Resolution 2002-24. Division 2 consisted of 48 single-family lots, one duplex lot, one triplex lot, one four-plex lot, a 50-unit multi-family lot and a reserve tract (the subject property). The Final Plat Resolution shows a site plan identifying the subject property as Tract F Future Multi Site See Sheet 4 of 4. Sheet 4 is not attached the Final Plat Resolution. Sheet 4 as recorded with the 'Vh3tcc.m' County Auditor has the notation: "176 units" on Tract F. Attachment I to the proposed Final Resolution included in the City Council Agenda Bill, described in the proposed Resolution as the Site Plan, shows the same notation for Tract F, Future Development (176 units)".

8. In October 2004, Cypress Ventures, LLC requested a Plat Alteration and Subdivision Variance for portion of the property located in Division 2 of the Cedar Ridge Plat. Part of the proposal was to transfer three units from Tract F (the subject property) to Lot 12 and Tracts C and D. The plat alteration was approved to allow further division of Lot 12 (the duplex site) and Tract E (the triplex site) so that the units could be developed on lots that could be individually owned. Tract C (the multi-family tract) was also to allow single-family attached, cottage, carriage and townhouse units on individual lots to provide an alternative to condominium or apartment development on the sites. The transfer of from Tract F Lot 12 and Tracts C and D was denied. The Order of November 29, 2004 indicates that the existing unit count for Tract F shall remain.

9. The maximum density for the entire 4771-acre parcel included in the Cedar Ridge Plat under the Residential Medium Density, Pinned, 5,000 square feet per unit designation was 40 units. If density was not clustered on the subject by the Cedar Ridge Plat the subject property would be able to accommodate 97 units at 500 square feet per unit zoning.

PROCESS

10. The City conducted a pre-application conference for the proposal on December 11, 2012. A neighborhood meeting was conducted at Cail Coze Elementary School on January 3, 2013.

1. On 17, 2013 the Applicant submitted an application for a Variance from height restrictions. This application was put on hold by the Applicant on March 8, 2013.

2. On April 29, 2013 the Applicant submitted applications for the planned development multifamily design review, 3 critical areas permit and SEPA checklist. The variance application was amended and incorporated into the application submittal.

3. A Complete Application was issued on 24, 2013. On May 28, 2013 the City issued a Request for Information. On June 18, 2013 the Applicant submitted a response to the Request for Information.

4. On June 10, 2013 the City issued a Notice of Application and Pending Action for the proposed, with comment period ending 25, 2013. The was posted by the Applicant on June 14, 2013.

5. On August 8, 2012 the City issued a threshold Determination of Necessity pursuant to the State Environmental Policy Act (SEPA) for the proposal, with public comment period ending August 23, 2013. The DNS is attached to the Staff Report.

6. The Notice of Hearing for September 11, 2013 hearing was published on August 23, 2013.

7. The applications for Planned development, Multi-family Design Review and Conditional Use Permit are Type II processes pursuant to SMC 21.10. The application for the Variance from height restrictions is a Type III-A process. The applications are consolidated.

NOTE: The complete Hearing Examiners Report and Exhibits can be found at www.cob.org/gov/dept/hearing/Lists/cases/Attachments/858/HE-13-PL-007-decision.pdf

G Hearing Examiner Report HE-13-PL-007



Exhibit H - Project Lot Layout 1993

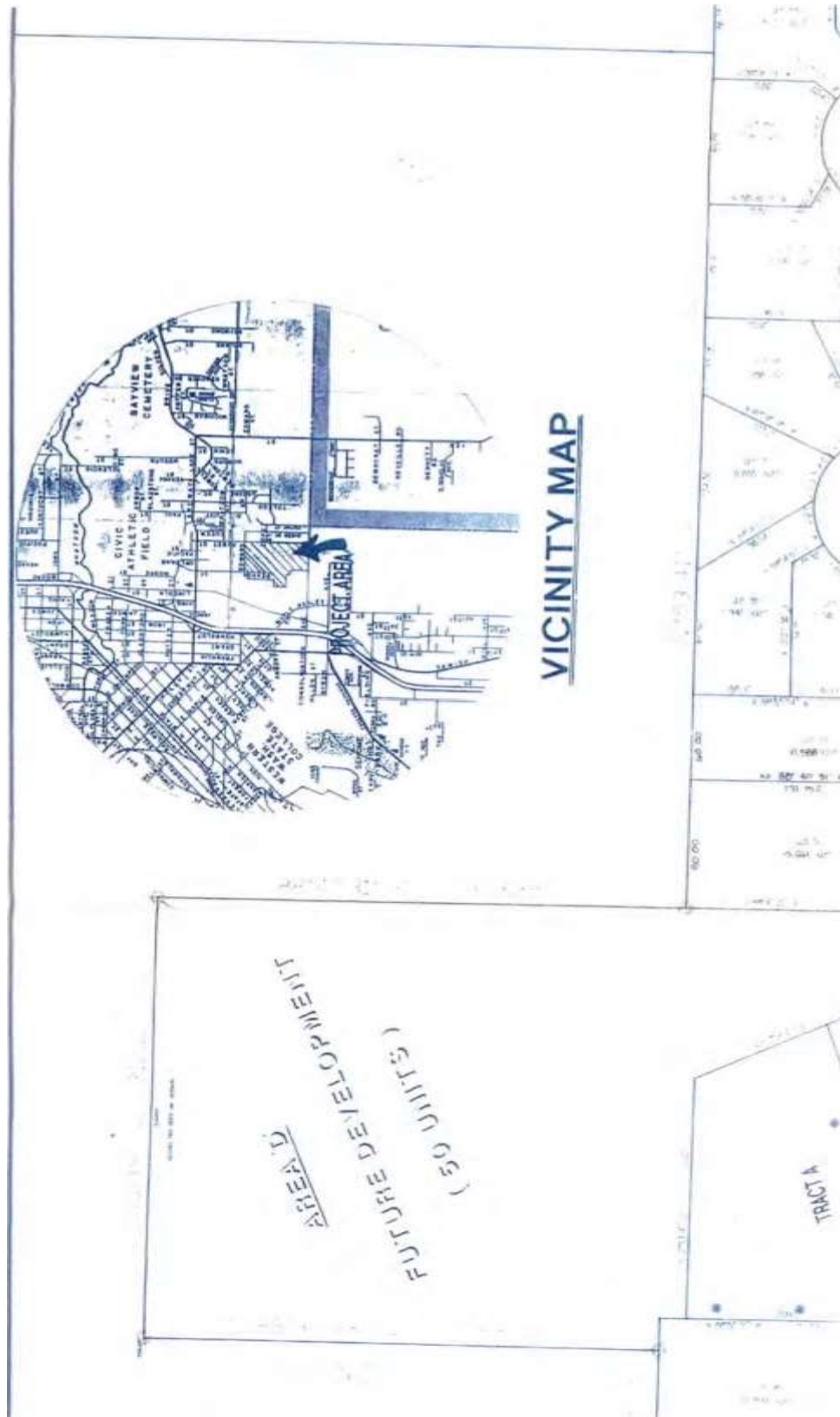
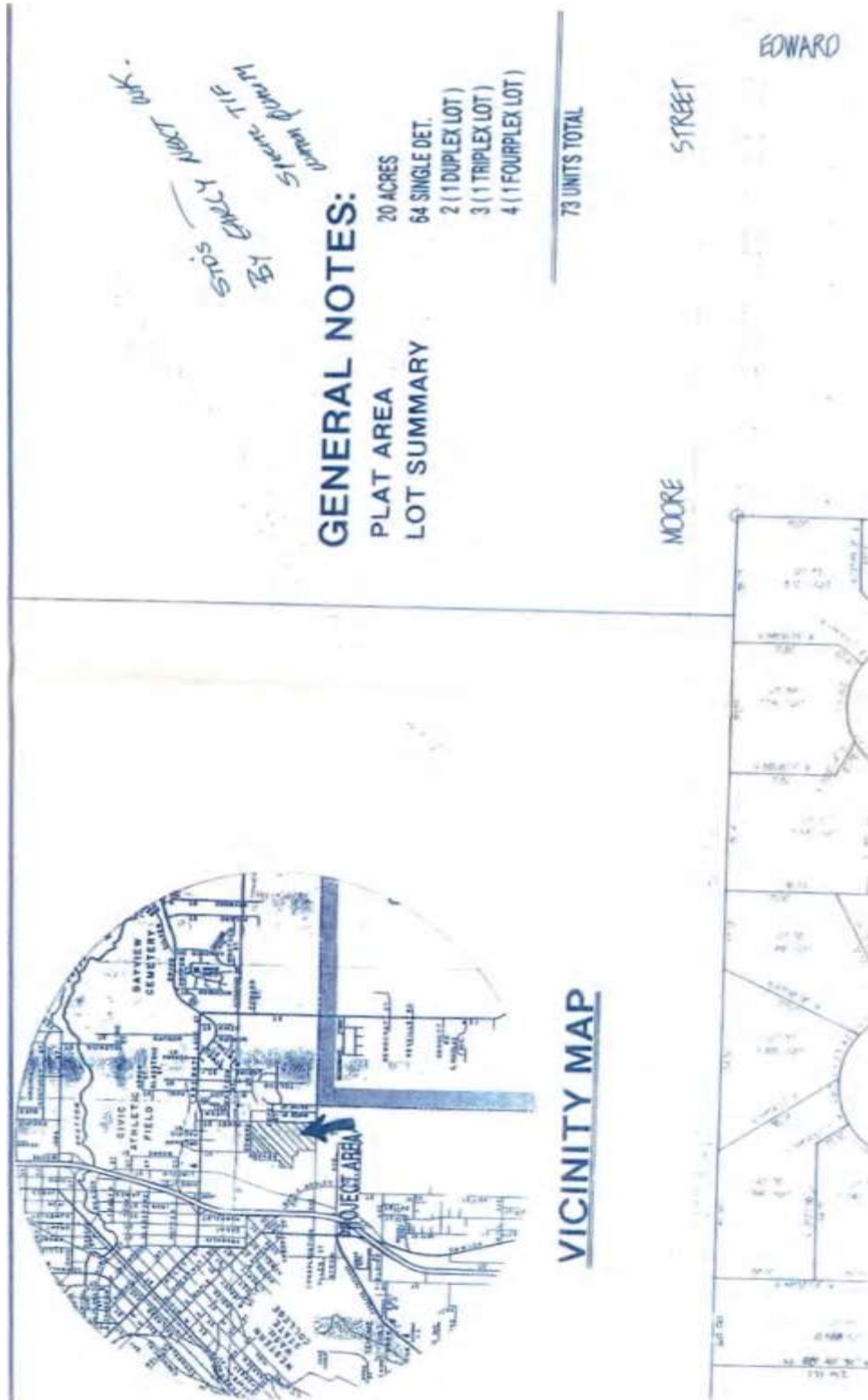
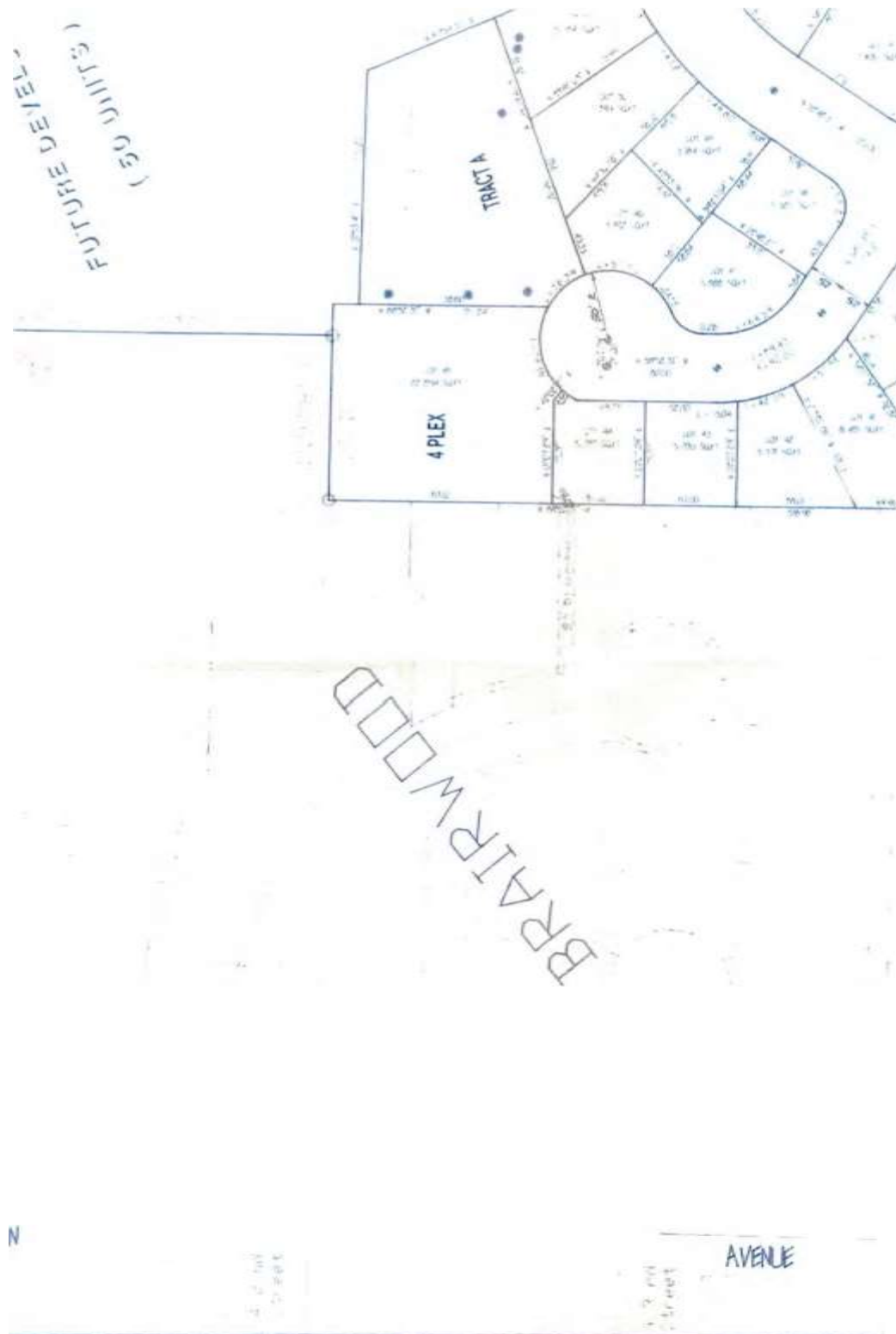


Exhibit H - Project Lot Layout 1993





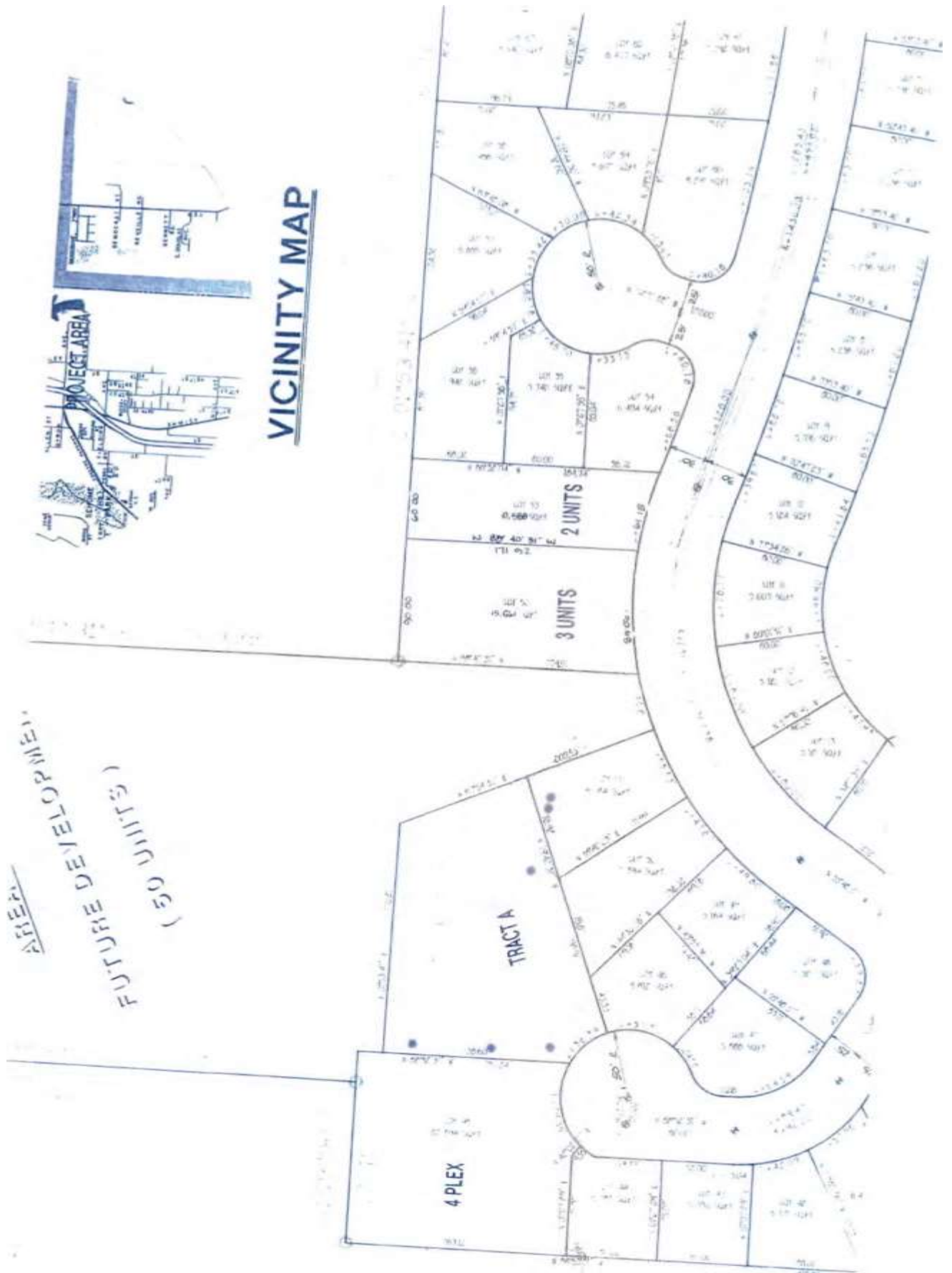
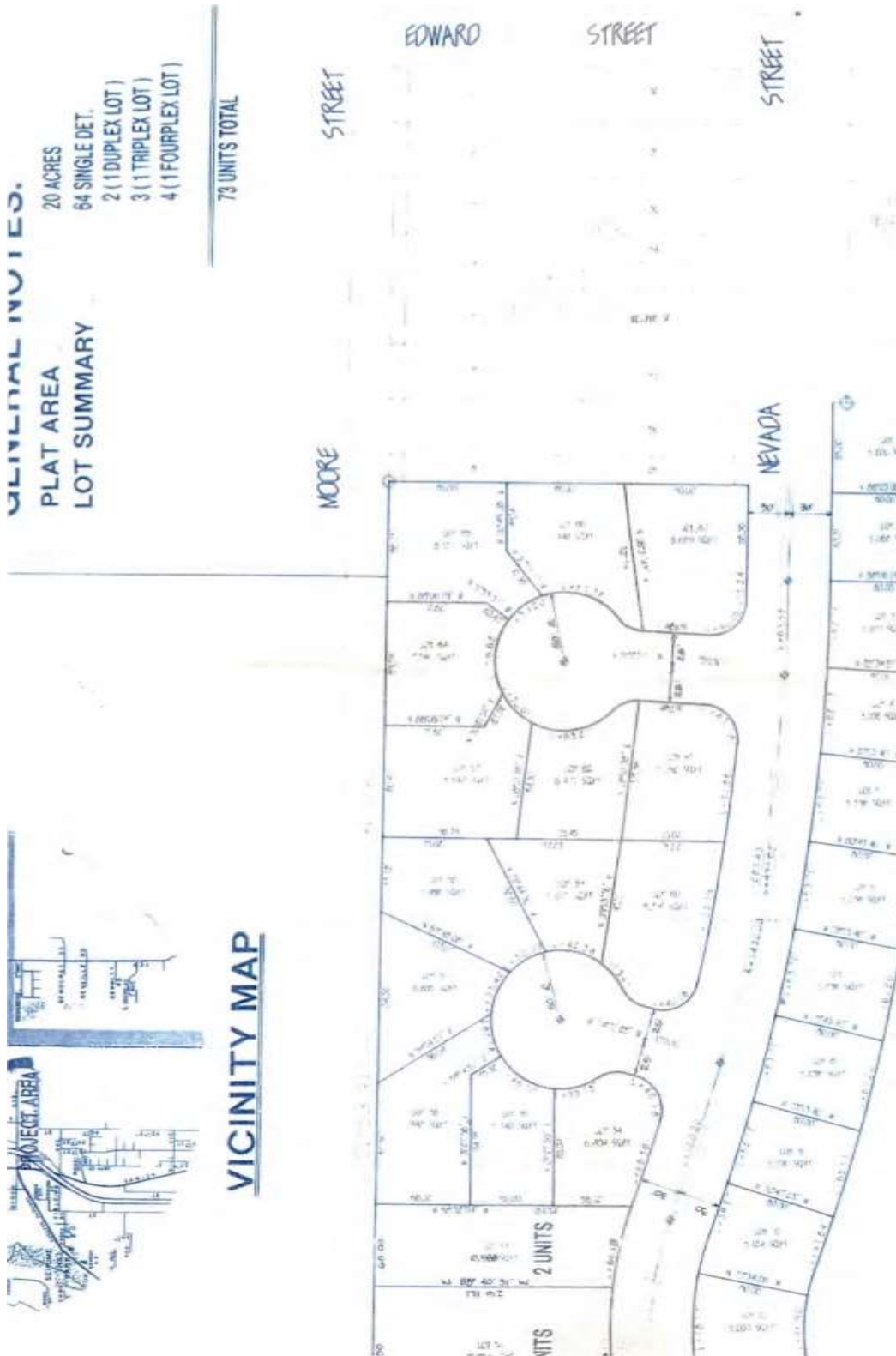
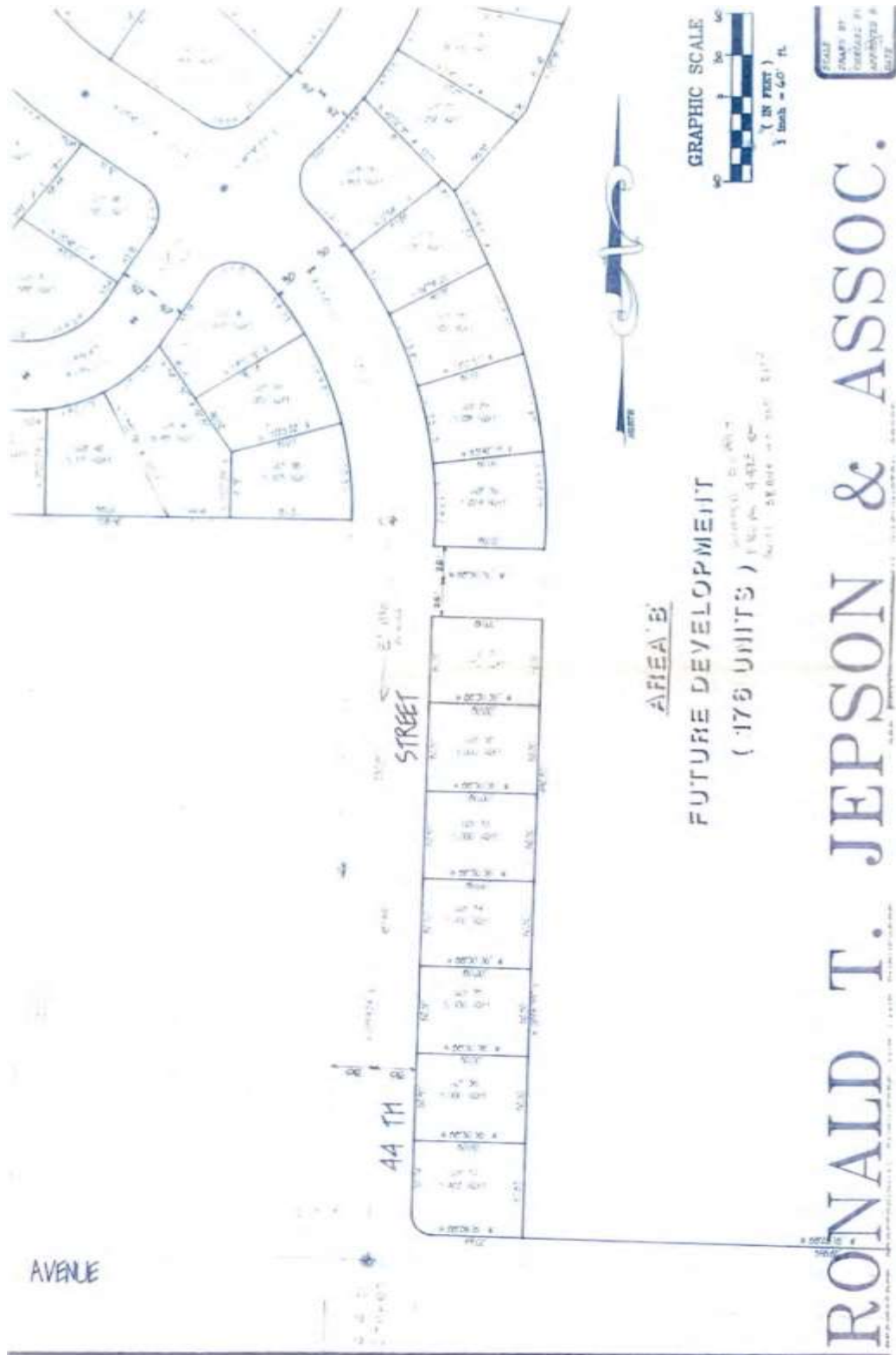


Exhibit H - Project Lot Layout 1993





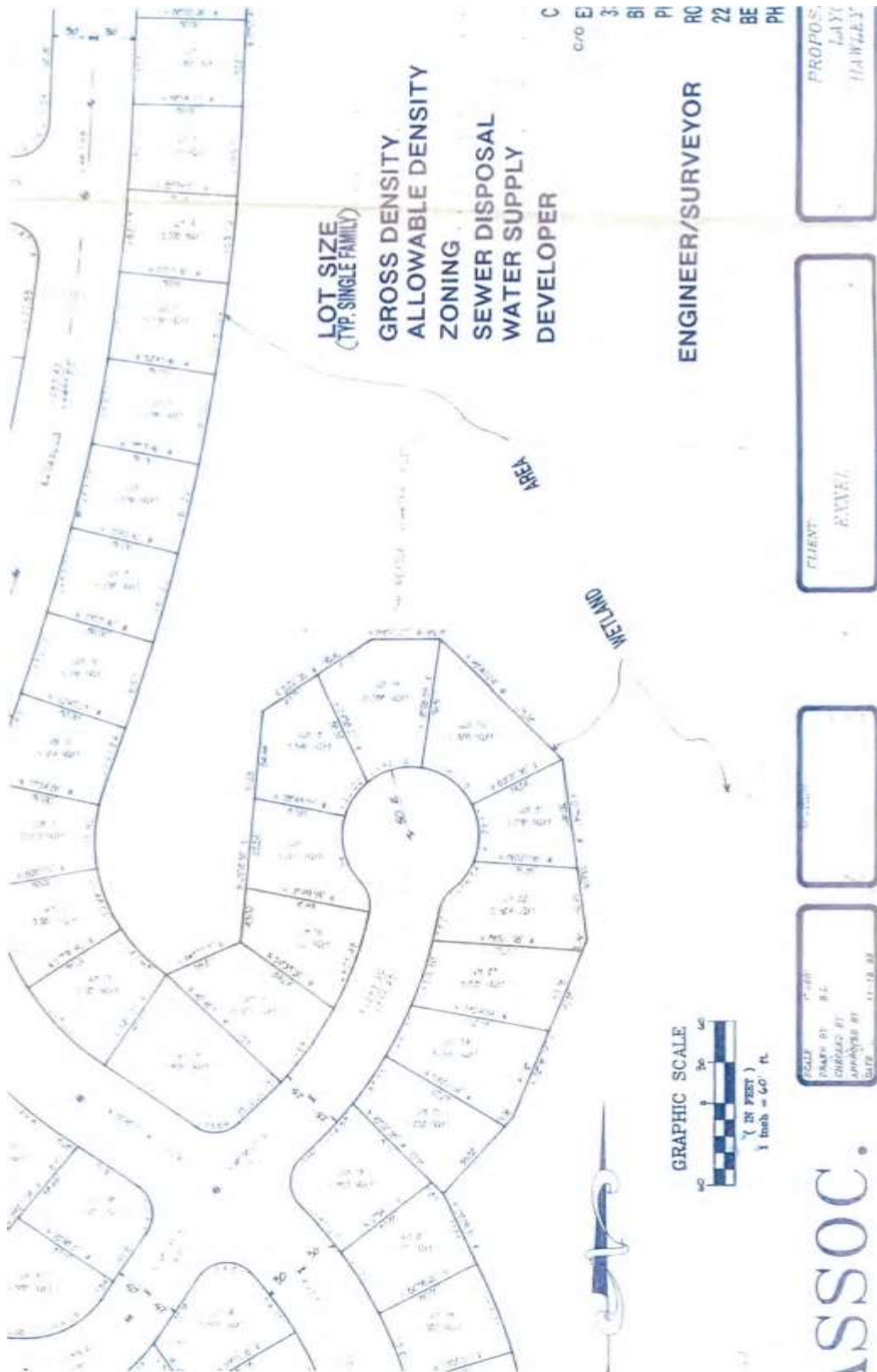


Exhibit H - Project Lot Layout 1993

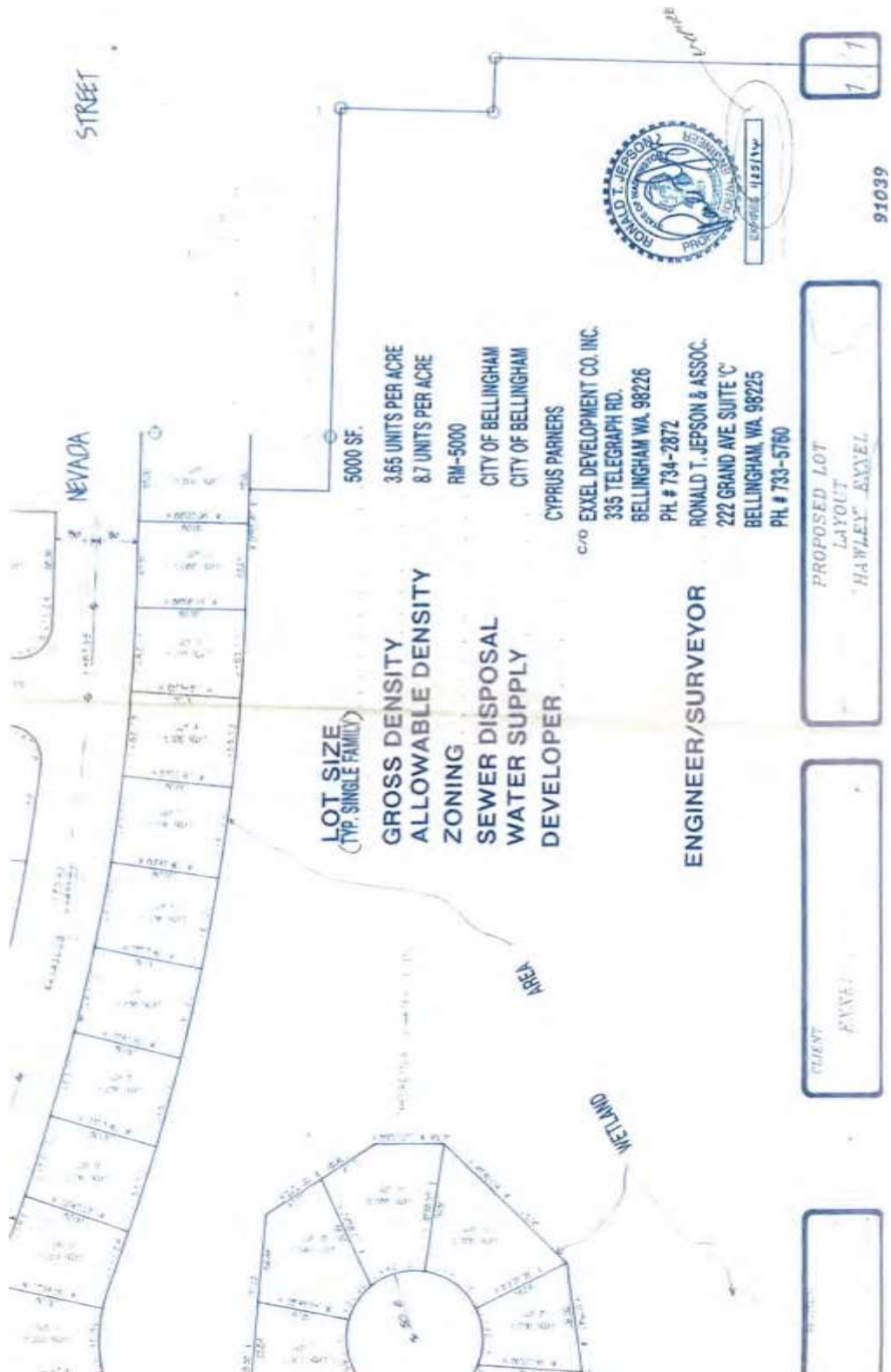


Exhibit H - Project Lot Layout 1993

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Public Comment

Name

George Francis Sanders

Full name or organization

Your name is required for identification as a part of the public record.

Choose Topic

CityView Project

Topics available for online public comment are listed above. If no topics are listed, there may be opportunities for public comment on various topics through email, letters, and public comment periods during meetings.

More information on this topic can be found at <https://www.cob.org/cityview>

Comment or Testimony

ATTACHED DOCUMENTS

2020 Hawley Development - Geotechnical Deficiencies Due To Lack of Borehole Investigations To Base Of Excavations.pdf ATTACHED

2020 Hawley Development--Consolidation Ave Loss of Parking.pdf ATTACHED

COMMENTS

There are still no geotechnical boreholes for this proposed project.

Existing shallow test pits are inadequate.

There is a serious deficiency in the geotechnical knowledge of this site.

How much cut/fill will be involved? This question is not addressed in the geotechnical report due to lack of data.

This will be a very, very big excavation and fill operation, with thousands of truck trips on Consolidation Avenue - the only truck access route.

Consolidation Avenue is too narrow for thousands of tandem dump truck trips.

The neighborhood will lose dozens of existing parking spaces along Consolidation Avenue to accommodate this gigantic earthmoving project.

George F. Sanders

Licensed Engineering Geologist, WADOL #400

4062 Consolidation Ave.

Bellingham, WA 9829

gsanders@openaccess.org

Files

2020 Hawley Development - Geotechnical Deficiencies Due To Lack of Borehole Investigations To Base Of Excavations.pdf

2020 Hawley Development--Consolidation Ave Loss of Parking.pdf

Documents or images related to your comments.

Email

gsanders@openaccess.org

Your email address will only be used to send you a copy of this comment and any official notifications related to this topic.

Date

5/11/2021

**CityView Applicant Response to August 10, 2019
City-Issued Notice of Incomplete Application**

Presented by concerned resident of Samish Neighborhood based on review of documents
submitted by Madrona Bay Real Estate Investments on February 24, 2020

Re: Geotechnical Deficiencies Due To Lack of Borehole Investigations To Base Of Excavations

2020 Hawley Development - Geotechnical Deficiencies Due To Lack of Borehole Investigations To Base Of Excavations.pdf

Date: May 6, 2020

Prepared by:

George F. Sanders, LEG

4062 Consolidation Ave.
Bellingham, WA 98229

WA State Department of Licensing, Licensed Engineering Geologist LEG #400

Statement Concerning Lack Of Geotechnical Boreholes On This Site

The geologic setting of the proposed development is basically the same as that of similar-scale construction at Western Washington University campus. Both sites lie atop Eocene-age Chuckanut Formation sandstone overlain by glacial deposits. This buried and often deeply weathered post-Eocene, pre-glacial topographic surface can present many problems for construction of large buildings if not correctly predicted and mitigated. Construction of multi-story buildings on the Western Washington University campus were predicated on geotechnical boreholes which reached solid bedrock. No such geotechnical borings were undertaken anywhere on the proposed development site. The only subsurface investigations were via test pits excavated to a maximum depth of about 12-feet, far less than the proposed depth of excavation required for the proposed multi-story buildings. This is worrisome because there is no history of such deep construction excavations on this ridge of Chuckanut Formation anywhere in the area of the proposed development.

The geotechnical investigations to date are simply not deep enough on this site.

The proposed multi-story buildings are no different than similar height buildings at Western Washington University. The developers should be held to the same geotechnical requirements as applied to construction on the Western Washington University campus, because of similar bedrock and overburden geology.

Geologic Hazards and Mitigation

Erosion Hazard Considerations

As currently envisioned, the proposed development will require cut and fill slopes and retaining walls. The slopes will be configured at 2H:1V (horizontal:vertical) or flatter, which will be stable at the site. Any disturbed slopes will be re-vegetated to provide resistance to erosion on these surfaces. Accordingly, in our opinion the constructed project will maintain or reduce the overall soil erosion potential.

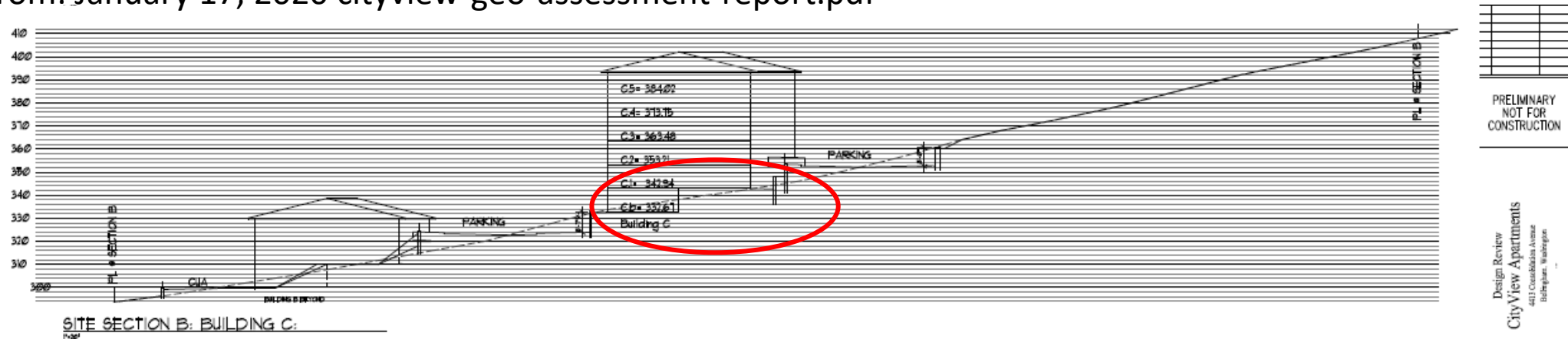
Where are the cross sections showing the bottom of all the excavations, especially the deep excavation to accommodate a 5-story building?

How high will the retaining wall need to be on the east?

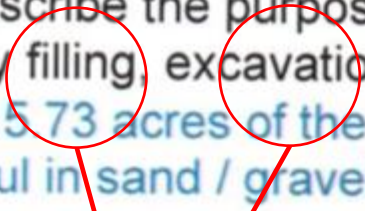
How much loose soil will need to be excavated on the west?

Where is the drawing of the excavation bottom beneath this tall building?

From: January 17, 2020 cityview-geo-assessment-report.pdf



This is because no proper geotechnical borings were undertaken in the area of the building footprints. True subsurface conditions remain unknown below 12-foot depth beneath this proposed development.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.
+/- 5.73 acres of the 11.15 acre site will be cleared and excavated for site improvements.
Haul in sand / gravel / pit run +/- 30,000 yards.
- 

show cross sections based on geotechnical boreholes to support the volume amount of excavation and fill for this project

The community needs to know how big an excavation project this will be.

What will the impact of the excavation/fill be on the road infrastructure?

What will the carbon footprint be for these large excavations?

This letter report presents the results of GeoEngineers' geologically hazardous areas site assessment for the proposed CityView development located at the northeast quadrant of the Nevada Street and Consolidation Avenue intersection in Bellingham, Washington. We previously completed a Soil Conditions and Preliminary Findings Memorandum dated April 9, 2013 and a Geologically Hazardous Area Site Assessment report dated April 29, 2013 for a previous development proposal. A geotechnical engineering report for the project will be completed at a future date as the project goes to design. Our geotechnical services for this new geologically hazardous area site assessment letter report were completed in general accordance with our Services Agreement dated August 16, 2019.

A future geotechnical engineering report is promised. This is where we will find out how deep the excavations need to be to accommodate the 5-story buildings at the east portion of the site.

The current status of our understanding of what lies beneath this proposed development is based upon 12-foot deep test pits, two of which encountered Chuckanut Formation bedrock beneath glacial sediments (TP-2 and TP-6).

The risk of over-excavation on this hillside is huge if the geotechnical investigations are not sufficient. The City will be forced to approve more excavation/fill volumes than predicted once this project begins. There are no buildings this size anywhere else along this ridge, and we don't have a clue as to the details of the bedrock topography. We don't know the nature of the Chuckanut Formation bedrock with regard to its hardness and amenability to excavation.

There is risk of needing significant over-excavation if irregularities in the buried Chuckanut Fm. paleotopography are found within the depths of the proposed foundation excavations on this hillside. Irregularities in this buried Chuckanut Formation paleosurface in the Bellingham region are typically large cracks between blocks of sandstone, often several feet wide, indicating that the downhill block has moved. Chuckanut Fm. sandstone is often deeply weathered, and in this condition, it is not considered to be a good foundation bedrock. Irregular paleosurfaces were found and mitigated at WWU campus, this development must be held to the same geotechnical level of study because the proposed buildings are of similar scale to those on the Western Washington University campus.

Proper geotechnical boreholes are needed to investigate subsurface conditions to the bottom of these proposed excavations. Shallow test pits are totally inadequate.

**CityView Applicant Response to August 10, 2019
City-Issued Notice of Incomplete Application**

Presented by concerned resident of Samish Neighborhood based on review of documents
submitted by Madrona Bay Real Estate Investments on February 24, 2020

Re: Consolidation Ave Loss of Parking

2020 Hawley Development--Consolidation Ave Loss of Parking.pdf

Date: May 6, 2020

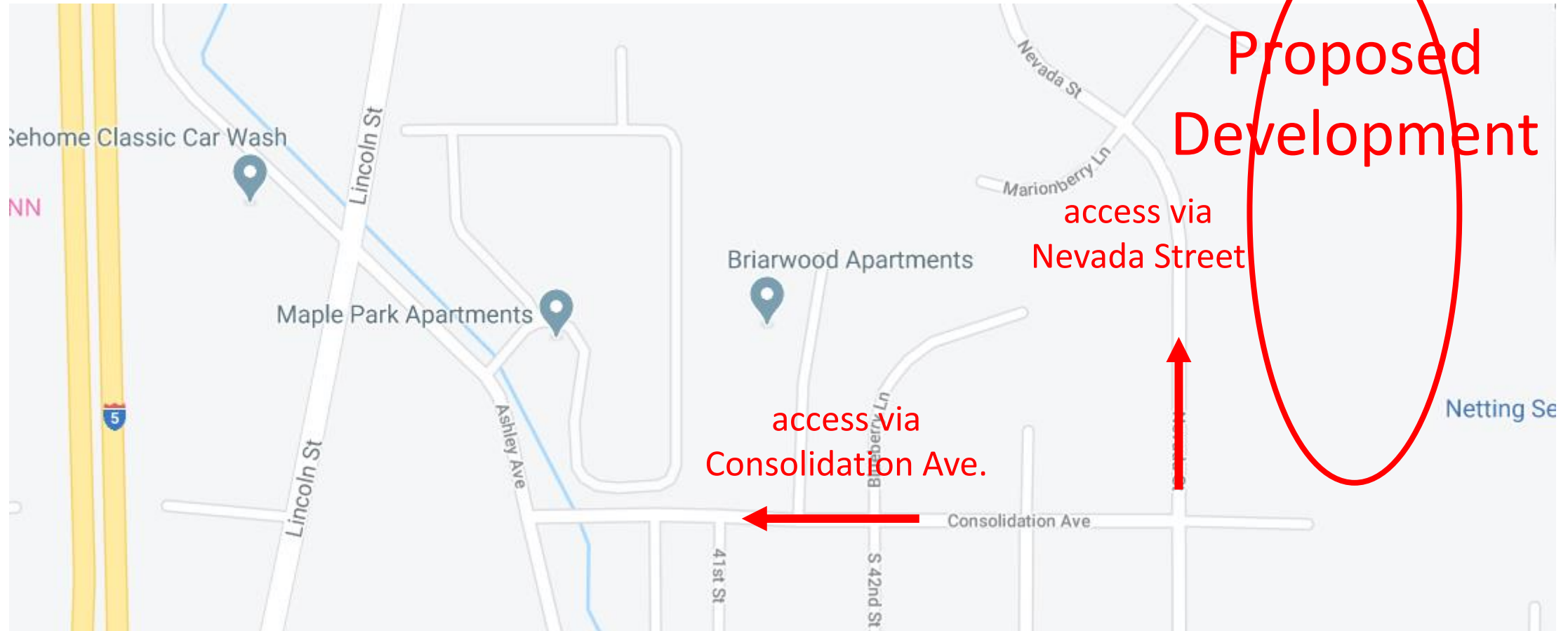
Prepared by:

George F. Sanders, LEG

4062 Consolidation Ave.
Bellingham, WA 98229

WA State Department of Licensing, Licensed Engineering Geologist LEG #400

Only two access/egress routes exist for this very large development



Excavation for proposed development will require several thousand truck trips



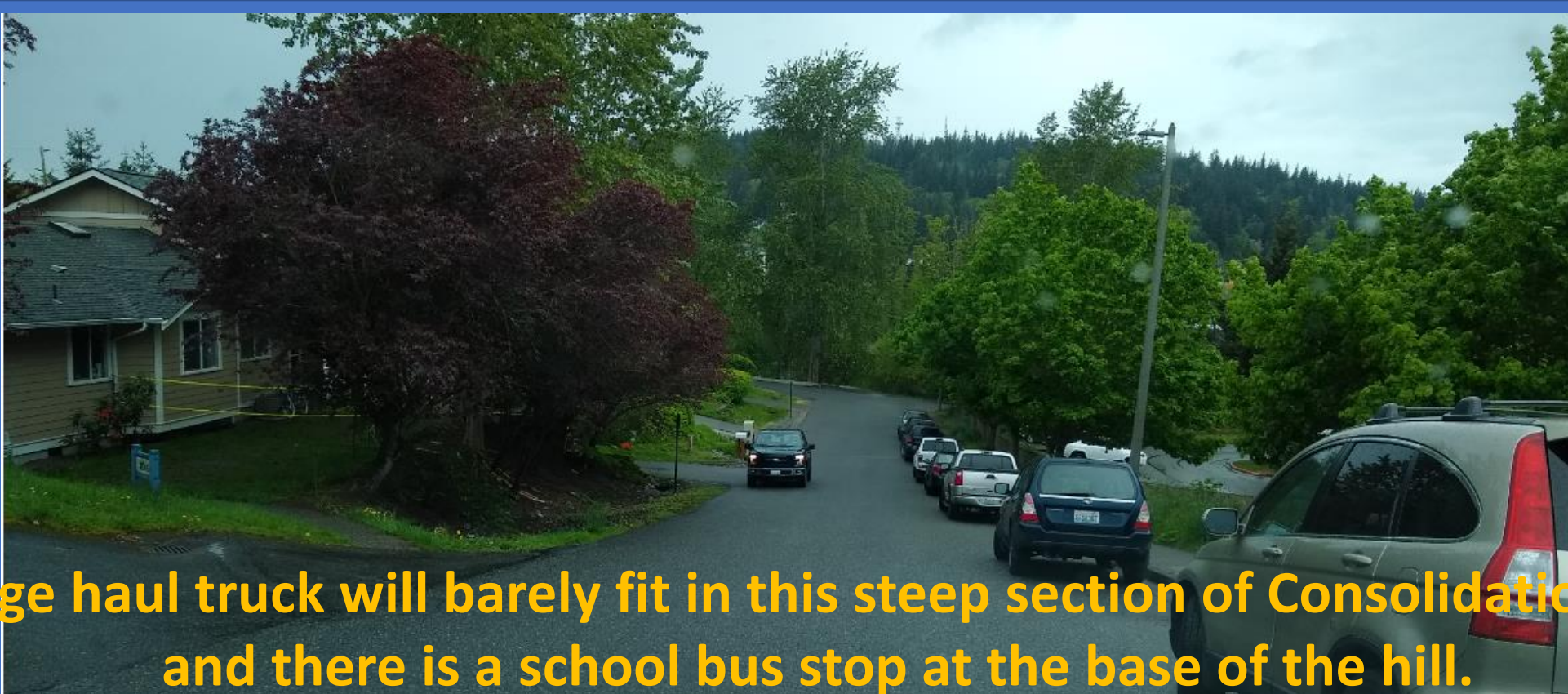
Large haul trucks will not be able to travel on Nevada Street due to recent City of Bellingham construction of traffic calming fixtures

Neighborhood parking is already scarce on Consolidation Ave and side streets, and parking spaces are filled most days



Consolidation Ave, looking downhill to the west, just before Ashley Street.

No bicycle lanes exist on Consolidation Ave.



A large haul truck will barely fit in this steep section of Consolidation Ave., and there is a school bus stop at the base of the hill.

Our community will lose all parking spaces on Consolidation Ave. due to increased haul truck traffic if this development is allowed.



Public Comment

Name

Robert and Darlene Flack

Full name or organization

Your name is required for identification as a part of the public record.

Choose Topic

CityView Project

Topics available for online public comment are listed above. If no topics are listed, there may be opportunities for public comment on various topics through email, letters, and public comment periods during meetings.

More information on this topic can be found at <https://www.cob.org/cityview>

Comment or Testimony

To: Bellingham City Council

This is our second letter to try and have some say in whether or not this massive student housing complex should be allowed in this location. It is disingenuous to call this development a "Residential multi-family project". This will be in fact student housing for WWU. To place this monstrosity in the middle of what is primarily a neighborhood of single family homes is wrongheaded.

The resulting traffic on Nevada St, Consolidation and Byron Avenues will lead to dangerously heavy congestion on streets that were not designed for the number of vehicles that will result from this development. Many of the homes in this neighborhood have families with small children.

This project will very likely result in storm water damage to the homes downslope from the disturbance of this steep hillside.

The value of the homes in this neighborhood will be affected negatively.

It is likely that we are tilting at windmills on this issue as the developer has already bought this tract of land for a reported \$1,800,000. We still have to hope that common sense from the City of Bellingham will prevail.

Respectfully;

Robert D. Flack, MD (US Army veteran)

Darlene S. Flack, MS Librarian (ret)

4217 Marionberry Ln, Bellingham, WA, 98229

Files

Documents or images related to your comments.

Email

rdflack@gmail.com

Your email address will only be used to send you a copy of this comment and any official notifications related to this topic.

Date

5/12/2021



Public Comment

Name

randall potts

Full name or organization

Your name is required for identification as a part of the public record.

Choose Topic

CityView Project

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More information on this topic can be found at <https://www.cob.org/cityview>

Comment or Testimony

The density equation used to justify this extremely high density project has been revealed to be an error. See Northwest Citizen (<https://nwcitizen.com/entry/cityview-lives>) "The proposed CityView [development] relies on this phantom density allowance without answering why the Unit Density for the Hawley Replat - Tract F is 176 units? This density is approximately twice that allowed under the City of Bellingham Zoning Table for Area 17 of the Puget Neighborhood. It also underlaid several development plans, never approved or built, that proposed huge, out of character multi-unit buildings that would have dwarfed the surrounding single-family residential neighborhood." This is unacceptable and a fraud on the citizens of Bellingham and the Puget Neighborhood in particular. The correct density number MUST be used. Those buildings that exceed that number CANNOT be built. Greed and lies do not over-ride the Bellingham City Zoning Code. Especially given the State Legislature's redefinition of the term "Family" which Bellingham is not in compliance with at this time; when it is in compliance it will negate the developer's claim that these buildings are not considered "student housing" but are for couples and "refuges." This is a poorly sited project with a history of bad faith on the part of the developer and should not move forward.

Files

Documents or images related to your comments.

Email

randallpotts@hotmail.com

Your email address will only be used to send you a copy of this comment and any official notifications related to this topic.

Date

5/12/2021

Aven, Heather M.

From: MY - info@cob.org
Sent: Wednesday, May 12, 2021 1:08 PM
To: Bell, Kathy M.
Subject: FW: Public Comments on CityView

Hello Kathy,
Please see the forwarded email below.
Thank you,

Shelley Halle
Central Reception
City Hall
210 Lottie Street
Bellingham, WA 98225
Phone: 360-778-8000

Note: My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

-----Original Message-----

From: Sylvia Williams <sylviajwms@gmail.com>
Sent: Wednesday, May 12, 2021 10:49 AM
To: MY - info@cob.org <info@cob.org>
Cc: Nancy Wopperer <nancywopperer@gmail.com>; dondiebert@outlook.com
Subject: Public Comments on CityView

I am writing on the subject of the City View apartment complex being planned off Nevada St. Yes, Bellingham needs more concentrated housing units, not contributing to urban sprawl. However, building on this site is of concern to me because: 1) the massive stress on the streets of potentially 257 vehicles which is just the parking allotment, not however many cars there will be for 318 possible tenants. 2) the issues of building such massive structures on a steep landscape leading to slope & drainage issues which may not be known until the structures are built, & 3) impact on the existing neighborhood which is strongly opposed to this building site. Please reject the permit for building these huge structures on this site. Sylvia Williams

Aven, Heather M.

From: John Parish <john@jstriker.com>
Sent: Saturday, May 15, 2021 12:12 PM
To: Grp.PL.Planning And Development Commission
Cc: Sepler, Rick M.; Bell, Kathy M.; Fleetwood, Seth M.
Subject: I am presenting common sense & fact regarding City View development on Consolidation - please review
Attachments: Entrance pic.pdf

Project: City View Project

1.
The rendering of project is nice and located in a beautiful setting. (Attached)
2.
This rendering to 100 % misleading and not the facts.
Please look at Consolidation on the right side of rendering of complex.
Looks like a nice wide access road.
(A) Look at attachment with picture of same with the red X That is the base of a mountain.



WHAT DO THE HOME OWNERS DO?

X marks the one entrance to this monster project

One side road is the total entrance for this complex

Out of this one entrance for at least eighteen months neighbors will have Tree cutters
Tree Hauler trucks - Flat Beds transporting Caterpillars. Earth movers, earth dump trucks
Supply trailers, dry wall deliveries, pipe deliveries, Cement Trucks

* Not including no parking so delivery flat beds & trucks park on side streets.

We have not even covered the construction workers & their parking.

What will the home owners do all this time. Leave town!

This project on this property makes no sense - Like strip mining a property

Not much left when finished.

From 7:00 AM to 6:00 PM **SEVEN DAYS A WEEK** all Neighborhood residents will
not get sleep in or have peace and enjoy their homes and back yards.

**This is 100% family residences - why drop this 5 1/2 story building
Right in the middle of one & two story houses.**



Letter to the City of Bellingham 2021-05-17

Nabil Kamel, Ph.D.
Associate Professor
Department of Environmental Studies
Huxley College of the Environment
Western Washington University
Nabil.Kamel@wwu.edu
<https://huxley.wwu.edu/people/kameln>

Summary:

The information is pertinent to documents submitted in response to the latest CoB RFI.

Concerns about design and form compatibility with the neighborhood continue to show a complete disregard for the character and needs of the neighborhood. The response to concerns in CoB RFI is inadequate and misleading.

Form, proportion, design, scale, and scope of the project are utterly incompatible with the existing fabric of the neighborhood. I include a rough analysis of the diagrams and sketches provided in the response to CoB RFI and show that

- a) the proportion of the proposed buildings is incompatible with the texture and pattern of the neighborhood;
- b) the height and bulk of the proposed structures overwhelms and fills the cone of vision from multiple angles adjacent;
- c) proposed mitigation measures are skin deep and do not remediate the intrusive impact of the proposed building blocks that exceed 5 stories high in a 1 and 2 story neighborhood.

With respect to the SEPA checklist revised 3/12/2021:

The "revised" version is essentially identical to the original with the same answers that are incomplete, misleading, and/or erroneous. Consequently, the document is not credible and cannot serve its intended purpose "to determine whether the environmental impacts ... are significant." CoB should reject it and require resubmission, as they did with the original.

Critical Areas Assessment and Mitigation has virtually no updated information that address CoB RFI.

Similarly, virtually none of the tree retention plan/map provides adequate response to the RFI. The principal omission is location/identification of trees that would be retained and trees that would be removed. Location of trees to be removed is required to determine whether plan complies with Critical Areas Ordinance protection of landslide hazard areas. A general shaded area does not satisfy the requirement. Plan also includes many other deficiencies and distortions -- e.g., "replacing" mature trees with shrubs and 1 gal. pots or 18" tall replacements.

SEPA checklist, tree retention plan, wetland mitigation report documents contain so many omissions, errors, or misleading statements that they are not credible. They must be revised/resubmitted before CoB makes any responsible decisions about the proposal. (See list of some deficiencies, above.)

Wetlands A and B are continuous. This means that the entire wetland unit requires a category I buffer, which would be inviolate -- no buffer averaging allowed. This larger buffer would extend into the

proposed development -- so the development application/plan would have to be rejected or substantially modified.

The 100 ft. buffer around wetland A is not adequate. Wetland mitigation report and development plan use 100 ft. buffer around wetland A, which would follow from a low habitat function score (>3-4pts). Given the inadequate reporting of habitats, a higher habitat score would require wider buffers, 150 - 200 ft. [BMC 16.55.340(B)]. The wider buffer would extend into the proposed development -- see point (2) above.

Tree retention plan and hazard tree removal. As noted above, the plan is likely to remove "hazard trees" that are within the required buffer [at least 50 ft.; BMC 16.55.460(A)(1)] around 40% slopes along the eastern portion of the property. Trees and other vegetation within that buffer cannot be removed [BMC 16.55.460(A)(4)].

Conclusion:

CoB has not only the right, but the legal and moral obligation to reject this project. The rejection is based on the unfair burden imposed on one of the most diverse communities in Bellingham, on the environmental degradation caused by the development and construction, and not addressing concerns raised in COB RFI.

Detailed Analysis and Comments:

DESIGN REVIEW

SITE DESIGN

A. Neighborhood Scale:

The massing of buildings remains by-and-large unchanged despite Action Items A and B under DESIGN REVIEW.

Similarly, Actions 9 and 10, address in minimal and superficial ways the RFI Action Items A and B under DESIGN REVIEW. There is no way that a single mass of a 5.5 story building with 12 units per floor can be made compatible with single family units by means of painted ornaments or imperceptible breaks in the elevation.

In fact, the updated rendering purposefully omits any of the neighborhoods homes as it would reveal the gross disproportionality of the proposal.

B. Neighborhood Compatibility:

The very housing typology that is used in Action 10 submission as reference reveals the gross mismatch between the proposed development and existing neighborhood fabric.

Similar Proportions: not even close.

Similar Roof Form: the continuous repetitive roof form that extends for the length of 6 units is in no way similar in form to those of the adjacent neighborhood. There are no breaks in elevation sky line, pitched and gabled roofs are overly shallow and imperceptible given the imposing building mass.



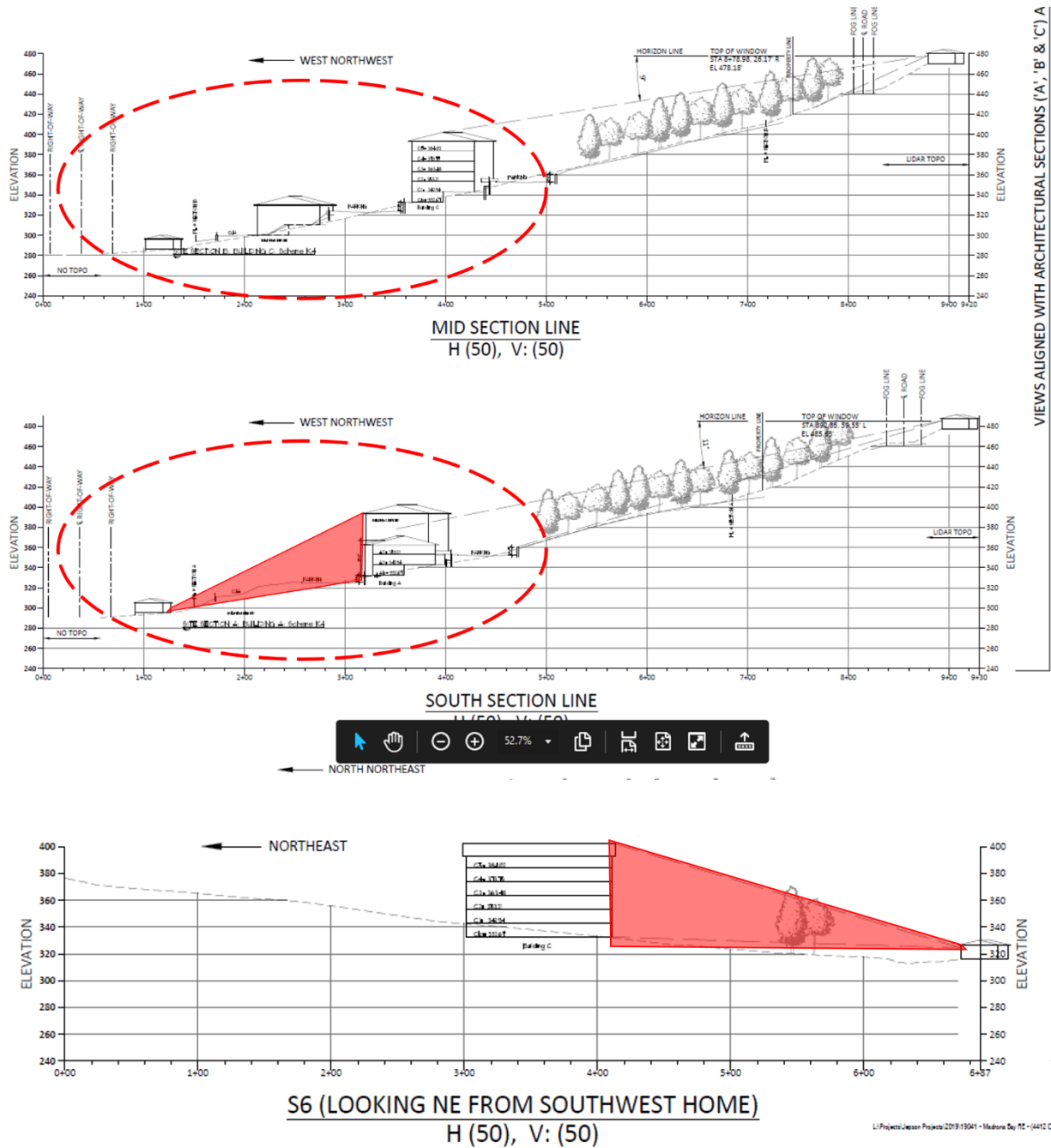
Similar Patterns and Proportions of Windows:

The examples provided show a distinct difference in terms of solid vs. open surfaces, where the proposed development includes much higher percentage of façade closed.

Orientation:

Requirement: Orient buildings to public streets and open spaces in a way that corresponds to the site's natural features and enhances the character of the street for pedestrians.

Nothing in the response demonstrates enhancements to the character of the street for pedestrians. On the contrary, added traffic, large parking surfaces (half the frontage on Consolidation Ave.), and a built-form that is out of character with the neighborhood negatively affects the pedestrian experience.



Tree Retention Plan

Plan would replace large canopy dominants w/ small understory trees

c.f. p.3, Request for Information & RFI response

"Identify trees that will be removed and those that will be retained."

-- plan fails requirement: does not show trees that would be removed on 5.73 acre project footprint

-- does not show critical root zone for retained trees

-- does not show fencing method to install at critical root zone

-- replacement trees (*Thuja plicata*) along west side are not provided sufficient root protection

Most replacement trees would be small understory species. Those cannot "replace" large mature canopy dominants that would be removed.

Note in eastern portion of site:

"(59) hazardous trees to be removed and replaced"

This contradicts wetland mitigation plan assertion that 48% of property would be retained as natural habitat. Removing (so many) trees in that part of the property does not constitute protection or retention.

Some "hazard trees" to be removed are likely within buffer area of landslide hazard area (steep slope, 40%). CAO requires retention of all trees within buffer. Cannot determine whether tree removal would violate CAO because tree retention plan does not locate trees to be removed.

"Revised" SEPA Checklist

Previous concerns not addressed and not included in CoB RFI.

3 Water

(a) surface water

(1) wetlands: wetland B "**artificially created**"?

There is no credible information or basis for assertion. **Wetland mitigation report does not mention "artificial".**

Moreover, while states they are disjunct, independent on site expert inspection shows that the wetlands are continuous. This means that the entire wetland unit requires a category I buffer, which would be inviolate and no buffer averaging allowed. This larger buffer would extend into the proposed development. As such the development application/plan would have to be rejected or substantially modified. Evidence of wetland continuity includes, but is not limited to, obligate wetland plants growing in the area "between" the wetlands and consistent soil color and texture.

(d) site disturbance +/- 50% does NOT "minimize" impacts

5 Animals:

Only "deer" marked. Ignored all birds, including songbirds and owls, which are abundant in the area. Although not regulatory issue, gross omissions show **applicant lack accuracy and diligence with the checklist**

(c) **Migration route? "No." YES -- site is part of the Pacific flyway**

(e) **Invasive animal species "none" -- not credible (eastern gray squirrel, eastern cottontail rabbit, starlings, ...)**

14 Transportation

(f) Number vehicle trips/day = 68

This figure is not credible, given the 106 units with 257 parking spaces.

(h) measures to control transportation impacts

The increase in number of bike racks is done by way of "internal storage", which assumes tenants willing to bring their bikes up the stairs and into their apartments. Given the inconvenience, this is unrealistic.

Development plan caters to private vehicle use, without credible plan to support/encourage other modes or mitigate traffic impacts. Severely underestimates traffic impacts (i.e., 68 vehicle trips/day).

15 Proposed measures to reduce or control direct impacts on public services

"Walking/biking will be encouraged to reduce auto traffic."

- w/ essentially unlimited parking, driving would be more convenient than bike/bus,
- would not "reduce auto traffic" and not "encourage" walking/biking.

Proposed measures do not reduce or control impacts

BROADER OBSERVATIONS

The wrong project:

Infill should NOT cannibalize urban green space. Good Infill does not take away precious little green space within a city and replace it with generic multi-family development. Rather, good infill consists of upgrading and increasing the density of *previously developed but under-utilized land* such as low-density commercial, strip malls, car dealerships, and the like. Good residential infill with multi-family development has to be accompanied by a mix of uses to include amenities needed by the added residents. This is why mixed-use development is the best infill practice. To accommodate the increased population density associated with infill development, these projects need to be accompanied by infrastructure and service upgrades. This project is slated for 106 3-bedroom units and parking for 249 cars on site. This means that when fully occupied there will be a minimum of 300 people moving in and out on the local residential streets, 249 cars driving in and out, and at a minimum an additional 30 to 50 cars trying to find street parking. I don't understand how anyone thinks this is a good project for the neighborhood.

The wrong place:

The location for this project presents serious problems in terms of traffic. It is proposed on a narrow local streets over 3,000 feet (1 km) from Lakeway Dr., which already suffers from congestion as it is the primary connection to I-5. The added traffic on Puget St. and Consolidation Ave. will dramatically affect the quality of the neighborhood and the safety of pedestrians, especially children and elderly. I have yet to see a successful infill in the heart of a single-family residential neighborhood. Infill takes place on the edges where there is direct access to arterials and services.

The wrong time:

This may be one the biggest factors for rejecting this project. In the major economic downturn that we are experiencing, the worst in US history since the Second World War, and one that is expected to last for years, investments in real estate development face high uncertainty. There is a very high probability, almost certainty, that the proposed project will face difficulties in financing and marketing. This means a typical case of "arrested development" whereby the city and the neighborhood will see its open space destroyed and replaced by the dirt of an unfinished construction site for years to come. Ultimately, the city will end-up "making a deal" with the developer to finish the project by removing mitigation measures, downgrading amenities, waiving fees, providing subsidies, allowing higher density, etc. The result is low-quality development and complete deterioration of the Puget neighborhood.

Attack on protected an environmentally sensitive area:

The proposed project presents serious environmental risks. The development is proposed on land within the Whatcom Creek watershed, which drains to Bellingham Bay. It is entirely on wetlands according to CoB 2015 inventory and with additional site-specific wetland designations. This urban natural jewel is home to a rich bio-diversity of plants and animals. It is unclear how the report by Miller Environmental Services finds no impact on wetlands. Based on CoB wetland maps, the report wrongly identifies the location and size of on-site wetlands. Similarly, the report recognizes that the area provides habitat to species, but fails to identify the types. Moreover, the report callously suggests that because the developed area takes away “only” 50% of the forested area, it does not present any significant impacts on wildlife. Finally, and while the CoB notice and the report suggest that “approximately” 50% of the site will be cleared, the proposal shows the development affecting about 75% of the site. Given this precedent, there is no guarantee that the remainder will remain forested.

Attack on social diversity:

The Puget neighborhood is one of the most diverse neighborhoods in Bellingham, by every indicator – from ethnicity and race to age, income, and educational attainment. It is unfortunate that CoB would consider a project that undermines a neighborhood that has evolved harmoniously. While it is not unusual for developers to try to place controversial projects in areas with high levels of diversity because they think that such areas are less capable of resisting their plans and that elected officials are less likely to pay attention. I hope this is not the case in CoB. I know that my neighbors and myself stand united to oppose bad development that destroys the environment and the community.

Death by a thousand cuts:

We are all aware of the housing shortage, the high cost of living, and the overpriced housing in Bellingham. Expanding the housing stock is needed. However, what this project considers as infill is adding multi-family projects in a checker-board pattern in the heart of middle-class neighborhoods. As mentioned above this is not how it is done. What we are witnessing in Bellingham is puncturing middle-class neighborhoods with projects that lower property values of adjacent homes. This, in turn makes new development more profitable and allows developers to prey on these properties. Eventually the entire neighborhood is gutted. This process falls under the labels of “creative destruction” (i.e. destroying existing investments to create new profits) or “accumulation by dispossession” (i.e. theft of the wealth accumulated in home equity).

High geological risk from incomplete and inaccurate project documentation:

The Geologically Hazardous Area Site Assessment recognizes that extensive portions of the project take place in slopes of up to 50% but downplays the effects of erosion, and subsequent flooding and mudslide potential, especially with the loss of vegetation and increased impervious surface. Moreover, current test pit depths do not meet the minimum standard of 1.5 times the height of retaining walls. If approved, the CoB would be liable for subjecting Puget neighborhood residents to flooding and mudslide hazards.