



Planning and Community

Development Department

City of Bellingham

NOTICE OF DECISION

REQUEST: Applications for land division, critical areas, design review, infill housing and land division variance for a new residential subdivision on an approximately 11-acre site known as Barkley Heights. The submitted proposal consists of 23 single-family lots and 40 infill housing townhomes. All units are proposed to be on separate lots created through the preliminary plat process. A density bonus is requested to increase the number of residential units from 50 to 63.

The development would be served by the extension of Sussex Drive from its current terminus through the site to Bristol Way. Direct vehicular access from Chandler Parkway is not proposed. Variance(s) from land division regulations are requested. The dedication of land for public trail easements are proposed. Stormwater management is proposed along the western boundary of the site in detention vaults. The Type II applications for critical areas, infill housing and design review decision, are administrative decisions and anticipated to be issued by city staff prior to the public hearing for the cluster preliminary plat. The City of Bellingham Hearing Examiner will hold a public hearing on the Type III applications for cluster preliminary plat and variance.

The project is located at 3615 Chandler Parkway, between Bristol Way and the northern terminus of Sussex Drive, and legally described as Lot 4 AM Form Over Substance Short Plat #1997 as Rec Af 2030106542 – exc ptn to City of Bellingham for street desc Af 2080402335. Residential Multi, Planned, 10,000 sq. ft. per unit average overall density Land Use Designation. Barkley Neighborhood, Area 2.

APPLICATION NO: SUB2020-0005 / VAR2021-0001

APPLICANT: Tony Freeland, Freeland and Associates, on behalf of R&H Farms Inc.

HEARING EXAMINER DECISION DATE: May 7, 2021

DECISION: Approved with conditions. See the full Hearing Examiner Order at address listed below or at www.cob.org/gov/dept/hearing/pages/hearing-examiner-materials.aspx.

A. GENERAL REQUIREMENTS

1. The plat shall be developed generally consistent with the application materials and lot layout as shown in Exhibit 1.A.

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210 Lottie Street
Bellingham, WA 98225
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2. Preliminary plat approval is contingent upon the approval of a Consolidated Permit for Type I and II land use decisions for multifamily design review, infill housing and critical areas in accordance with Chapters 20.25, 20.28, 16.80 and 16.55 BMC and all conditions of that permit shall be deemed conditions of approval of this preliminary plat approval.
3. Modifications to this decision shall be processed in accordance with BMC 23.16.090.
4. A clearing and grading plan for the property, including rights-of-way, shall be submitted for review and approval by the Planning and Public Works Departments concurrent with review of civil drawings for the infrastructure.
5. Development of the property shall be consistent with the provisions of BMC Title 23, and with the description of the Proposal contained in the Determination of Non-Significance, except as otherwise provided herein.
6. Heavy equipment and construction work shall be compliant with Chapter 10.24 BMC, except that no exterior work shall occur after 7:00 pm.
7. Impact fees for transportation, schools and parks shall be paid in accordance with applicable BMC requirements.
8. Preliminary plat approval shall expire as provided in BMC 23.16.080.

B. CONDITIONS FOR FINAL PLAT APPROVAL

The Applicant shall obtain all necessary permits and/or approvals from the city necessary to satisfy the following conditions prior to final plat approval pursuant to Chapter 23.20 BMC.

1. Sixty feet of land shall be dedicated to the City for right-of-way purposes for Sussex Drive from the existing terminus of Sussex Drive through the site to connect to Bristol Way in a location generally as shown on the approved preliminary plat map, Exhibit A.1.
2. Sussex Drive within the newly dedicated right-of-way shall be constructed to full standard of a residential street with sidewalks setback from the curb with a minimum five-foot landscape strip.
3. The proposed alley, if dedicated to the City, shall be improved to City alley standard within a 20-foot right-of-way.
If the alley is not dedicated, a private easement for the alley shall be established that specifies it will be privately owned and maintained. The private alley shall be constructed to a standard as determined necessary to provide code required maneuvering for the parking located on the adjacent lots.
4. The extension of public water and sewer mains to serve each lot and to provide the orderly extension of utilities shall be installed as determined necessary by the City Engineer through a public facilities construction agreement.
5. Stormwater management shall be provided in accordance with Chapter 15.42 BMC and all stormwater facilities shall be dedicated to the City unless determined otherwise by the City Engineer. Any open treatment and detention facility, including swales, rain gardens, and rock vaults, shall be designed to fit within the natural surroundings to the maximum extent practicable and be accessible for maintenance, regardless of ownership. Landscaping, if determined necessary for these facilities, shall be designed by a licensed landscape architect and/or wetland biologist. The landscape plan shall be reviewed and approved by the City and include an irrigation system if drought tolerant plants are not used.

If a detention facility, above or below grade, is located within an area required to meet minimum landscaping requirements, a landscape architect shall determine an appropriate soil depth atop the facility to ensure required landscaping has sufficient soil depth to survive.

6. Street trees shall be installed pursuant to BMC 23.08.080(G)(5) and 23.08.080(C).
7. All parks, recreation and open space shall be provided as identified in the City's comprehensive plan. Specifically, the following is required for the trail segments identified on Exhibits H-H.3:
 - a. Segment 3: Construction to the City's narrow trail standards as determined by the parks department. Dedication of land 40 feet wide for public trail purposes in a location that is necessary to include the required trail improvements and allow for access for ongoing maintenance and operation.
 - b. Segment 4: Dedication of land 30 feet wide for public trail purposes in a location that aligns with the unimproved Orchard Drive right-of-way from Desborough Place to trail Segment 3.
 - c. Segment 5: Construction to the City's narrow trail standards as determined by the parks department. Dedication of land for public trail purposes from trail Segment 3 to Sussex Drive in a location and width that is necessary to include the required trail improvements and allow for access for ongoing maintenance and operation.

Critical area impacts from construction of this trail segment is anticipated due to the few potential locations of the trail easement and the extent of the wetland buffer and the presence of geohazards. The Consolidated Permit for this project shall be amended as necessary to mitigate for any additional critical area impacts resulting from the construction of this trail segment.
 - d. Segment 6: Dedication of land 30 feet wide for public trail purposes in a location that aligns with the existing stormwater easement from Segment 3 to the existing trail easement located on the parcel addressed as 3601 Chandler Parkway.
8. All required public and private easement documents as required by this approval and the consolidated permit shall be submitted to the City concurrently with checkprints for review and approval by the city departments and the Office of the City Attorney and recorded concurrently with the final mylars. Required easements include, but are not limited to, private parking, private and public utilities, trail, and stormwater facility.
9. The Applicant shall provide evidence to demonstrate compliance with BMC 23.08.070 (E and F).
10. Mailboxes shall be installed as approved by the United States Postal Service.
11. Monumentation shall be as required in BMC 18.28.180.
12. The following shall be shown on the face of the plat, as applicable:
 - a. All existing, required, and proposed easements.
 - b. A ten-foot-wide easement adjacent to public rights-of-way reserved for utility purposes, as determined necessary by the utility providers.
 - c. A note stating that all lots are subject to those conditions set forth in this Order, and as may be amended in accordance with the municipal code.
 - d. A note referencing any existing private covenants and any covenants specific to the proposed lots.
 - e. Stormwater limitations.
13. Private covenants shall be recorded with the plat to specifically define the common, limited common, and private elements of the proposal. The covenants shall also include maintenance obligation of these elements and a cost sharing mechanism for each.

14. Development of the single-family cluster lots are subject to Chapter 20.30 BMC, except the front yard setback may be reduced to 10 feet measured from the front property line. A minimum 20-foot driveway measured from garage to back of sidewalk shall be provided for each single-family cluster residence.

APPEAL: Any party aggrieved by an action of the Hearing Examiner may file an appeal with the City Council within 14 days of this notice. Appeals shall be filed on forms available at the Permit Center, City Hall, 210 Lottie Street, Bellingham, WA, and be accompanied by the required appeal fee.

DATE OF NOTICE: May 10, 2021ay 7, 2021

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STAFF CONTACT: Kathy Bell, Senior Planner

Affected property owners may request a change in valuation for property tax purposes through the Whatcom County Assessor's office.