



Permit Center
210 Lottie Street
Bellingham, WA 98225
phone: 360-778-8300
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Land Use Application

Check all permits you are applying for in the boxes provided. Submit this application form, the applicable materials listed in the corresponding permit application packet(s) and application fee payment.

Grid of checkboxes for permit types: Accessory Dwelling Unit, Binding Site Plan, Clearing Permit, etc. Includes an 'Office Use Only' section for Date Rcvd, Case #, Process Type, etc.

Project Information

Project Address 4175 Iron Gate Road Zip Code 98226
Tax Assessor Parcel Number (s) 3803083362100000
Project Description The project includes construction of a new 94-lot subdivision with associated access roads and utility infrastructure.

Applicant / Agent

Primary Contact for Applicant

Name Nick Palewicz, Freeland & Associates, Inc.
Mailing Address 220 West Champion Street, Suite 200
City Bellingham State WA Zip Code 98225
Phone (360) 650-1408 Email npalewicz@freelandengineering.com

Owner (s)

Applicant Primary Contact for Applicant

Name Queen Mountain Homes, LLC
Mailing Address 4638 Celia Way, Unit 202
City Bellingham State WA Zip Code 98226
Phone (360) 644-0000 Email jaydhindsa@nwhomes.net

Property Owner(s)

I am the owner of the property described above or am authorized by the owner to sign and submit this application. I grant permission for the City staff and agents to enter onto the subject property at any reasonable time to consider the merits of the application and post public notice. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete and correct.

I also acknowledge that by signing this application I am the responsible party to receive all correspondence from the City regarding this project including, but not limited to, expiration notifications. If I, at any point during the review or inspection process, am no longer the Applicant for this project, it is my responsibility to update this information with the City in writing in a timely manner.

Signature by Owner/Applicant/Agent Nick Palewicz Date 03/29/2022
City and State where this application is signed: Bellingham WA
City State



220 W. Champion St., Suite 200  
Bellingham, Washington  
(360) 650-1408

February 27, 2023

City of Bellingham  
Planning & Community Development  
210 Lottie Street  
Bellingham, WA 98225

Attention: Steve Sundin  
Email: ssundin@cob.org

Subject: Response to Request for Information  
Queen Mountain Plat – 4175 Irongate Road

Permit(s): SUB2022-0021; VAR2022-0007; CAP2022-0018, SEP2022-0024

Dear Mr. Sundin:

We have received the Request for Information dated 09/14/2022 regarding the proposed Queen Mountain Plat located at 4175 Irongate Road in Bellingham, Washington. We have reviewed the list of outstanding items required to be addressed and offer the following responses to comments received:

**GENERAL**

1. Revise applications and all supporting documents necessary to address the information requested in this notice.

**Response: See responses below.**

2. Vacation-Operation of Law. The status of the abutting rights of way, whether they are vacated or

not, needs to be determined in order to accurately process the preliminary plat application. Based on similar situations, the city assumes these rights of way are vacated by operation of law.

**ACTION ITEM:** Submit documentation if the abutting rights of way have been vacated by operation of law consistent with the state statute. If vacated, the title information for the property must be updated to include the vacated rights of way.

If determined they are not vacated and vacation is not pursued, BMC 23.08.070 requires construction within a full dedication of 60 feet of all abutting rights of way. The city may allow partial dedications if determined road construction is not to occur within the right of way as a result of this proposal. Partial dedications would require a variance and the city would need documentation that the abutting owners are not likely to dedicate at this time.

**Response:** The ROWs are vacated per note on the survey below. The “quiet title” process to have the title information and survey updated is currently underway.

### **VACATION OF PLATTED RIGHT-OF-WAY NOTE:**

**MARS STREET, ROSS STREET, JUNE STREET AND RICHARD STREET (NOT CONSTRUCTED) IS VACATED PER RCW 36.87.090. SECTION 32, CH.19, P.603, LAWS OF 1889-1890 PROVIDED AS FOLLOWS: "ANY COUNTY ROAD, OR PART THEREOF, WHICH HAS HERETOFORE BEEN OR MAY HEREAFTER BE AUTHORIZED, WHICH REMAINS UNOPENED FOR PUBLIC USE FOR THE SPACE OF FIVE YEARS AFTER THE ORDER IS MADE OR AUTHORITY GRANTED FOR OPENING THE SAME, SHALL BE AND THE SAME IS HEREBY VACATED, AND THE AUTHORITY FOR BUILDING THE SAME BARRED BY LAPSE OF TIME." HOWEVER, OTHER RIGHTS MAY REMAIN, SUCH AS A PRIVATE EASEMENT, OVER AND ACROSS THIS STRIP OF LAND.**

**THIS SURVEYOR MAKES NO CLAIM TO OWNERSHIP OF SAID PORTION OF SAID STREETS.**

**SEE ALSO MEMORANDUM REGARDING THE EFFECT OF RCW 36.87.090 ON PAPER PLATS WITHIN WHATCOM COUNTY DATED SEPTEMBER 24, 1985 FROM THE WHATCOM COUNTY PROSECUTING ATTORNEY.**

3. Please confirm if this proposal is seeking concurrent design review approval for the infill housing portion of the proposal. If yes, please refer to the Infill Housing section of the document.

**Response: The proposal is no longer seeking concurrent design review. Tracts are proposed for future Infill Toolkit or Multifamily development.**

4. The city recognizes the physical challenges associated with developing the subject site and would recommend exploring the inclusion of allowed limits of multifamily development to determine if this housing type would reduce anticipated impacts of the current design.

**Response: Tracts are proposed for future Infill Toolkit or Multifamily development.**

5. Based upon the complexity of the proposal, the number of detailed reports and anticipated public comment and involvement, PCDD staff is requesting the applicant agree to an extended timeline for the processing of the necessary land use permits.

**Response: We are open to an extended timeline but would like to discuss the implications further.**

6. All variances associated with the provisions of Title 23-Land Division Ordinance require submittal of a Land Division Variance application, not a Title 13 variance application.

ACTION ITEM: Please submit a Land Division Variance Application and pay applicable application fees. If more than one variance is requested, each variance request must include a response to variance criteria.

**Response: A Variance is no longer requested for the proposed road. It is now shown as secondary arterial. See street sections in drawing submittal.**

## PRELIMINARY PLAT APPLICATION

### Application Materials – ACTION ITEMS

1. Revise sheet P 2 to include the property owner names off of the NW / NE / SE corners of the preliminary plat.

**Response: Property owner names have been added to P2.**

2. Due to the complexities of this proposal, please provide critical area buffers, code required and proposed, on all applicable plan sheets.

**Response: A note has been included to refer to W sheets for updated critical area buffers.**

3. Please discuss if phasing is anticipated. And if so, please show proposed phasing.

**Response: Phasing is not proposed at this time.**

**CLEARING AND GRADING – BMC 23.08.030(D) and 23.08.070(F)**

1. The application materials lack information to demonstrate the proposal complies with the clearing and grading per the above referenced code sections. Additional analysis is needed to understand the relationship between the degree of clearing and grading that is necessary to develop the proposed layout, including lots and streets/alleys, and the onsite nature features. Based on the information provided it appears grading would need to occur offsite to accommodate some of the proposed streets/alleys, which should not be assumed will be permitted.

**ACTION ITEM:** Please address how the proposed design meets the intent of this performance standard by providing a clearing and grading plan that illustrates anticipated limits of site activity and anticipated location of retaining walls resulting from grading activity.

**Response: Proposed contours have been added to the drawings.**

2. The clearing and grading plan also lacks the anticipated removal of hazard trees associated with the development of the plat.

**ACTION ITEM:** Please address how this additional clearing of hazard trees is anticipated to be addressed. Perhaps include greater level of detail later as condition and how to deal with hazard and replacement trees.

**Response: It is too early to tell which trees will be hazard trees. Hazard tree assessment is proposed at the time of clearing and grading for PFC improvements.**

**INFRASTRUCTURE**

General

**ACTION ITEM:** Please include a utility overview plan.

**Response: Utility Overview now included.**

Streets & Rights-of-Way

1. The application materials do not sufficiently respond to the decision criteria pursuant to BMC 23.08.030(E)(1) or BMC 23.08.030(A)(3) explaining how this proposal is providing for orderly extension of public infrastructure for anticipated or future development adjacent to the site, which includes connections/extensions to Montgomery Road and the extension of Irongate Road to serve the adjacent industrial properties.

**ACTION ITEM:** Revise the application materials to provide a response consistent with the applicable decision criteria for the specific street connections identified above. The plat layout shall be amended as necessary to provide these street connections and or demonstrate how this proposal is providing its proportionate orderly extension.

**Response: Road A (now Richard Street) has been realigned to allow for connection north and east. More detailed road profile information has been added for a future extension of Montgomery Road. The Montgomery Road alignment at the west property line has been moved south after further study of the existing grades to the west. The proposed alignment allows the road to be constructed to the property line and avoids rock outcroppings and steep ridges along the future alignment. See study included with submittal.**

2. To provide compliance with the ACTION ITEM above, Road A should have an alignment as close to that of vacated Richard Street as possible (while avoiding critical area impacts) before turning to the west to go up the hill in alignment for the future Montgomery Road connection. Road A should continue in a north/south alignment for roughly half of the property width, near where the pond is currently located. This alignment preserves the opportunity for Road A to be extended in the future to June Road and/or to the East via new right-of-way dedicated by east neighbor and result in a better intersection layout, versus the non-standard alignment proposed.

**ACTION ITEM:** Revised the plat layout accordingly to address this item.

**Response: Please see response above.**

3. The interface between Lane A, Road B and Road C is not clear.

**ACTION ITEM:** Additional information is needed to understand the overall objective of these three traveled ways. Revise design to best utilize the space by providing double sided parking. Provide a full sized cul-de sac at each end of Road B.

**Response: This lane and parking has been removed. The full secondary arterial at Richard Street creates more wetland impacts which means the storm pond must be smaller to reduce impacts and leave enough room for wetland creation. When also considering other nuances to design changes intended to address the comments, the parking lot and lane was no longer feasible. A full size cul-de-sac is now proposed at the end of Mars Road.**

4. The street and alley labels do not appear to be consistently identified between the plat map drawing and the preliminary plat drawings. All through rights of way are streets and shall have a width of 60 feet. All dead-end streets shall have a 50-foot width and terminate in a cul-de-sac. All other accesses should be private.

**ACTION ITEM:** Revise the plat layout to meet the above provisions.

**Response: All proposed ROWs are 60' and terminate with a 70' diameter cul de sac.**

5. Variance-street improvements. The city's preliminary recommendation does not support the street construction variance for Road A. The mitigation plan essentially demonstrates the proposal is adequately mitigating for the entire right of way, thereby negating the justification stating the variance is to reduce critical area impact.

**ACTION ITEM:** If a variance is sought for Road A, it is recommended the application materials be revised to eliminate the contradictions. NOTE: The city's opinion is the construction of Road A should be constructed to full standard and is unlikely to support a variance request to reduce the street standard.

**Response: A full secondary arterial is now proposed for Richard Street.**

#### Water and Sewer

1. Standard utility separation of 10' shall be provided. Reducing it should be the exception, not the norm. Code requires 60' of right-of-way plus 10' utility easements on either side. The applicant could request a variance for reductions from the above if all required public and private utilities and required street improvements and impacts can be designed to stay within in a narrower width than 60-feet.

**ACTION ITEM:** Either revise the plat design accordingly or revise the variance application.

**Response: All ROWs are proposed 60' with 10' easements either side unless only fronted by a wetland.**

2. The pre-application meeting w City staff identified the need to loop the water main. The design presented does not include provisions for it. In the future the water system could potentially be looped back to the east via an alignment of the Ross Road R/W, at least a utility easement seems warranted in this alignment.

**ACTION ITEM:** Revise the overall water plan to address this comment.

**Response: Please see water network analysis submitted with first submittal. A utility easement is now proposed heading east along the north property line to allow for a future water main loop.**

3. The sewer plan is not consistent with the Conveyance Plan but if gravity flow is feasible to serve the entire plat and neighboring properties and no downstream impacts will occur, its acceptable.

**ACTION ITEM:** Please confirm.

**Response: The 2016 Wastewater Conveyance Plan was reviewed. Correct, the proposed sewer alignment does not match the schematic plan (Fig 4-12 and others), but it could not have accurately**

**predicted the project constraints. The proposed plan will not limit sewer service to any of the areas included in the plan. No downstream gravity pipes were noted as capacity constrained, but the James Street pump station is noted as undersized. Further study/design of the pump station is proposed with the PFC design.**

4. The proposed engineered centralized pond facility will be public and will need to be located on a separate tract and dedicated to the City per current policy to own and maintain ponds serving single family plats.

**ACTION ITEM:** Please review plat drawing accordingly.

**Response:** Noted, the pond is proposed in a separate tract.

#### Stormwater Management

1. Stormwater management plan includes use of full dispersion however it does not appear any additional required forested area is being required beyond minimum (and reduced) critical area buffers and/or steep slopes. The proposal includes dispersing both pollution generating and non-pollution generating water over areas that exceed recommended slopes and in some places minimal flow paths with point discharges that include paper fill wetlands. Full dispersion of flow within a critical area buffer is not allowed per the Ecology Manual and only allowed per BMC 15.42 where it has been approved as a low impact development practice.

**ACTION ITEM:** Please provide additional information and/or revisions to the storm plan on how the proposal is a low impact development and will not result in downstream impacts including adverse impacts to retained critical areas.

**Response:**

- The permit submittal SSP will be required to demonstrate area takeoffs to meet BMP T5.30 Full Dispersion requirements for Native Growth Protection Area (NGPA).
- All PGHS areas are tributary to the wetpond for treatment unless treated by BMP T5.30 or satellite treatment devices. Otherwise, non-PGHS areas such as roofs and trails are dispersed into forested/wetland areas to maintain hydrology to the wetlands. BMP T5.30 Full Dispersion is proposed within Wetland A buffer, which is consistent with past projects in Bellingham and BMC 15.42.
- The proposed slopes within BMP T5.30 areas meet requirements in the 2019 Manual. Specifically, full dispersion slopes up to 20% are acceptable with an evaluation from a Geotech (V5-3 Pg 696) which was provided for the area west of Lots 39-45.
- No point discharges are proposed on the plans, only dispersion trenches.
- The TDA discharge will not exceed predeveloped flow rates as required by MR#7 of the 2019 Manual, thus downstream impacts are not expected.
- MR#8 Wetland Protection/Hydroperiod Protection is required for this project. Per the 2019 Manual, Method 1 is required for Wetland A and Method 2 is required for all other wetlands. It is not feasible to do Method 1 for Wetland A because the water levels of a

mosaic with shallow and localized ponding cannot be modeled in WWHM. Therefore Method 2 is proposed for all wetlands. This will provide equivalent Hydroperiod protection of the wetlands. This topic is best finalized during permit submittal when detailed area takeoffs and modeled can be performed.

- Low Impact Development is addressed within MR#5. The proposed design is above and beyond what is required for MR#5. We have obtained Geotech letters to add additional dispersion areas that would otherwise be deemed infeasible. This is to maximize hydrology to wetlands and minimize detention pond size (which impacts the surrounding wetlands).

2. Individual on-site stormwater management BMPs are preferred and required by Minimum Requirement No. 5 as a first option over larger centralized facilities. It is unclear why smaller individual building dispersion trenches are not proposed where feasible.

**ACTION ITEM:** Please address. Note, if some amount of dispersion is approved within buffers, NPGHs must be prioritized over PGH and/or additional LID BMPs be incorporated.

**Response:** As described above, the proposed design seeks to maximize dispersion opportunities for MR#5. PGHS are typically sent to the wetpond and only non-PGHS are dispersed directly into wetlands.

3. Dispersion directly to the steep slope critical area is not consistent with dispersion design requirements.

**ACTION ITEM:** Please revise.

**Response:** Per BMP T5.10B: Downspout Dispersion Systems and 2019 Manual V5, Chapter 4, Page 714 (8), downspout dispersion trenches can be placed on a slope greater than 15% if evaluated by a Geotech. The evaluation has been included with the previous submittal. The goal is to keep the roofs on lots 21-29 draining towards the wetlands to the east. If this response does not satisfy this comment, we can take the roofs to the detention pond but will send less water to the wetlands.

4. Additional information is needed to clarify how the land in Conservation Tract 3 that naturally drains south will continue to do so.

**ACTION ITEM:** Please clarify.

**Response:** The majority of Reserve Tract 3 drains over the east property line. Other areas draining south in the existing ditch will pass through the pond and discharge south where the existing ditch and culvert system currently drains from Wetland A. Existing outfalls and flowrates will be maintained.

5. Expand the project site to include the entire property. Any area that will be placed in a conservation area and remain forested can be removed from the model, however this should be clearly shown with easement. The preliminary SSP appears to be missing some land area that will not be within a permanent conservation easement area.

**ACTION ITEM:** Please revise.

**Response: Noted. To simplify review, basin exhibits have been removed from the SSP because they are not necessary for preliminary plat.**

6. **ACTION ITEM:** Please ensure all off-site inflow areas are identified on the basin maps.

**Response: Noted. To simplify review, basin exhibits have been removed from the SSP because they are not necessary for preliminary plat.**

7. The design of an open stormwater facility shall all comply with BMC 23.08.070(D).

**ACTION ITEM:** Please refer to this code provision with the revised stormwater design.

**Response: Noted**

#### **OPEN SPACE, PARKS AND RECREATION**

1. Consistent with the PRO Plan, the proposal will be conditioned to dedicate land for and construction of a trail through the site. This trail should be designed to maximize the future connection to the trail in the Stonecrest preliminary plat and the future school located east of Cougar Road.

Trail A would satisfy this requirement if demonstrated its construction can be ADA accessible and built to WSDOT standards. Trail B as shown on the preliminary plat could also be revised to meet this requirement to provide a more direct route through the site and avoid impacts to the adjacent wetland and its buffer, or, removed entirely from the preliminary plans.

**ACTION ITEM:** Demonstrate a trail can be constructed through the site that meets the above provisions.

**Response: Trail A alignment has been changed because the new Montgomery Road alignment and site layout does not require gravity utilities east through the wetland. Also, wetland impacts needed to be reduced. Now the trail is <5% to Montgomery Road and <10% to the top of Queen Mountain, see profile.**

## EMERGENCY SERVICES

See attached plans.

**ACTION ITEM:** Address attached comments.

**Response:** All comments should be addressed with the new layout.

## CRITICAL AREAS AND NATURAL RESOURCES

Geological Reports should have current or future revisions plat layout within them and must continue to demonstrate consistency with BMC 16.55.460 A 8.

### Wetlands

The following are comments concerning the submitted CAR and associated mitigation plan.

1. The CAR correctly notes the project area is identified as within an area prioritized for Forest Protection (Habitat Restoration Technical Assessment, FP-134). In addition, project area is within an Important Wildlife Habitat Area identified in the 2021 Wildlife Corridor Assessment. This Wildlife Habitat Area is mapped as having an Important Wildlife Corridor to the west and a Significant Movement Barrier to the southeast (see uploaded Terrestrial Wildlife Corridors Map). Revise the CAR to incorporate this information and as necessary, adjust the Wetland Ratings H3.1 accordingly if this information affects the final wetland category.

**Response: (Miller Environmental) The City of Bellingham released a study in the later part of 2021, after the completed prior Critical Areas Report, consisting of a city-wide wildlife corridor analysis (Diamondhead Consulting, 2021). The forest patch comprising the Queen Mountain project site is designated as an important wildlife habitat area. This habitat patch extends southward to Irongate Road and westward offsite – extending west within two forest areas on either side of Montgomery Road. A residence is located within the northern lobe offsite. An important wildlife corridor is shown extending westward from the southwestern lobe of the wildlife habitat patch (located offsite). This corridor extends westward through an open grass area, a patch of forest, residential yards and across James Street, where it connects with another wildlife habitat patch on the west side of James Street. Additionally, an important wildlife corridor is shown to the southeast of the patch, associated with the Baker Creek riparian corridor. This corridor is separated from the habitat patch associated with Queen Mountain by the existing Irongate Road, mowed field and commercial use of the property to the east.**

This information does not affect the Wetland A habitat rating. Biodiversity areas and corridors is checked on question H3.1 and the wetland already has the maximum number of points for H3.0.

This information is included in Section 4.1 of the updated Mitigation plan.

- Habitat rating sheet is missing for Wetland A. In addition, the April 13, 2022, Hydroperiod Analysis letter and the CAR describe Wetland A as a mosaic but lacks sufficient information to support this determination. Please provide the habitat rating sheet and the estimated percentage of wetland that is mosaic. Staff may determine that a site visit is necessary to confirm the final delineation and rating.

**Response: (Miller Environmental)** As described in the previously submitted Critical Areas Report (MES, Jan. 29, 2021) Wetland A is a mosaic wetland. This means, the wetland consists of wetland and upland areas intermixed together but considered as one wetland unit. Ecology guidance states that a mixture of uplands and wetlands are considered a mosaic if: each patch of wetland is less than 1 acre, each patch is less than 100 feet away from the nearest wetland, the total area of wetland within the unit is greater than 50 percent, and there are at least three patches of wetland that meet the size and distance thresholds. Wetland A meets all these criteria – and as such is considered a mosaic wetland. Given the large size of the wetland, over a variable landscape, estimating the exact area of upland within it is difficult. However, based on multiple site visits a range of the amount of upland within Wetland A is estimated at 20 to 40 Percent.

**This information is included in Section 4.1 of the updated Mitigation plan. The complete rating form is included within Appendix C of the report.**

- It does not appear that impacts to wetlands D and E are accounted for as a result of the proposed stormwater facility. i.e., it appears there are indirect impacts proposed but are not tallied in the impact amounts on sheet W2 and in tables 2 and 3.

**Response: (Miller Environmental)** Since the prior submittal, the site plan has changed. The site access road has shifted northward. A small portion of Wetland E is tabulated as direct impact, while all remaining areas of Wetlands D and E are tabulated as indirect impact.

**This information is included in Section 6.1 of the updated Mitigation plan and summarized in Table 2. Impacts are shown on Sheet W2 in Appendix A.**

- Indirect wetland impacts were calculated based on a reduced buffer. However, the report does not document a rationale for meeting BMC 16.55.340.C.2.b (the reduced buffer does not adversely affect the functions and values of the adjacent wetlands). It does not appear that demonstration of consistency with the buffer reduction criteria is provided. There are several locations where it appears as though buffers are being reduced but there is no discussion about how the criteria in .340 C 2 are met AND that the function lost can be replaced.

**Response: (Miller Environmental)** Code section and rationale for buffer reduction are included in Section 6.2 of the updated Mitigation plan. Lost functions will be replaced by enhancing existing degraded buffer area at a greater than 1 to 1 ratio on the site as described in Section 8.0, summarized on Table 3, and shown on sheet W3 in Appendix A.

5. Table 3 shows Wetland A as a Category III wetland but the CAR and Mitigation Plan describe it as a Category II wetland. Mitigation ratio should be adjusted to match Category II.

**Response: (Miller Environmental) Mitigation ratios were adjusted to account for Wetland A as a Category II wetland, Table 3 of the updated report.**

6. Please explain why the preservation ratios in Table 3 do not meet BMC 16.55.350.

**Response: (Miller Environmental) The preservation mitigation ratios used were based on current Ecology guidance – 2021 Volume 1, Version 2 of Ecology Mitigation Joint Guidance Report. Staff has directed the applicant to utilize updated guidance within the Ecology report.**

7. The road bisecting Wetland A is expected to have impacts to habitat function. Please address in the impact analysis and show how proposed mitigation compensates for this loss of function.

Suggestions:

- a. Important Wildlife Corridor to the west is narrowed, important to retain full 150- foot buffer to maintain a corridor.
- b. What measures can be included to address wildlife Significant Movement Barrier at SE corner. Not addressing this issue has risks to traffic safety in addition to wildlife impacts.

**Response: (Miller Environmental) The proposed access road bisects a very narrow portion of Wetland A. However, the impact location will be a large box culvert, which will leave an area for wildlife to pass under the roadway. This is discussed in the updated mitigation plan in Section 6.1. Loss of wetland function is mitigated through the creation of Wetlands at a 3 to 1 ratio. Creating wetland in a disturbed upland area at a 3 to 1 ratio will replace wetland functions lost.**

**Additionally, a 200 foot wide swath of habitat will be located at the southwest corner of the property connecting the large habitat block in the southeast portion of the property with the offsite portion of the habitat block, and wildlife habitat corridor mapped to the west.**

**The proposed site access road is not a significant movement barrier. The 2021 City Wildlife Assessment Report maps many important wildlife corridors over busier roads than the one proposed, including the corridor to the west – over James Street. Additionally, terrestrial wildlife that may utilize this area are generally nocturnal in nature and would utilize the area during low road usage times. This is typical of Bellingham and should not require any special mitigation. The proposed road has been intentionally aligned along the edge of Wetland A to minimize wetland impacts.**

8. Wetland C does not appear to meet the preservation criteria in BMC 16.55.350.B.4; therefore, please show which preservation area is intended to compensate for Wetlands E, G, and I (wetland impacts with preservation as sole means of mitigation).

**Response: (Miller Environmental) The updated mitigation plan includes a mixture of wetland creation and wetland preservation for each wetland impacted by the project, summarized in Table 3 of the report.**

9. Please identify the targeted vegetation classes and water regime for the wetland creation area and resulting increases in function.

**Response: (Miller Environmental) The proposed vegetation class in the wetland creation area is forested – as this will replace impacts proposed to forested wetland (direct and indirect). The creation area will consist of seasonally saturated area and seasonally ponded area.**

**The increase in wetland function will occur with the creation of wetland where upland is now present. The size of the creation area is larger than the impact area, meeting City and Ecology wetland creation ratios for direct and indirect wetland impacts. Additionally, the area proposed for wetland creation is an area of prior fill and rubble – with little to no buffer function.**

10. Potential site visit to confirm the mitigation functional replacement with special attention to:
  - a. The mitigation area is bisected by the site access road
  - b. Reduced wetland buffer for Wetland A creation area
  - c. Hydrology for Wetland A creation area, especially with potential for future reduction of stormwater inputs from north ditch
  - d. Enhancement and creation methods and areas
  - e. Preservation is the best mitigation option (16.55.350.B.4.d)

**ACTION ITEM:** Please revise the CAR and mitigation plan to address the above comments.

**Response:** Please see revised Mitigation Plan included with the submittal.

## **DESIGN REVIEW/INFILL HOUSING**

### General

1. The right of way adjacent to a lot cannot be used to calculate the floor area ratio.

**Response:** Design review is no longer proposed at this time. Tracts are proposed for future Infill

**Toolkit and Multifamily development.**

2. Open spaces associated with a specific housing type should be consolidated and not bisected by vehicular alleys/driveways.

**Response: Design review is no longer proposed at this time. Tracts are proposed for future Infill Toolkit and Multifamily development.**

3. Consider relocating Lane A to serve the backs of Lot 30-45.

**Response: Design review is no longer proposed at this time. Tracts are proposed for future Infill Toolkit and Multifamily development.**

4. Ensure all housing types are proposed to or can meet the setback, parking and design requirements.

**Response: Design review is no longer proposed at this time. Tracts are proposed for future Infill Toolkit and Multifamily development.**

5. Consider attaching some of the units in Lots 1-8 to minimize development in the steep slopes.

**Response: Design review is no longer proposed at this time. Tracts are proposed for future Infill Toolkit and Multifamily development.**

6. All garden court clusters must include a minimum of 4 units.

**Response: Design review is no longer proposed at this time. Tracts are proposed for future Infill Toolkit and Multifamily development.**

7. Alley B should be realigned to provide access to Lots 92-94.

**Response: This alley is no longer proposed.**

8. In response to mitigation sequencing for Trail B, consider exploring a continuous pedestrian connect from Trail A to Road A by connecting the pedestrian facility in Alley D through to a pedestrian facility in Alley B. Be direct.

**Response: The site layout has changed.**

9. Consider SSC in the site design for infill housing.

**Response: Design review is no longer proposed at this time. Tracts are proposed for future Infill Toolkit and Multifamily development.**

Concurrent Application Review

The design review application is not sufficient to review the infill housing portion of the site for compliance with Chapter 20.28 BMC.

**ACTION ITEM:** If design review approval is sought at this time, please submit a revised design application that includes a full zoning compliance of each housing type, the anticipated site plans for each grouping of housing type and/or a typical site plan for Small Lots, and full architectural plans for each housing type.

**Response: Design review is no longer proposed at this time. Tracts are proposed for future Infill Toolkit and Multifamily development.**

Deferred Application Review

If the overall goal of the application submittal is to demonstrate general compliance of the infill housing portion of this proposal, all applications submitted to support the infill housing portions of the proposal must be placed on hold. Staff will continue to assist with application review of the site planning to ensure an acceptable level of confidence when design review of the infill housing is desired. Please note that design review permits are only good for two years.

**Response: Design review is no longer proposed at this time. Tracts are proposed for future Infill Toolkit and Multifamily development.**

**SEPA**

1. As determined by TIA completed for the application, the city anticipates issuing a mitigated environmental determination to mitigate the proposal's transportation related impacts through payment of a financial payment of \$51,452.28 towards 2023 construction of the James-Bakerview roundabout.

**Response: Noted**

2. Please review the SEPA checklist as necessary to address the above comments and to reference any revised technical reports prepared as a result of this request.

**Response: SEPA has been revised and included with resubmittal.**

**MISC.**

1. BMC 13.04/.08 Street Standards required full standard public streets throughout subdivision and

3/4 standard improvements to Irongate Road.

**Response: Sidewalk on one side of Irongate Road is proposed to provide pedestrian route to Bakerview. The final scope of the sidewalk improvements will be determined during PFC permitting based on coordination with Bakerview Heights Industrial Park building permits.**

2. Necessity of Trail B and realignment of Alley B to minimize impacts and expand conservation easement area around wetland G.

**Response: The revised site plan minimizes impacts to the wetlands by removing both the alley and trail.**

Please let us know if you have any questions regarding these responses:

Sincerely  
Freeland & Associates, Inc.



Nick Palewicz, P.E.



Freeland and Associates, Inc.

220 W. Champion St., Suite 200  
Bellingham, Washington  
(360) 650-1408

February 14, 2023

City of Bellingham  
Planning & Community Development  
210 Lottie Street  
Bellingham, WA 98225

Attention: Steve Sundin, Environmental City Planner

Subject: Plat of Queen Mountain  
Preliminary Plat Application  
Project Overview  
Performance & Decision Criteria

Dear Mr. Sundin:

This letter is regarding the Preliminary Plat Application submittal requirements for the proposed Plat of Queen Mountain. Please see Property Information, Property Description, Project Narrative, review of the Performance Standards criteria pursuant to BMC 23.08.030, and review of the Decision Criteria pursuant to BMC 23.168.030.

**Property Information:**

Address: 4175 Iron Gate Road, Bellingham, WA 98226  
Tax Parcel Number: 380308336210  
Owner: Queen Mountain Homes LLC  
Applicant: Jay Dhinsda  
Agents: Nick Palewicz, Freeland and Associates, Inc.

**Property Description:**

The subject property is comprised of a single tax parcel and is located north of Iron Gate Road and south of Queen Mountain Forest. The parcel is approximately 36.11 acres in size (not including vacated ROW).

The property is in the King Mountain Area 12 neighborhood and zoned Residential Single. Density is 7,200 square-feet/unit before density bonuses.

The property is currently undeveloped and is characterized by the top of Queen Mountain to the northwest and sloped topography to the southeast with nine delineated wetlands scattered through the lower half of the property. The Wetlands range from category II through IV. The most significant of which is Wetland A, rated Category II and almost 200,000-square-feet in area. The wetland system extends southeast off the property and ultimately drains to Baker Creek.

A light industrial development is currently underway south of the property along Iron Gate Road, leaving a dead-end connection at the southeast corner of the property. Utilities are present in this Iron Gate Road right-of-way (ROW). Otherwise, the property is land-locked from utilities and surrounded by ROWs that have been vacated by operation of law. June Street, Ross Street, Richard Street, and Mars Street border the property on the north, south, east, and west sides, respectively. Queen Mountain forest (which is a portion of the Queen Mountain open space owned by the City of Bellingham) borders the north side of the property. Currently, there is no way to access this area through public ROW.

#### Project Description:

The proposed project seeks to develop a diverse infill of housing types strategically located between steep slope and wetland critical areas. Careful consideration has been taken to minimize environmental impacts, integrate existing topography, create access to Queen Mountain Forest, and provide a dense footprint of diverse housing stock within the developable areas.

The proposal consists of 11 single family cluster lots and 5 tracts for future infill toolkit or multifamily development. The wetlands and associated buffers to the south and east will be preserved within conservation easements. Dedicated ROWs will run north-south and east-west through the property connecting Iron Gate Road with Queen Mountain Forest and future extensions to the east, east, and north. A sidewalk extension is proposed south along Iron Gate Road to provide pedestrian access to East Bakerview Road.

The project team has held a neighborhood meeting with the surrounding property owners and has stayed in contact with neighborhood leaders to facilitate a project that is sensitive to all surrounding stakeholders. The primary concerns raised by the neighbors were clearing of forest, wetland impacts, western trail alignment as related to privacy for the properties to the west, and contamination of existing fill piles on site. The design team has worked through many design iterations while thoughtfully considering neighborhood input, Bellingham Comprehensive Plan, and environmental impacts of the project.



The proposed plat layout has considered surrounding trail connections as required by the Parks Recreation & Open Space (PRO) Plan. The PRO plan shows a trail connection from Queen Mountain Forest down to the west region of the site. The proposed trail alignment is proposed within a 30' wide easement on the project's side of the vacated Mars Street ROW before angling northeast towards Queen Mountain Forest, which is consistent with the PRO Plan. The trail will be less than 5% grade as it ascends to Montgomery Road. North of Montgomery Road, topography makes a 5% trail infeasible without severe clearing and grading of the forest and hillside. Thus, the trail in this location is proposed to be narrow and field-fit at less than 10% slope to preserve the green belt and maintain privacy for the neighbors.

An arborist report has been prepared overviewing the tree species on the property and specific trees that are good candidates to save within the green belt along the west side of the property where Trail A is proposed. The arborist recommends creating dense areas of development where new trees can be planted after construction, while preserving larger areas of existing forest. This is critical to tree health and public safety because hazard trees are created when previously sheltered trees are left standing in isolation and subject to increased wind loading and reduced root support. The proposed plat layout is consistent with these recommendations by preserving large areas of forest within the wetlands, wetland buffers, and steep slope areas. Approximated 19.5-acres of forest is proposed to be preserved, and approximated 3-acres is proposed to be replanted. This will result in approximated 60% of the property forested at project completion.

The main access ROW from Iron Gate Road has been specifically aligned to minimize direct wetland impacts as it enters the property and provides access to the upland developable area. This access street, Richard Street, will terminate in a proposed ROW heading north to allow for future extension of the street. The Leblonde LLC property owner bordering to the east is not willing to dedicate the eastern half of the vacated Richard Street ROW, so the Richard Street ROW is aligned completely on project property. The proposed street section through the wetlands along Richard Street is two travel lanes, two bike lanes, and sidewalk on both sides at back-of-curb. Montgomery Road, which intersects Richard Street and heads west through the rest of the wetlands, will have two travel lanes, one lane of parking, and a sidewalk behind a landscaping strip.

Most of the existing wetlands and associated buffers will not be impacted by the proposal. Where mitigation is necessary, it consists of wetland creation, wetland preservation, buffer enhancement, and restoration. The existing fill piles within the wetlands will be removed and replaced with wetland creation and buffer enhancement areas. These areas will be replanted with native trees and shrubs that were previously lost to gravel and blackberries.



The project will include engineered stormwater management facilities designed to meet City of Bellingham and Department of Ecology code requirements. Preserved forest areas will provide opportunities for full and concentrated dispersion to maintain wetland hydrology as required by code. Stormwater from roads and remaining lots will be conveying to a combined detention wetpond facility for flow control and water quality treatment before release into the downstream wetland and stream system.

The proposed sewer collection system will connect to the existing system in Iron Gate Road which flows to the James Street Lift Station. Further study is required to determine if the James Street Lift Station will require capacity upgrades to serve the Queen Mountain flows.

The proposed water supply system will connect to the City of Bellingham water system at Iron Gate Road. A loop of the water main is not feasible based on the road alignments constrained by topography, but an easement is proposed along the north property boundary to allow for future connection east if future development were to necessitate it. A 12-inch water main is proposed through the entire length of the plat to meet “supply water main” public works standards. The 12-inch main will provide more than adequate pressure and flow to the highest elevations of Queen Mountain. See preliminary water system modeling provided by the City of Bellingham included with the first plat submittal.

Title 23 of the Bellingham’s Municipal Code describes the Land Division regulations that are applicable to this project. Section 23.08.030 identifies performance standards that must be considered. Responses to the performance criteria are described within the following paragraphs.

**BMC 23.08.030 Performance Standards:**

*B. Community Design. The city of Bellingham has adopted neighborhood plans for each of its 25 unique neighborhoods. Each applicant for a subdivision must make reference to the applicable policies for the neighborhood as outlined in the appropriate neighborhood plan and describe how the proposed adjustment or land division addresses the policies within the neighborhood plan.*

**Response: The proposed cluster long plat lies within Area 12 of the King Mountain Neighborhood.**

**The zoning designation is Residential Single with a density of 7,200 sq. ft. min per unit average overall density. The proposed project mix is single-family and multi-family units, utilizing Infill Toolkit and Single-Family Clustered Lots (to be permitted within the proposed tracts). There are a variety of Goals and Policies from this Plan that are applicable.**

***Goal No. 1: The King Mountain area should identify transportation and trail/open space corridors for the purpose of preserving the natural, vegetated hillside as a green backdrop to the city as well as to provide public access higher elevations where spectacular views are available.***

**AND**



**Goal No. 2:** *New development should implement strategies to preserve healthy trees on hillsides where views are desired.*

**AND**

**Goal No. 3:** *Neighborhood parks sites should be identified within the neighborhood and set aside to insure they will be available as growth occurs.*

**AND**

**Goal No. 4:** *An integrated open space system should be implemented.*

**AND**

**Goal No. 5:** *Wherever feasible, significant existing trees should be preserved and incorporated into the site design and open space/landscaping patterns of future development.*

**AND**

**Goal No. 6:** *Open areas, including consolidated outdoor or indoor area for pedestrian plaza, parks or seating areas should be required as part of commercial and/or mixed use development.*

**AND**

**Goal No. 7:** *Development of linear public greenways and network of connecting trails should be encouraged within baker creek corridor.*

**AND**

**Goal No. 11:** *In addition to arterial streets, local pedestrian and vehicular access should be required between adjacent developments.*

**Response:** The proposed plat proposes to preserve existing forest on the east and west hillsides of Queen Mountain. ROW is proposed up the south side and ridgeline to provide public access to the top of Queen Mountain and Queen Mountain Forest park- land via trail, sidewalk, and road. Spectacular views from these areas will be accessible to the public.



The large of areas of forest to be preserved will preserve the health of trees by maintaining the existing wind loads and environs the trees are currently experiencing. The goal of preserving significant trees within the plat was investigated by the project arborist. It was determined that saving significant trees in isolation would be dangerous to the public because changes in wind loading and root network support would increase the risk of fall onto surrounding occupied areas.

A trail is proposed along the west side of the plat. A localized open space tract is proposed to offer pedestrians a forested view of the surrounding area. The trail, along with ROW sidewalks, will provide pedestrian and open space connectivity throughout the entire plat and future corridors surrounding the property. Specifically, trail extension to the west per the Parks PRO Plan.

***Goal No. 8:** Onsite stormwater retention facilities should be installed in planned developments to maintain stormwater peak run-off rates no greater than predevelopment levels.*

**Response:** The plat is proposing to provide stormwater management per the 2019 Stormwater Management Manual of Western Washington and City of Bellingham code. This includes control of peak runoff rates to predevelopment levels.

***Goal No. 9:** Fire hydrants will be needed in areas where they are currently lacking, including the residential area located north of East Bakerview Road and identified as the King Mountain residential area.*

**Response:** Fire hydrants will be provided throughout the proposed plat.

C. Natural features, that may or may not be regulated by other code provisions, including but not limited to trees, topography, shorelines, streams, wetlands, habitat, geologically hazardous areas, and associated critical area/shoreline buffers, should be incorporated into the overall land division design through preservation to the extent feasible.

**Response:** Large portions of the site containing the wetlands, and associated buffers containing mature forest, are proposed to be preserved and will continue to function and serve the environment. The proposed lots and road access are arranged in a manner that minimizes impact to these features. The extension of Iron Gate Road has been aligned



**to minimize impacts to the lowland wetlands while also providing access to the developable upland areas of the site. Two critical slope areas have been identified on the site and will remain forested.**

*D. Clearing and Grading.*

1. *In addition to demonstrating compliance with the land clearing (Chapter 16.60 BMC), grading (Chapter 16.70 BMC) and Lake Whatcom Reservoir (Chapter 16.80 BMC) regulatory provisions, as applicable, the proposed layout of a land division should include the following standards:*
  - a. *Clearing and grading limits are established to avoid impacting critical areas and/or their associated buffers, natural features as identified in subsection (A) of this section and adjacent properties;*
  - b. *Good engineering practices have been implemented to ensure the proposed grading:*
    - i. *Is the least necessary to protect slope stability and prevent erosion;*
    - ii. *Will not result in the excessive use of retaining walls and/or rockeries along lot lines, project's exterior boundaries, streets and the exterior boundaries of the plat;*
    - iii. *Establishes suitable building sites, driveways, public streets, pedestrian corridors, and utilities that are not located on fill. The city may impose a condition of preliminary approval requiring the submittal of a geotechnical report prepared by a Washington State licensed geologist or geotechnical engineer for city review and approval; and*
    - iv. *Will not distribute site material resulting from grading to areas within the land division that would cause additional clearing or grading that would otherwise be unnecessary.*

**Response: The contractor will be required to establish clearing limits as shown on future permit documents. Clearing limits will be restricted to areas of road and home construction only. The proposed ROW follows the existing contours of the hillside, minimizing the need for grading and retaining walls within the ROW and adjacent lots. Plans have been prepared by a civil engineer using best engineering practices and under consultation with the geotechnical engineer that has prepared the included geotechnical reports.**

*E. Dedication. Land dedicated for public infrastructure, including but not limited to right-of-way, utility, and parks and recreation purposes, is incorporated in the land division as necessary to:*

1. *Rights-of-Way and Utilities. Serve all lots proposed within the subdivision and to provide for orderly extension of public infrastructure for anticipated development in accordance with BMC Title 13 and the comprehensive plan; except this requirement may be waived if the city engineer determines that additional right-of-way will not be necessary for the future traffic circulation of the city, or for future road widening to accommodate anticipated development in the vicinity.*

**Response: There is a proposed ROW system throughout the development that provides frontage for all proposed lots. Utilities are proposed within this ROW to serve all lots and connect to existing utility networks south of the project. The proposed road layout**



**provides future connection points to the east and west of the property as requested by the city. At the north end of the project the proposed ROW will provide connection to Queen Mountain Forest.**

*2. Parks and Recreation. Provide open space, trail, and recreation facilities pursuant to the adopted parks, recreation, and open space plan of the comprehensive plan and construct the facilities according to the city's design standards for park and trail development, as amended.*

**Response: The proposed plat layout proposes a trail system consistent with the Parks PRO plan. The plat proposal includes a turnaround at Queen Mountain Forest that will allow the public to access the forest by walking or driving. Large areas of open space will be dedicated around the critical area wetlands and steep slopes.**

*F. Pedestrian Features. Incorporate pedestrian features into the overall plat design that provide for networks of walking and bicycle facilities that create access to community services and amenities such as schools, parks, shopping centers, public transportation stops, bicycle and pedestrian corridors identified in the city's bicycle and pedestrian master plans within the proposed land division and to adjoining property that is not subdivided. Pedestrian features should be spaced at 500-foot intervals unless such an interval is not feasible due to a physical hardship that is not a result of the overall plat design.*

**Response: The proposed plat includes sidewalks and a trail that connect to the surrounding neighborhoods, including a sidewalk extension down Iron Gate Road to East Bakerview Road. From these points, pedestrians can navigate the existing neighborhoods to nearby shopping, dining, movie theater, public transportation stops, and schools. The proposed vehicle and pedestrian connections have an accessible driving and walking surface with sufficient lighting for security.**

*G. Streets. In addition to demonstrating compliance with BMC Title 13, Streets and Sidewalks, and the city's development guidelines and public works standards, the overall street layout for a division of land should incorporate the following:*

*1. Compliance with Comprehensive Plan and Neighborhood Plan. The alignment of arterial streets should be included in a location as nearly as possible with that shown in the most recently adopted city of Bellingham comprehensive plan, the appropriate neighborhood plan and zoning table (Chapter 20.00 BMC).*

**Response: The proposed plat connects to Iron Gate Road and provides future connection points to the surrounding parcels if/when they are developed. The Richard Street ROW will allow for future connection north and the Montgomery Road ROW is aligned for future extension west.**



2. *Vehicular and Pedestrian Circulation. Streets and trails proposed within a land division should:*
  - a. *Extend to and connect with existing streets abutting its perimeter to provide for the logical extension of streets and utilities for coordinated development of contiguous tracts or parcels of undeveloped land.*
  - b. *Include a street network that provides multiple routes within and in/out of a proposed division of land with a grid pattern or a network modified grid of curvilinear streets and/or alleys unless there are physical limitations including critical areas, significant natural features, conflicts with the existing built environment, or adverse topography that prevents such a street pattern.*
  - c. *Avoid single points of access, cul-de-sacs, and dead-end streets, unless the city determines such extension is not necessary due to physical conditions that exist on or adjacent to the site.*
  - d. *Public and private trails should also be considered in the design of a street network.*

**Response:** The proposed long plat completes connection to Iron Gate Road and provides future connection points to the surrounding parcels if/when they are developed. The proposal features one route in and out of the development because that is all that is feasible currently after consideration of the surrounding parcels and topography. Three curvilinear streets are proposed within the plat. A single dead-end cul-de-sac is proposed at the north end of the development. The proposed trail has been carefully designed to avoid bordering a road.

3. *Access to Local and Arterial Streets. The land division should show all access locations for all lots and proposed streets to maximize safety consistent with BMC Title 13.*

**Response:** Each lot will have access to the proposed streets.

4. *Safety. Street layouts shall be designed to maximize safety for all modes of transportation. The applicant shall provide, to the extent feasible, a street layout that promotes visibility and reduces user conflicts through the placement of parking areas and the use of curb bulb-outs, landscaping strips, meandering sidewalks and other means of ensuring pedestrian safety and reducing vehicular speed through residential areas.*

**Response:** There are 10-foot or 11-foot drive lanes proposed across the plat as well as two bike lanes proposed along Richard Street to maximize safety for cyclists. There is adequate site distance at intersections and curves to protect pedestrians, as well as sidewalks behind planter strips typically proposed on both sides of the road. Parallel parking is proposed on one side of Montgomery and Mars Roads where there will be future development.

5. *Street Trees. The overall street network is designed to accommodate street trees that can be evenly spaced through all existing and proposed street frontages. To ensure the location of these trees will not*



*conflict with proposed utilities, the required street tree permit and landscape plan shall be reviewed concurrently with the public facility contract application for the required infrastructure. If a location conflict arises, the priority is to redesign the utility location first to ensure a consistent planting schedule for the required street trees. An alternative planting plan should only be allowed if the city determines that there are no other alternative utility designs that would avoid a conflict between the utilities and trees. [Ord. 2018-12-036 § 2 (Exh. A)].*

**Response:** Street trees will be planted along all ROWs in accordance with the City of Bellingham Public Works Department. The ROW width provides adequate space to route utilities without conflicting with the proposed trees.

### 23.16.030 Decision Criteria

A. Preliminary plats shall be given approval, including preliminary plat approval subject to conditions, upon finding by the hearing examiner that all of the following have been satisfied:

1. *It is consistent with the applicable provisions of this title, the Bellingham comprehensive plan and the Bellingham Municipal Code;*

**Response:** The Plat has been designed to be consistent with the applicable provisions, Comprehensive Plan, and all applicable sections of the BMC.

2. *It is consistent with the applicable provisions of Chapter 23.08 BMC;*

**Response:** The Plat is consistent with the provisions of Chapter 23.08 BMC, see criteria addressed in the proceeding section of this narrative, all plans, reports and other relevant information provided with this application.

3. *The division of land provides for coordinated development with adjoining properties or future development of adjoining properties through, where appropriate, the extension of public infrastructure, shared vehicular and pedestrian access, and abutment of utilities;*

**Response:** The Plat is designed so the road is to full standard and is aligned with existing connection point at Iron Gate Road. Utilities will connect to Iron Gate Road as well.

4. *Each lot in the proposal can reasonably be developed in conformance with applicable provisions of the BMC, including but not limited to critical areas, setbacks, and parking, without requiring a variance that is not processed concurrently with the subdivision application pursuant to Chapter 23.48 BMC;*



**Response: Each lot can be reasonably developed and meet applicable development criteria.**

*5. There are adequate provisions for open spaces, drainage ways, rights-of-way, sidewalks, and other planning features that assure safe walking conditions for pedestrians, including students who walk to and from school, easements, water supplies, sanitary waste, fire protection, power service, parks, playgrounds, and schools; and*

**Response: All provisions listed are adequately met. See attached civil plans for details and design features. See relevant project information, plans, studies, and reports for analysis of project compliance with all listed criteria.**

*6. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The director shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter 58.17 RCW, as amended.*

**Response: The proposed Plat will serve the public use and interest and is consistent with public health, safety, and welfare.**

*B. Notwithstanding approval criteria set forth in subsection (A) of this section, in accordance with RCW 58.17.120, as amended, a proposed subdivision may be denied because of flood, inundation or presence of environmentally sensitive areas as regulated by Chapter 16.55 BMC. Where any portion of the proposed subdivision lies within both a flood control zone, as established pursuant to Chapter 86.15 RCW, and the area of special flood hazard as defined in Chapter 17.76 BMC, the city shall not approve the preliminary plat unless it imposes a condition requiring the applicant to comply with the applicable regulations in Chapters 16.55 and 17.76 BMC and any written recommendations from the Washington Department of Ecology. In such cases, no development permit associated with the proposed subdivision shall be issued by the city until flood control problems have been resolved.*

**Response: The project site is not located within a flood control zone and does not require any additional approval from the Washington Department of Ecology.**

*C. An applicant for a preliminary plat may request that certain requirements established or referenced by this title be modified. Such requests shall be processed according to the procedures and criteria for administrative modification or variances in Chapter 23.48 BMC. [Ord. 2018-12-036 § 2 (Exh. A)].*

**Response: No departure or variance requests are submitted with the application.**



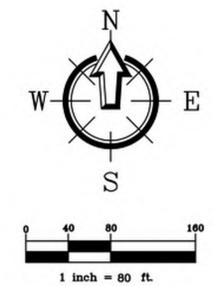
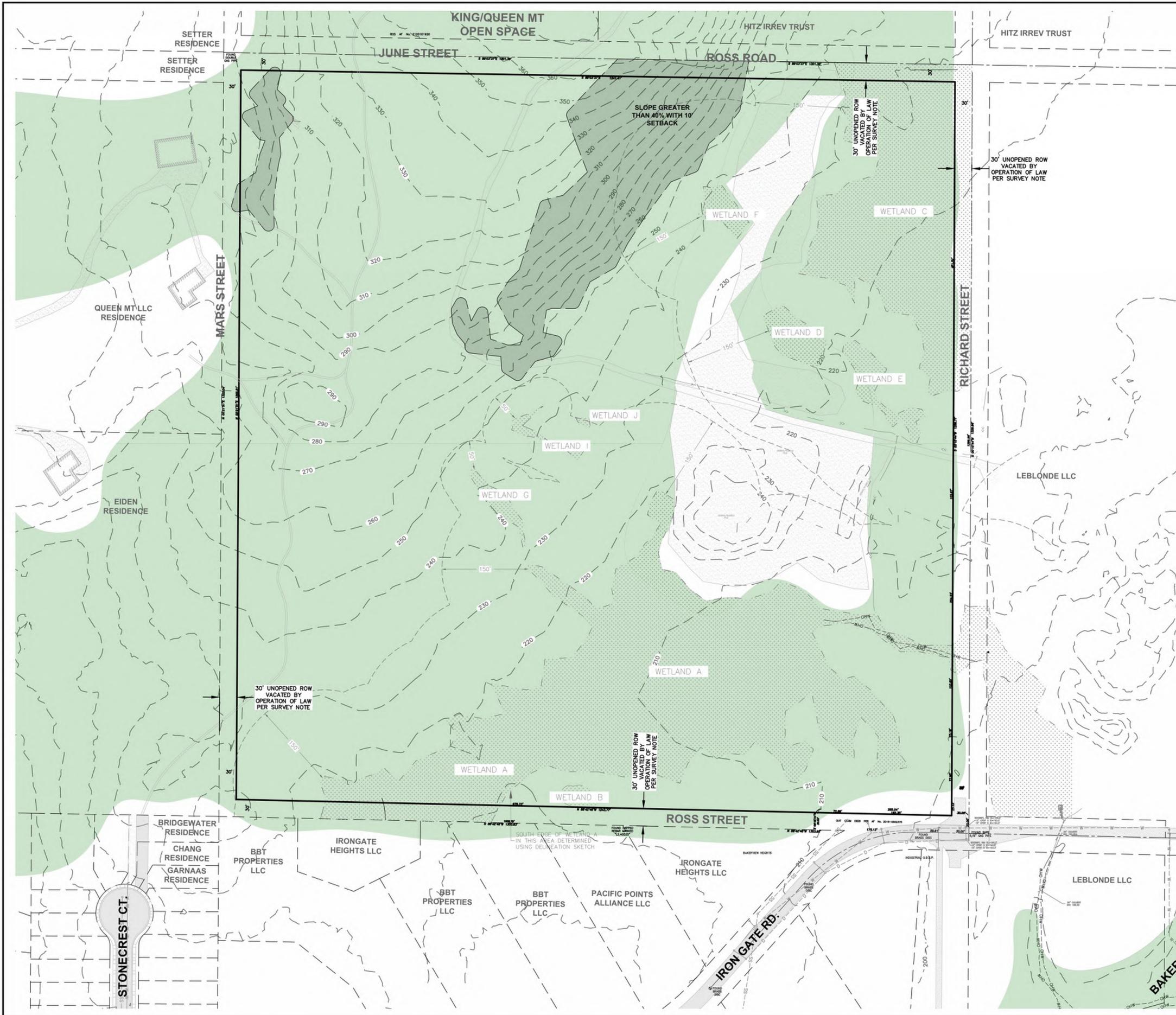
Please let us know if you have any questions regarding this response.

Sincerely,

A handwritten signature in blue ink that reads "Nick Palewicz". The signature is written in a cursive style with a large initial "N" and "P".

Nick Palewicz, P.E





**EXISTING TREE LEGEND**

 EXISTING TREE COVER



220 West Champion Street, Suite 200 • 360.650.1428  
 Bellingham, WA 98225 • 360.650.1421  
**FREELAND & ASSOCIATES**

REV.	DATE	DESCRIPTION

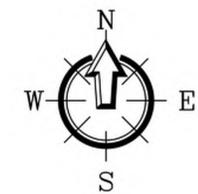
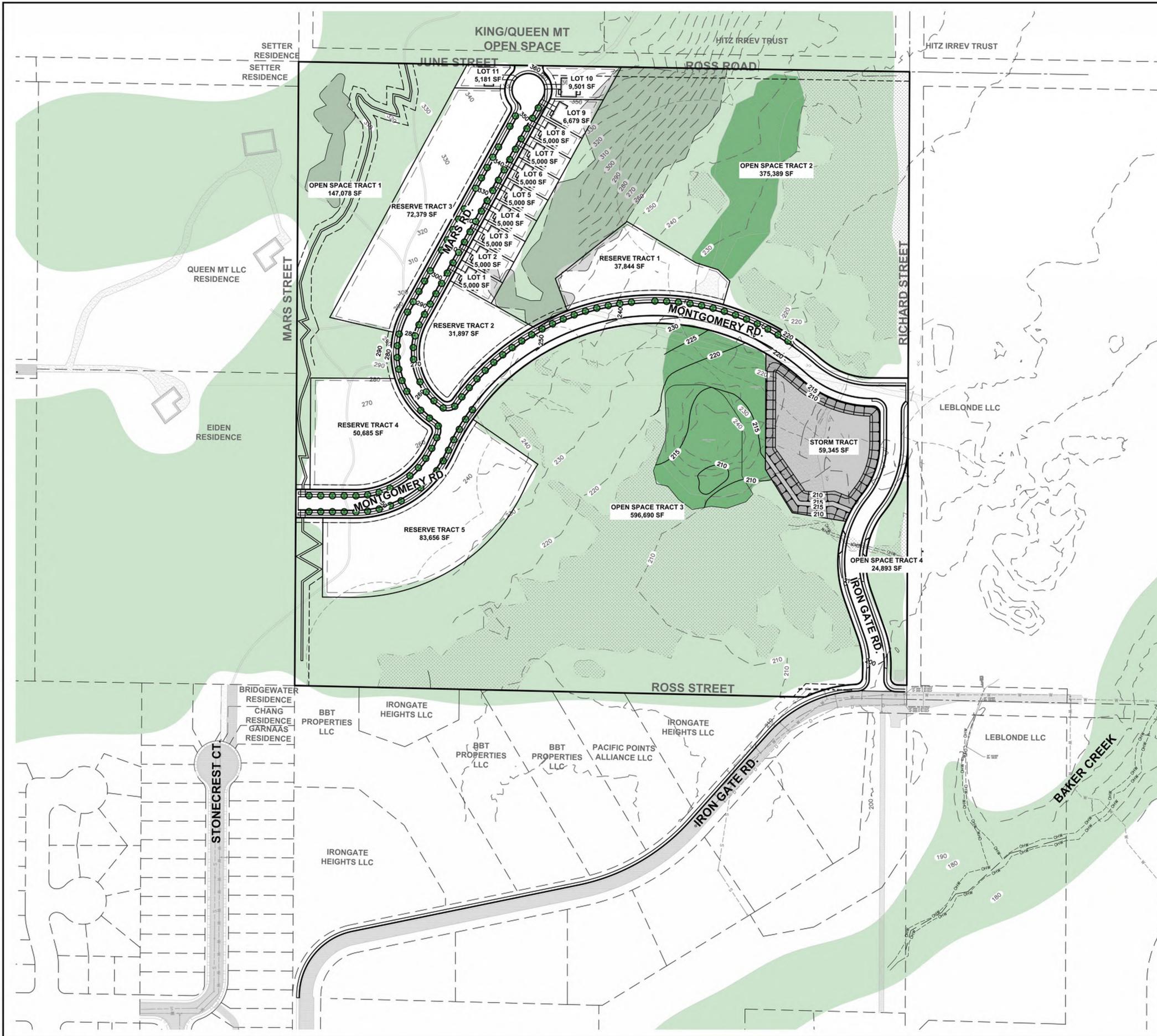
CLIENT: **QUEEN MOUNTAIN HOMES LLC**  
 4638 CELIA WAY UNIT 202  
 BELLINGHAM, WA, 98226  
 CALL BEFORE YOU DIG  
 1-800-424-5555

PROJECT LOCATION: **PLAT OF QUEEN MOUNTAIN**  
 4175 IRONGATE ROAD  
 BELLINGHAM, WA 98226  
 DRAWING #: 18271SP5.DWG  
 DESIGNED BY: NSP  
 DRAWN BY: NSP  
 CHECKED BY: HAF

SHEET CONTENTS: **OVERALL EXISTING CONDITIONS PLAN**



JOB #: 18271  
 DATE: 8-31-2023



1 inch = 100 ft.

**PROPOSED TREE LEGEND**

- EXISTING TREE COVER TO REMAIN
- BUFFER ENHANCEMENT/WETLAND CREATION/REPLANTED TREE COVER
- STREET TREE, TYPICAL



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BY:	DESCRIPTION:	REV:	DATE:

CLIENT:  
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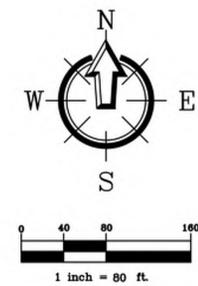
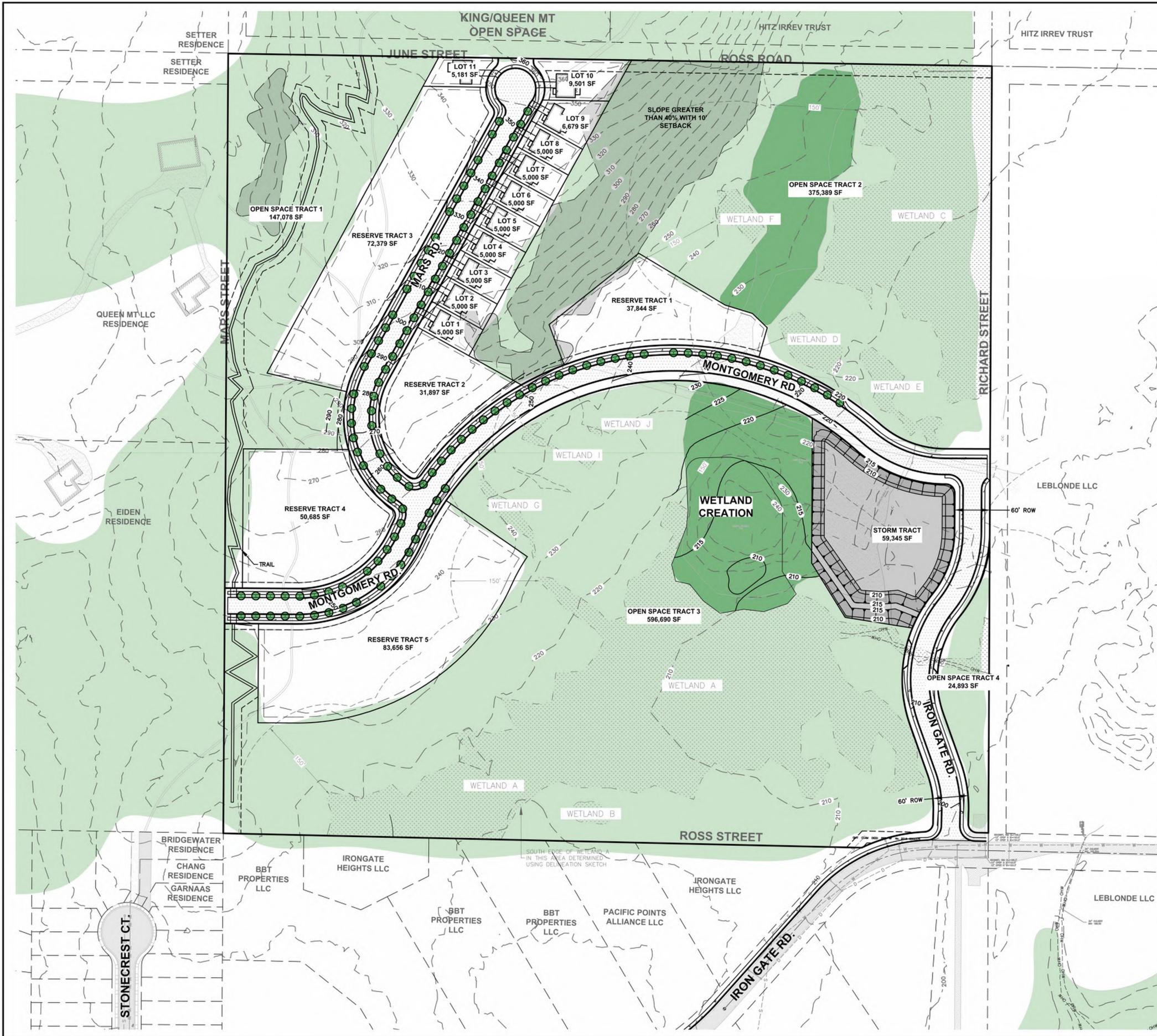
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SHEET CONTENTS:  
**OVERALL SITE PLAN**



JOB #: 18271  
 DATE: 8-31-2023

SHEET: **P3.0**



**PROPOSED TREE LEGEND**

- EXISTING TREE COVER TO REMAIN
- BUFFER ENHANCEMENT/WETLAND CREATION/REPLANTED TREE COVER
- STREET TREE, TYPICAL



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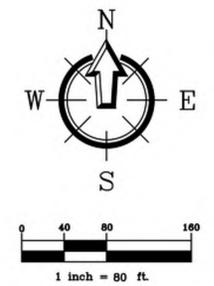
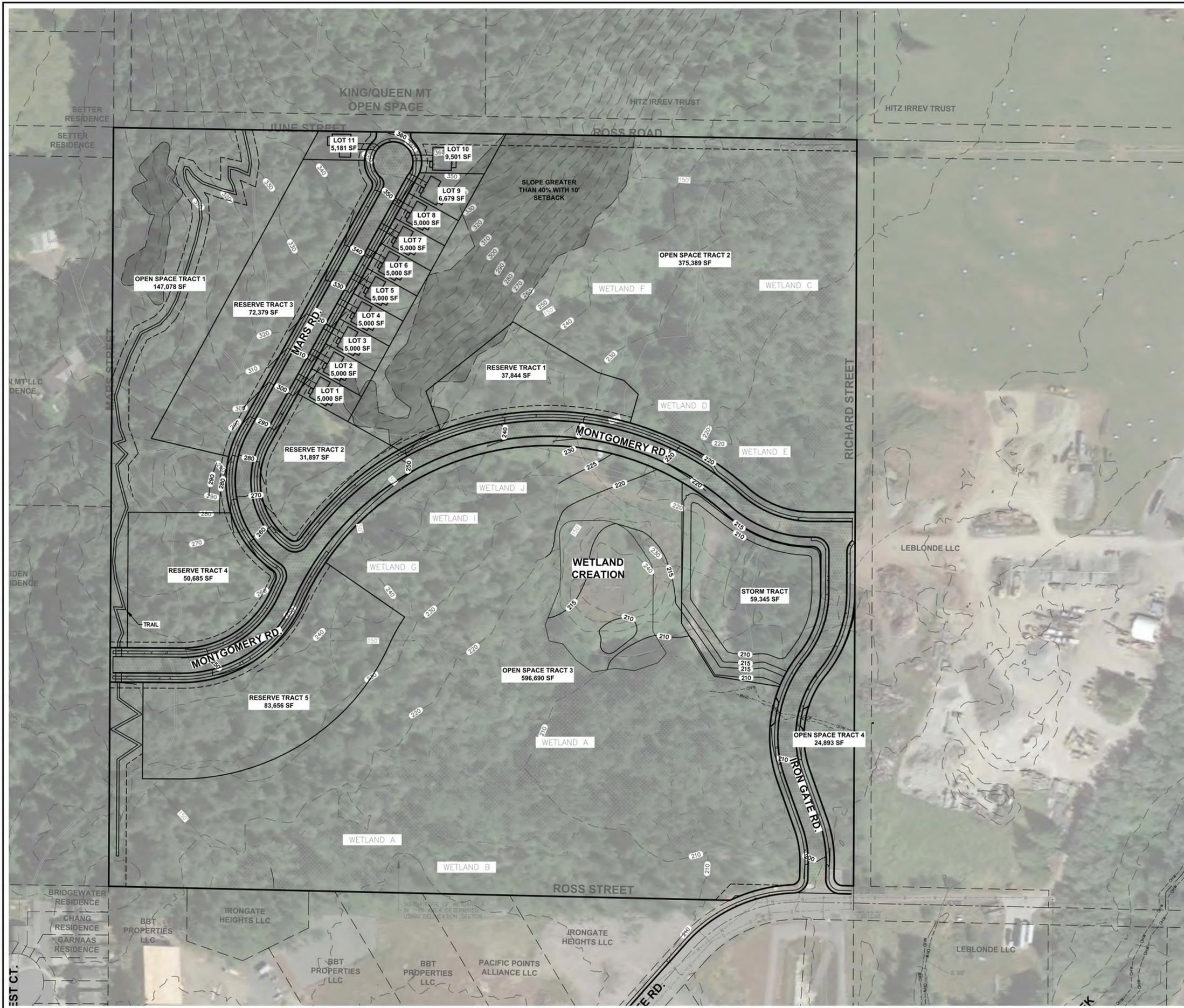
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SHEET CONTENTS: **OVERALL SITE PLAN**



JOB #: 18271  
 DATE: 8-31-2023

SHEET: **P3.1**



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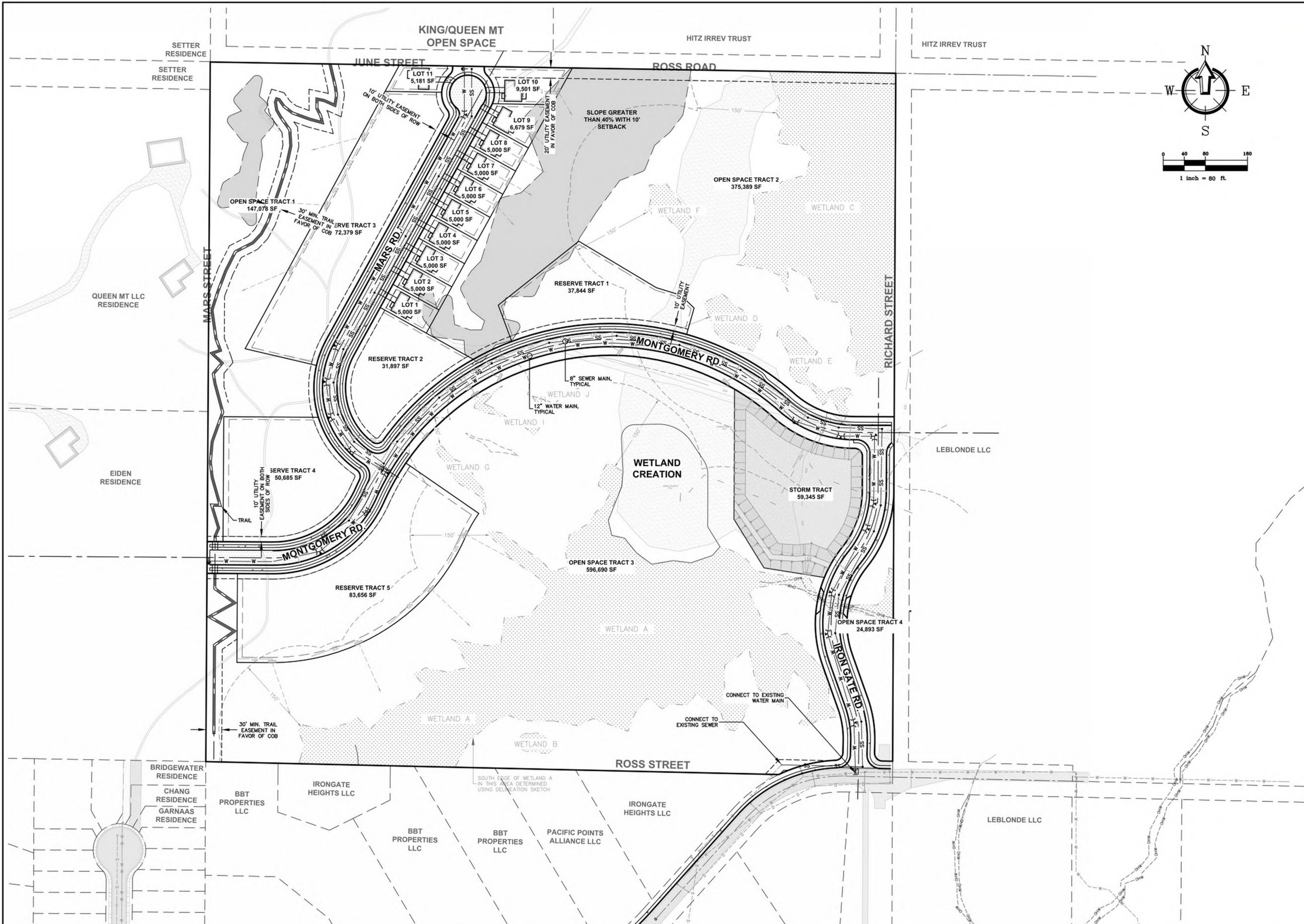
SHEET CONTENTS: **OVERALL SITE PLAN AERIAL**



JOB #: 18271  
 DATE: 8-31-2023

SHEET: **P3.2**





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**FREELAND & ASSOCIATES**

BY:	
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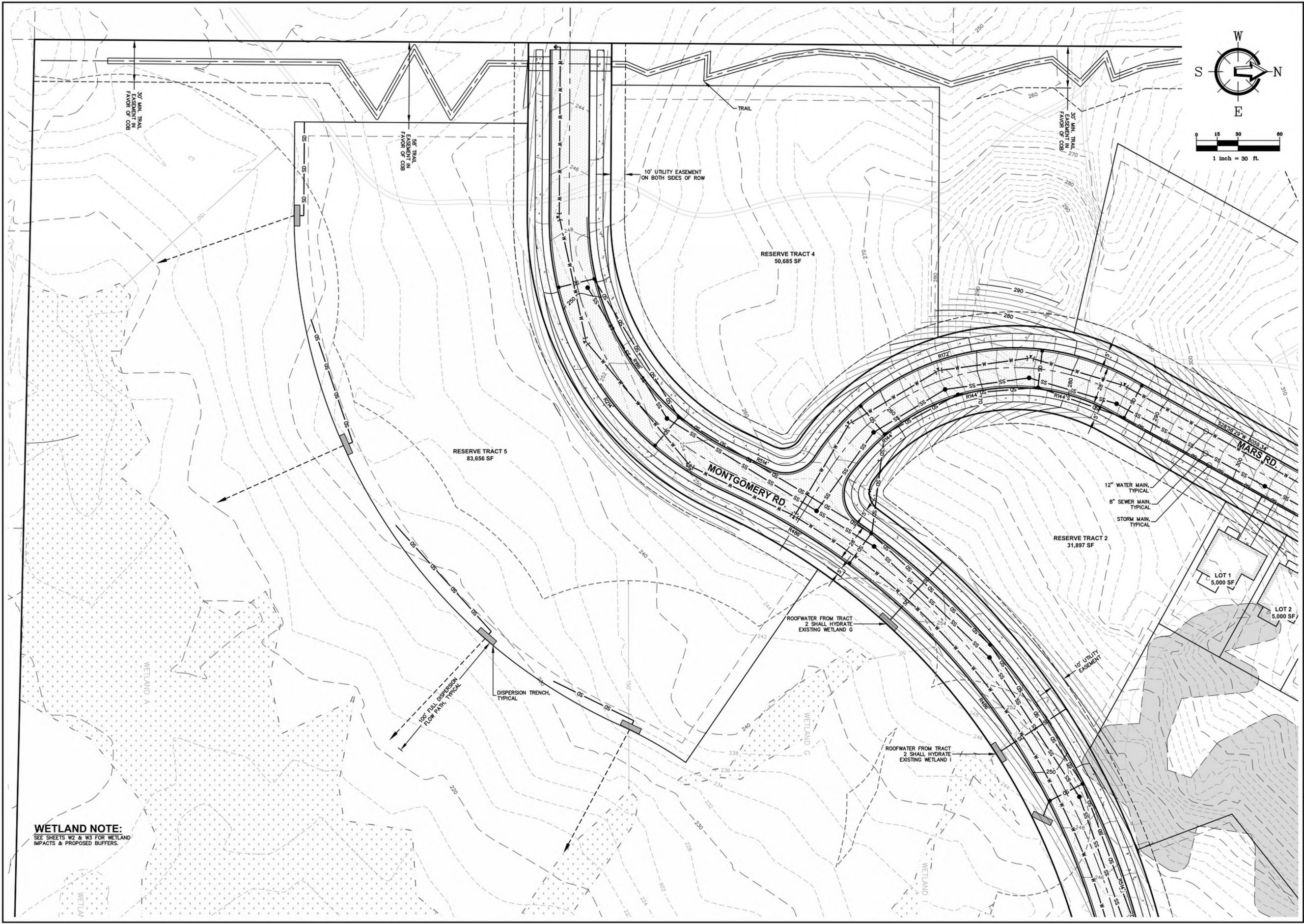
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SHEET CONTENTS:  
**OVERALL UTILITY PLAN**



JOB #: 18271  
 DATE: 8-31-2023

SHEET: **P3.4**



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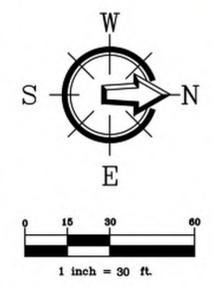
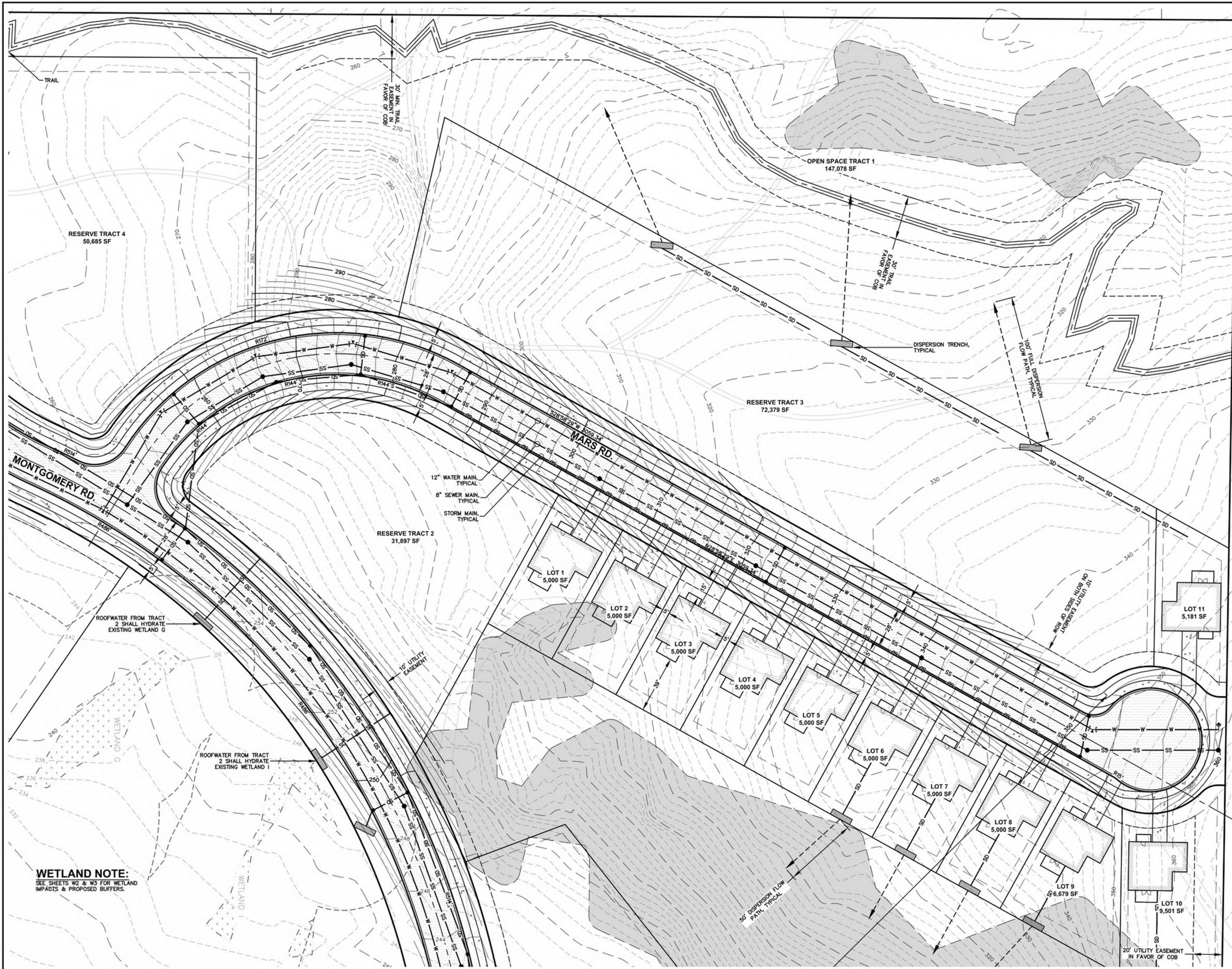
SHEET CONTENTS:  
**SITE PLAN SW**



JOB #: 18271  
 DATE: 8-31-2023

SHEET: **P3.5**

**WETLAND NOTE:**  
 SEE SHEETS W2 & W3 FOR WETLAND IMPACTS & PROPOSED BUFFERS.



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 F: 360.650.1421

**FREELAND & ASSOCIATES**

REV.	DATE	DESCRIPTION

CLIENT:  
**QUEEN MOUNTAIN HOMES LLC**  
 4638 CELIA WAY UNIT 202  
 BELLINGHAM WA, 98226  
 CALL BEFORE YOU DIG  
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PROJECT LOCATION:  
**PLAT OF QUEEN MOUNTAIN**  
 4175 IRONGATE ROAD  
 BELLINGHAM, WA 98226

DRAWN BY: NSP  
 CHECKED BY: HAF

DESIGNED BY: NSP

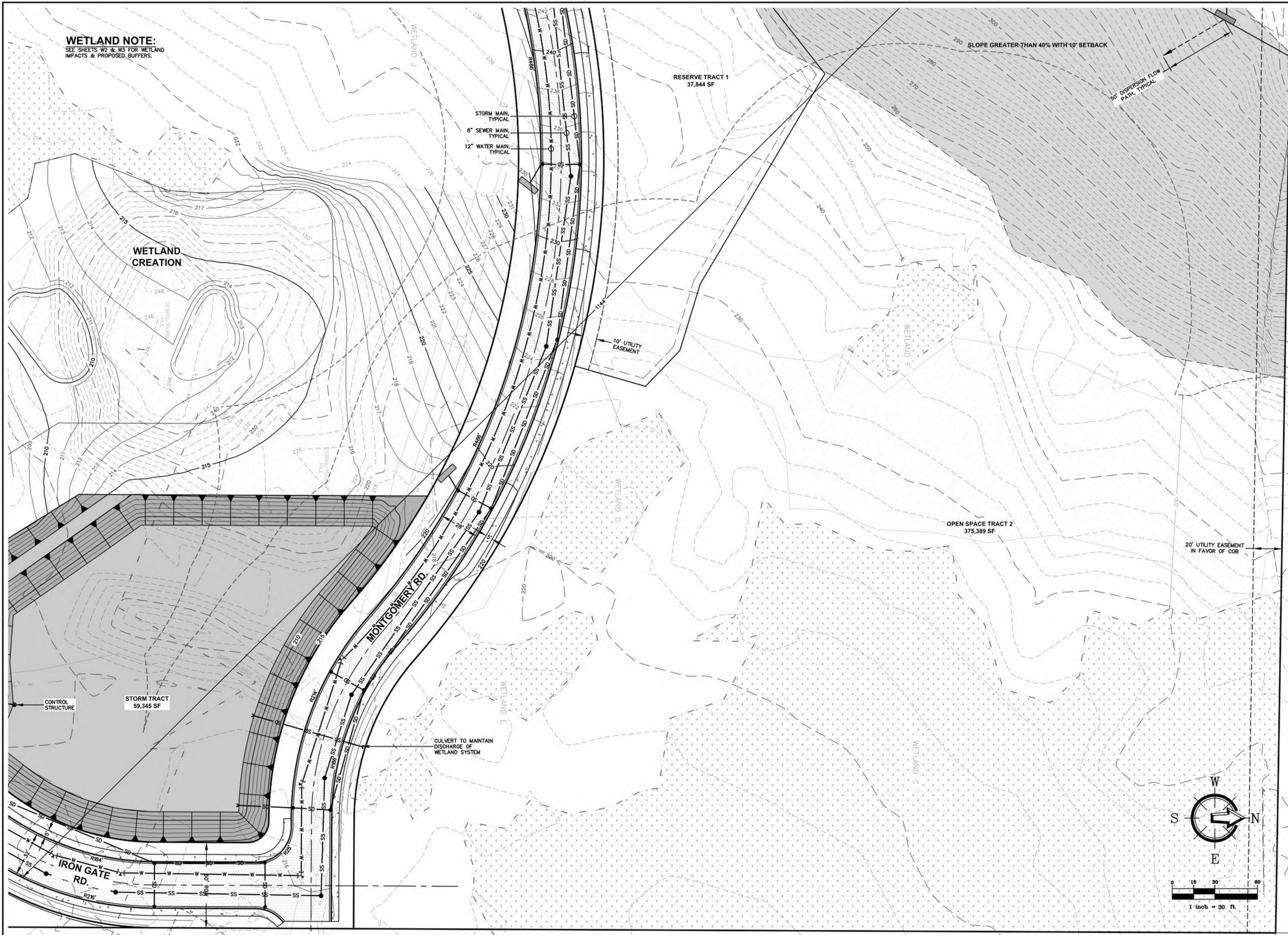
SHEET CONTENTS:  
**SITE PLAN NW**



JOB #: 18271  
 DATE: 8-31-2023

SHEET: **P3.6**

**WETLAND NOTE:**  
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REV.	DATE	DESCRIPTION

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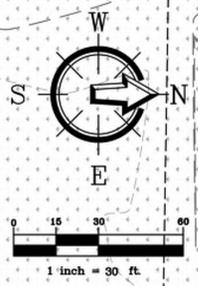
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**PLAT OF QUEEN MOUNTAIN**  
 4175 IRONGATE ROAD  
 BELLINGHAM, WA 98226  
**DRAWN BY:** NSP  
**CHECKED BY:** HAF  
**DESIGNED BY:** NSP

**SHEET CONTENTS:**  
**SITE PLAN NE**



**JOB #:** 18271  
**DATE:** 8-31-2023

**SHEET:** P3.7





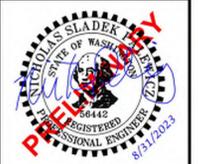
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BY:	
DESCRIPTION:	
REV:	
DATE:	

CLIENT:  
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 4638 CELIA WAY UNIT 202  
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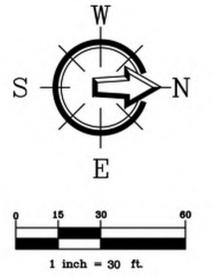
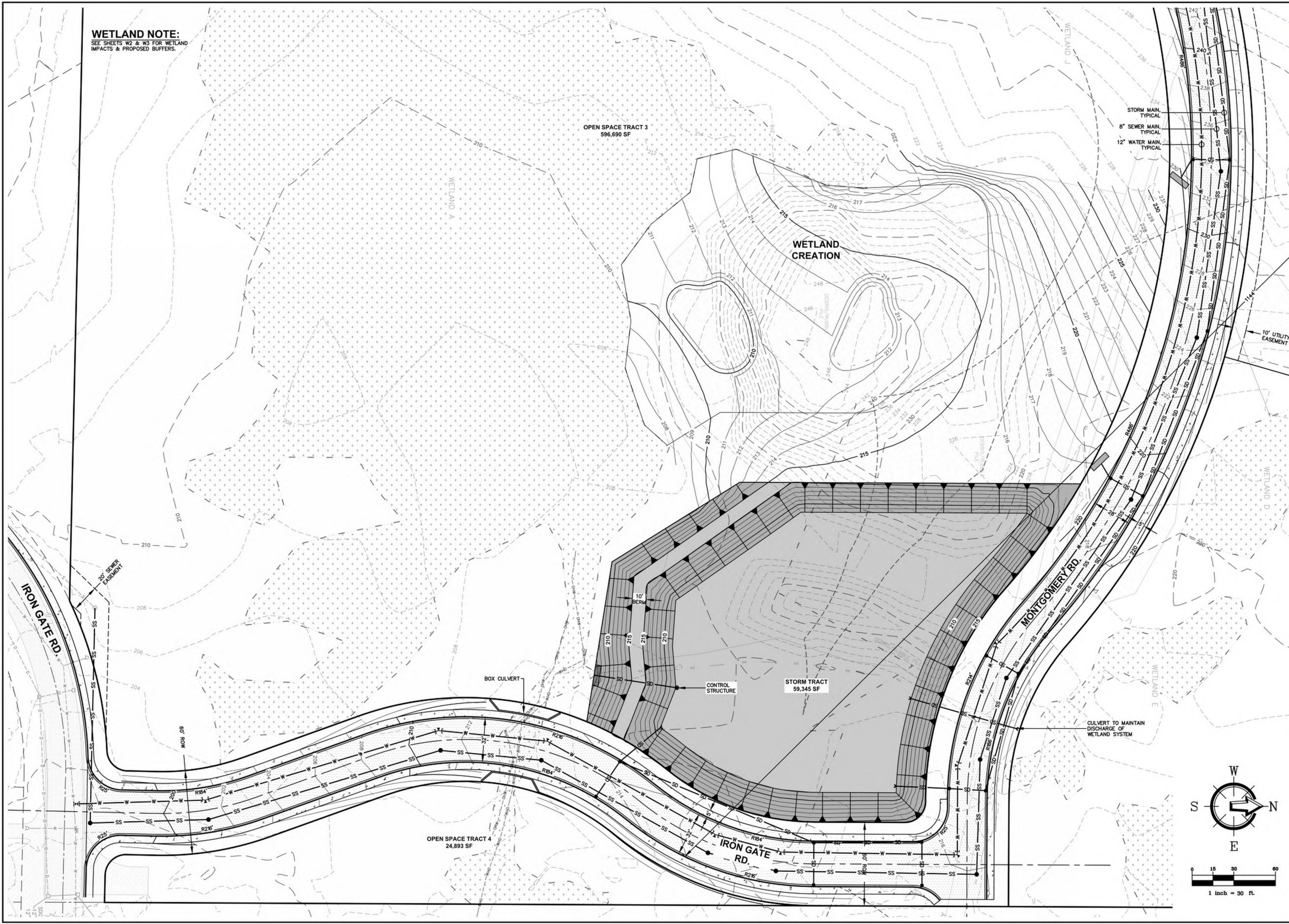
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**PLAT OF QUEEN MOUNTAIN**  
 4175 IRONGATE ROAD  
 BELLINGHAM, WA 98226  
 DRAWING #:  
 18271SP5.DWG  
 DESIGNED BY: NSP  
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SHEET CONTENTS:  
**SITE PLAN SE**



JOB #:  
 18271  
 DATE:  
 8-31-2023

SHEET:  
**P3.8**





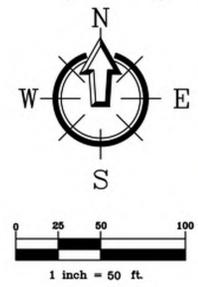
CONNECT TO  
EXISTING SIDEWALK

PROPOSED SIDEWALK

IRON GATE RD.

E BAKERVIEW RD.

**WETLAND NOTE:**  
SEE SHEETS W2 & W3 FOR WETLAND  
IMPACTS & PROPOSED BUFFERS.



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REV.	DATE	DESCRIPTION

CLIENT:  
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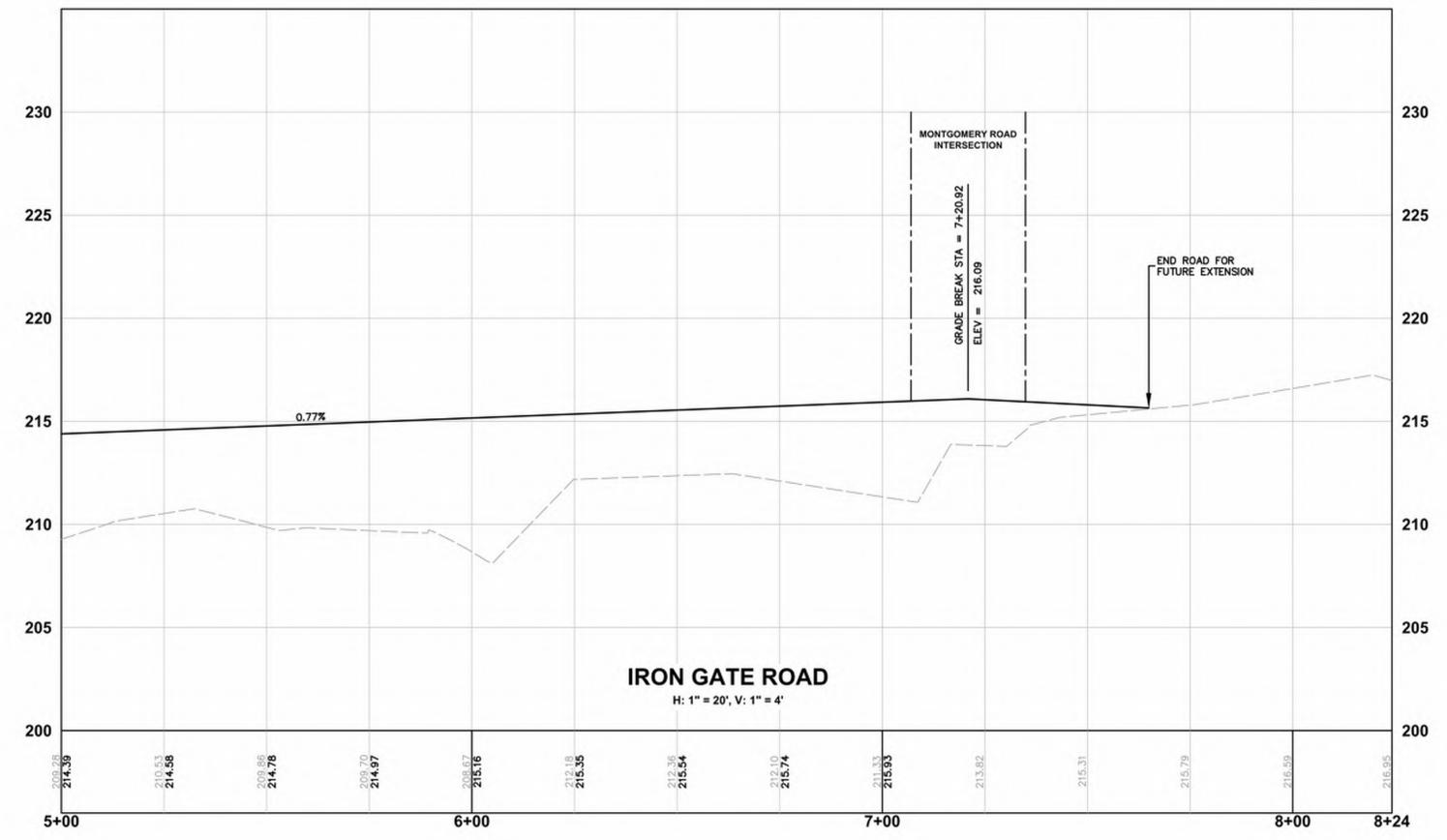
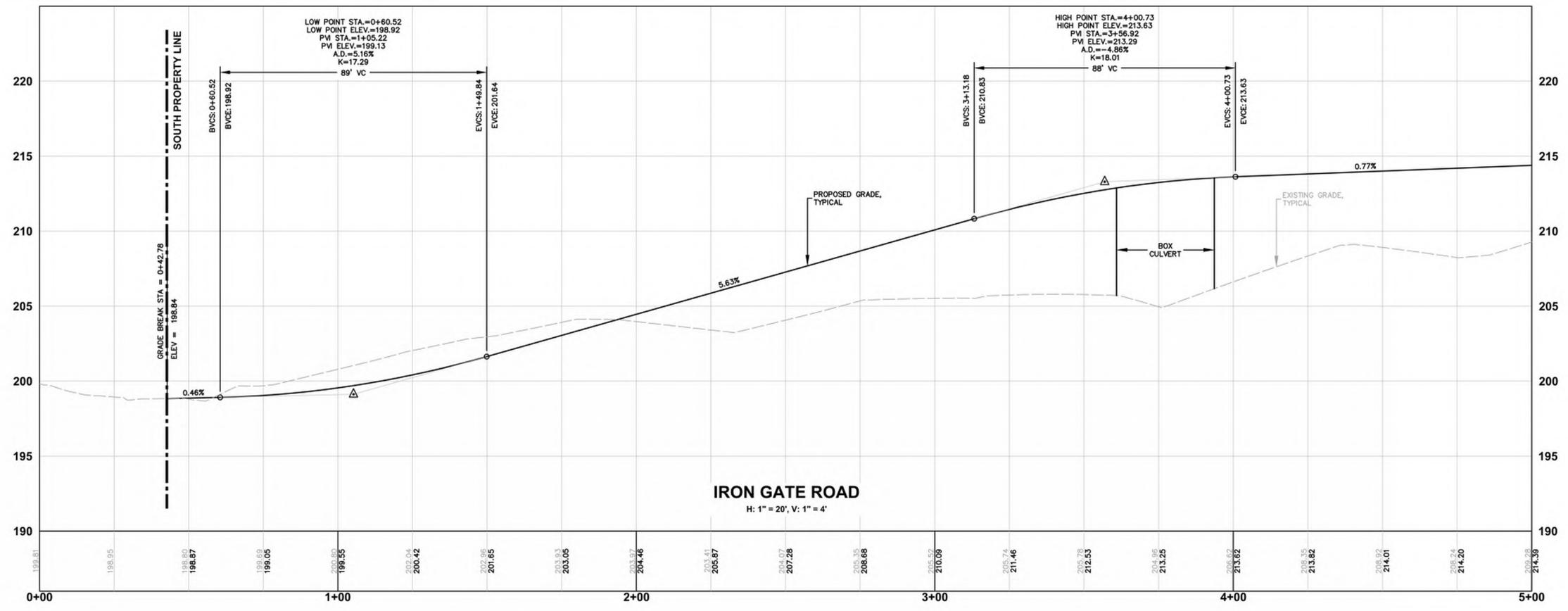
PROJECT LOCATION:  
**PLAT OF QUEEN MOUNTAIN**  
4175 IRONGATE ROAD  
BELLINGHAM, WA 98226  
DRAWING #: 18271SP5.DWG  
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SHEET CONTENTS:  
**SITE PLAN ENTRANCE**



JOB #: 18271  
DATE: 8-31-2023  
SHEET:

**P3.9**



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PROJECT LOCATION: **PLAT OF QUEEN MOUNTAIN**  
 4175 IRONGATE ROAD  
 BELLINGHAM, WA 98226

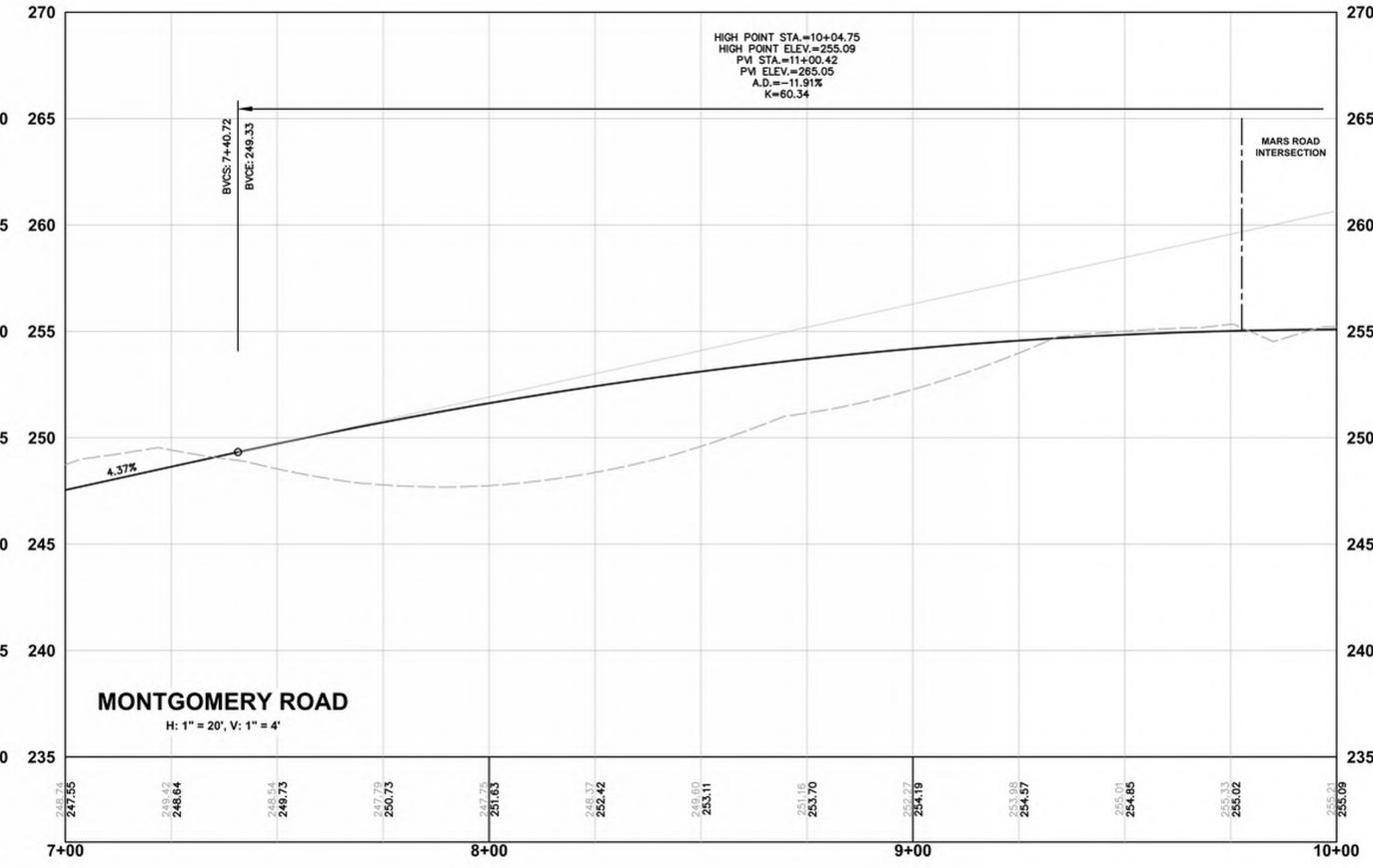
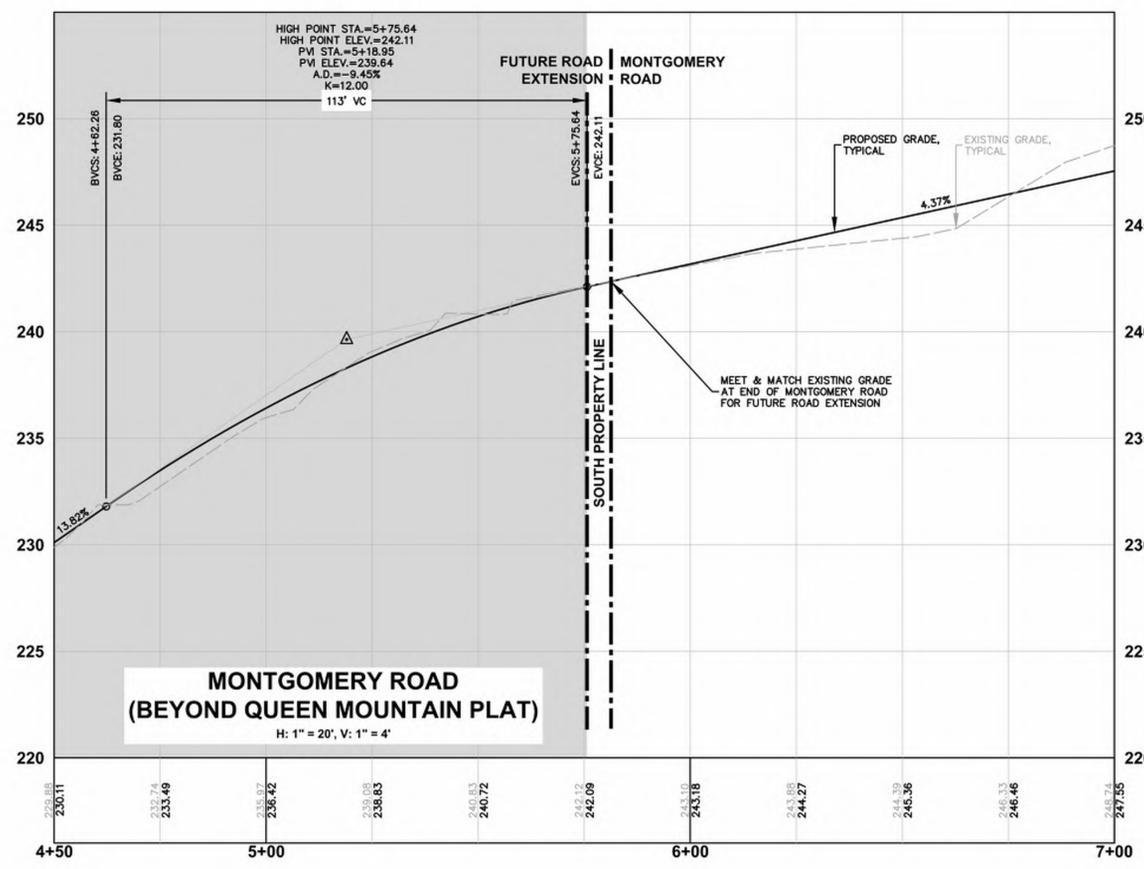
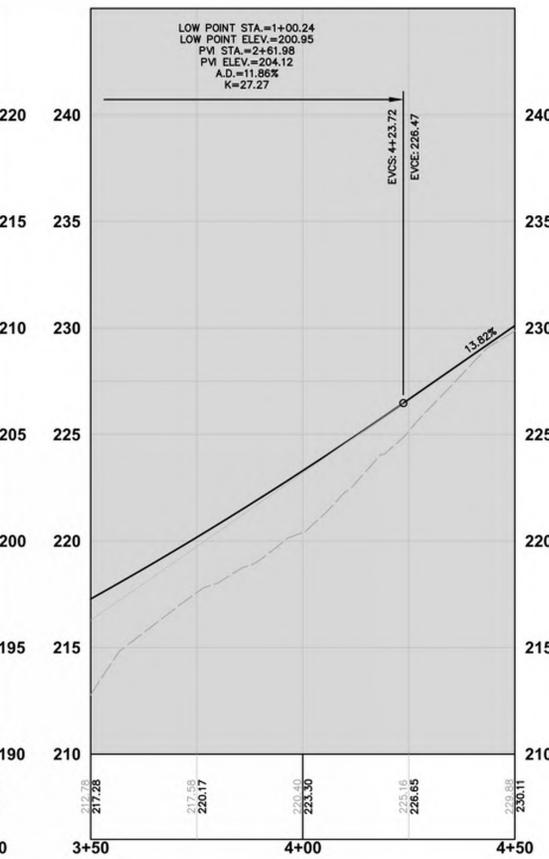
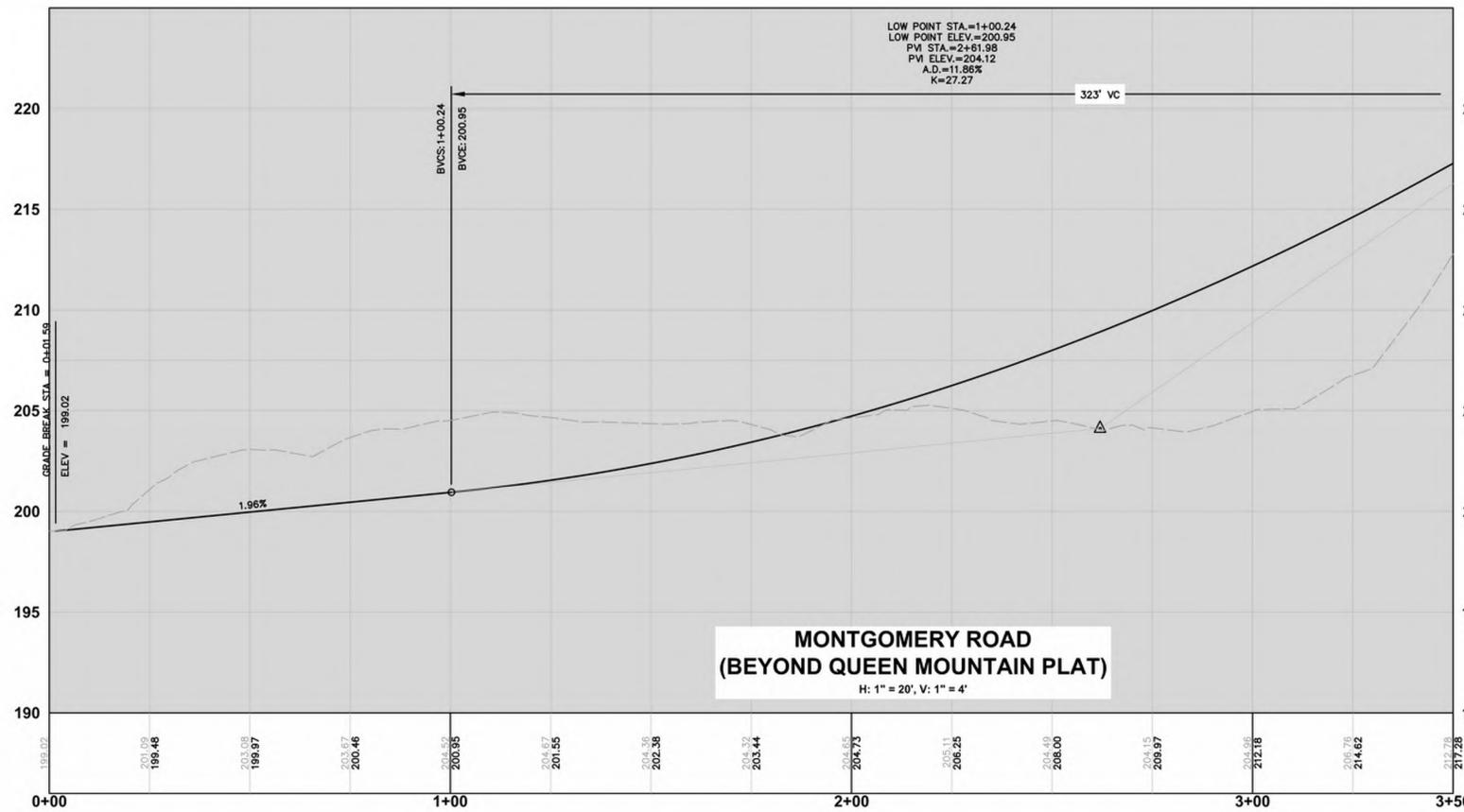
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SHEET CONTENTS:  
**IRON GATE ROAD PROFILE**  
 0+00 - 8+24



JOB #: 18271  
 DATE: 8-31-2023

SHEET: **P4.1**



BY:	
DESCRIPTION:	
REV:	
DATE:	
CLIENT:	<b>QUEEN MOUNTAIN HOMES LLC</b> 4638 CELIA WAY UNIT 202 BELLINGHAM WA, 98226 CALL BEFORE YOU DIG FOR BURIED UTILITY LOCATIONS 1-800-424-5555

PROJECT LOCATION:	<b>PLAT OF QUEEN MOUNTAIN</b> 4175 IRONGATE ROAD BELLINGHAM, WA 98226
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SHEET CONTENTS:

**MONTGOMERY ROAD PROFILE**  
0+00 - 10+00

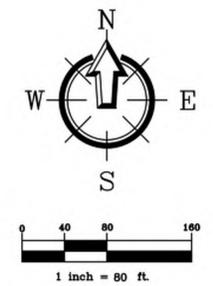
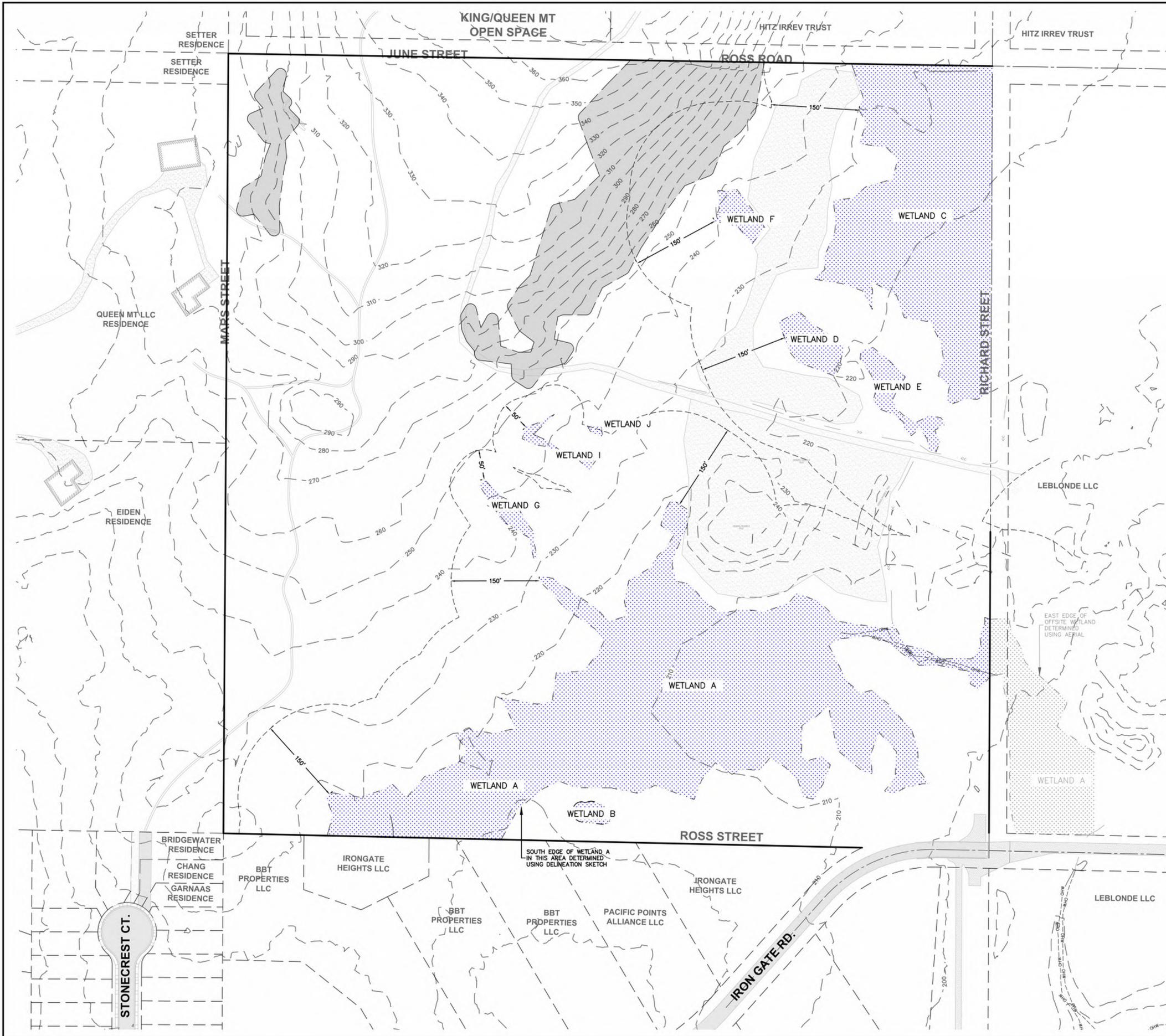
JOB #:	18271	DATE:	8-31-2023
SHEET:			











**WETLAND LEGEND**

- EXISTING WETLAND
- DITCH
- STREAM



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**FREELAND & ASSOCIATES**

BY:	
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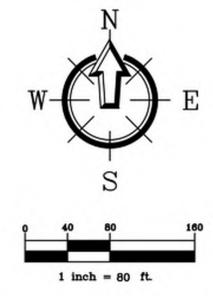
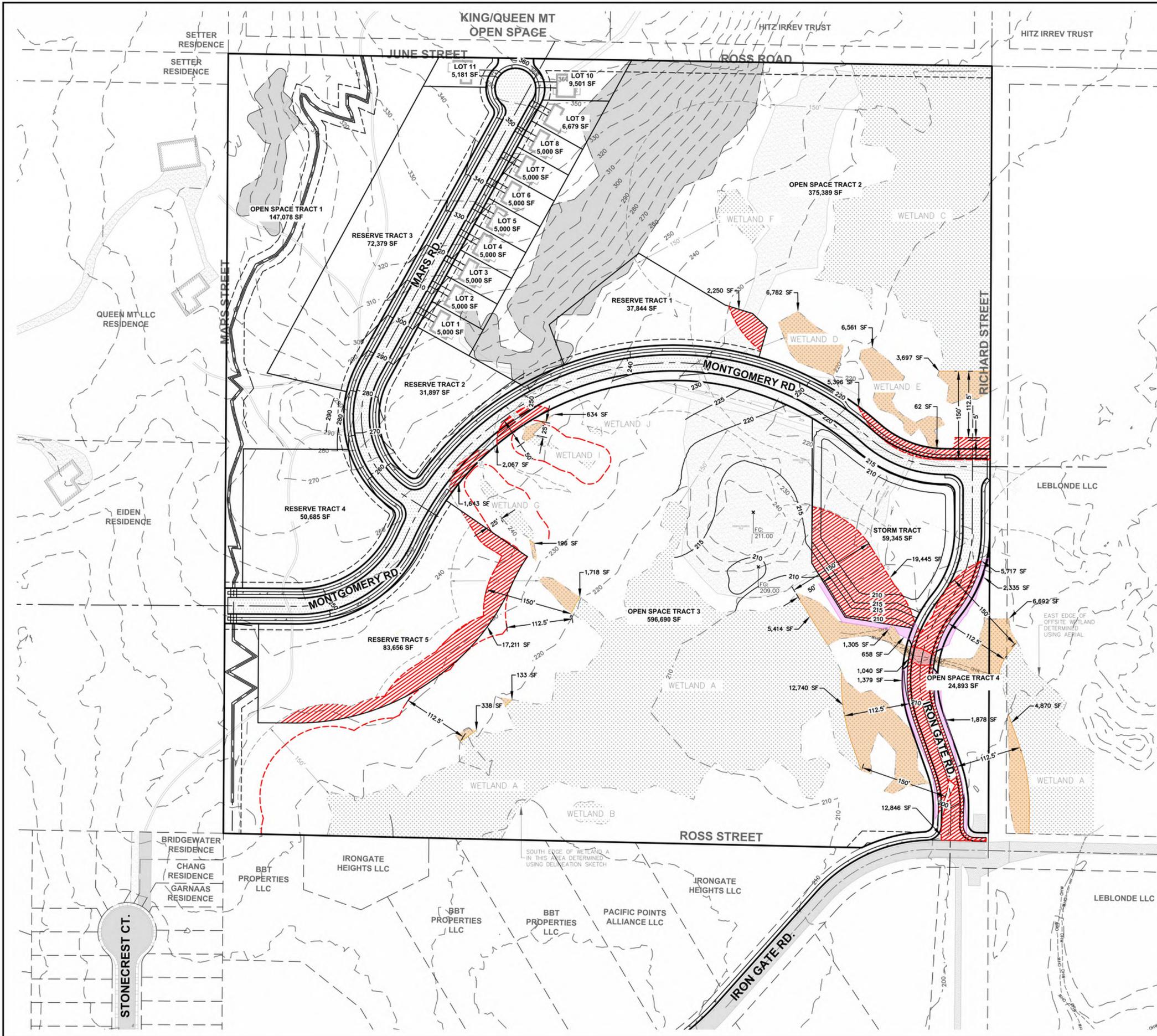
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SHEET CONTENTS:  
**EXISTING WETLANDS**



JOB #: 18271  
 DATE: 8-31-2023

SHEET: **W1**



**WETLAND LEGEND**

- WETLAND DIRECT IMPACT  
1,102 SF
- WETLAND INDIRECT IMPACT  
49,775 SF
- BUFFER DIRECT IMPACT  
66,575 SF
- TEMPORARY IMPACT  
7,555 SF



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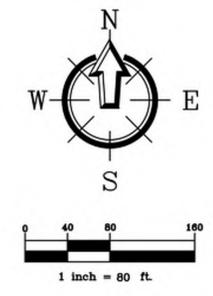
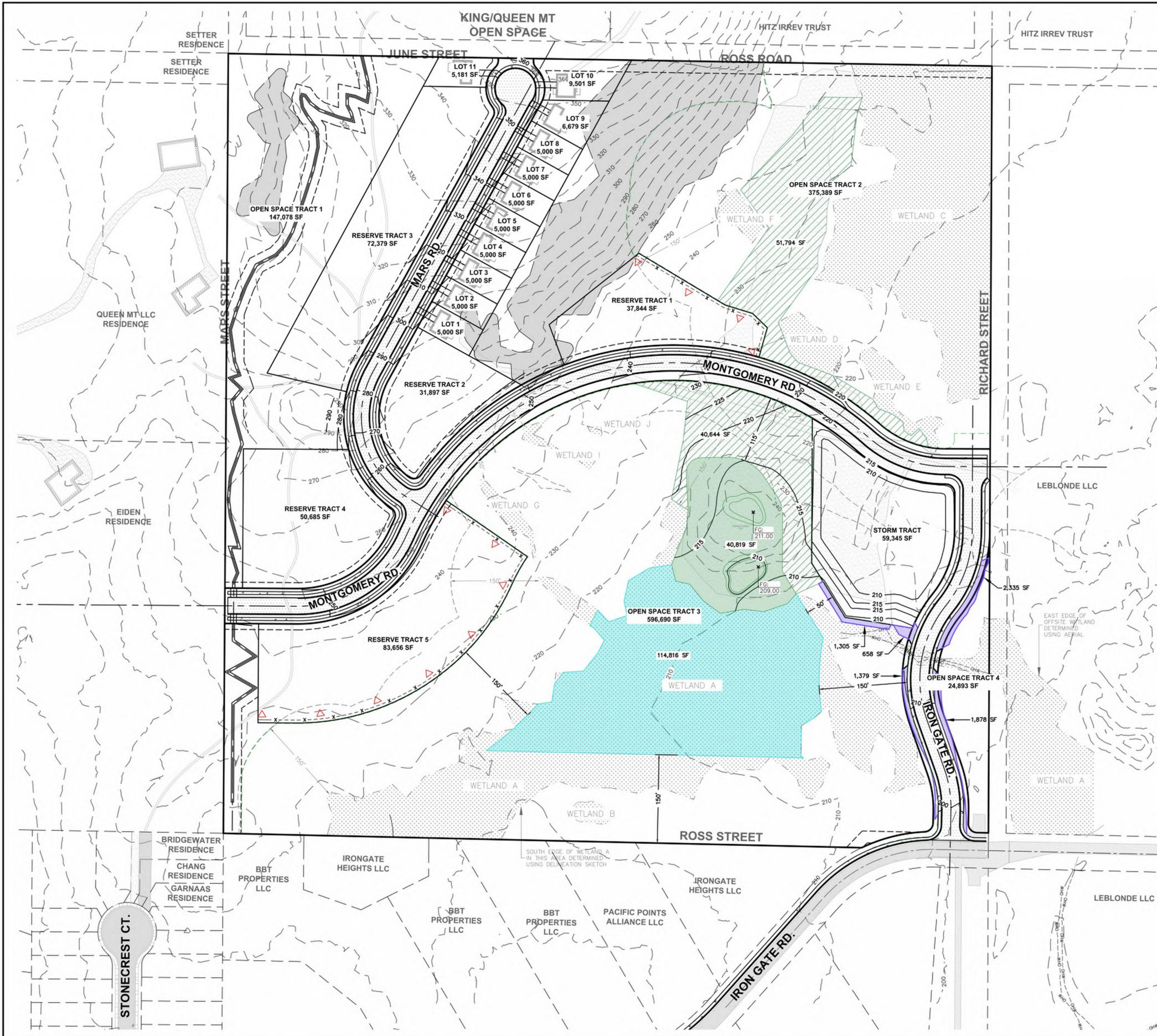
PROJECT LOCATION:  
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SHEET CONTENTS:  
**WETLAND IMPACTS**



JOB #: 18271  
DATE: 8-31-2023

SHEET: **W2**



### WETLAND LEGEND

- WETLAND CREATION  
40,819 SF
- WETLAND PRESERVATION  
114,816 SF
- BUFFER ENHANCEMENT  
92,430 SF
- RESTORATION  
7,555 SF

- PROPOSED BUFFER
- SPLIT-RAIL FENCE
- CRITICAL AREA SIGN



REV:	DATE:	DESCRIPTION:

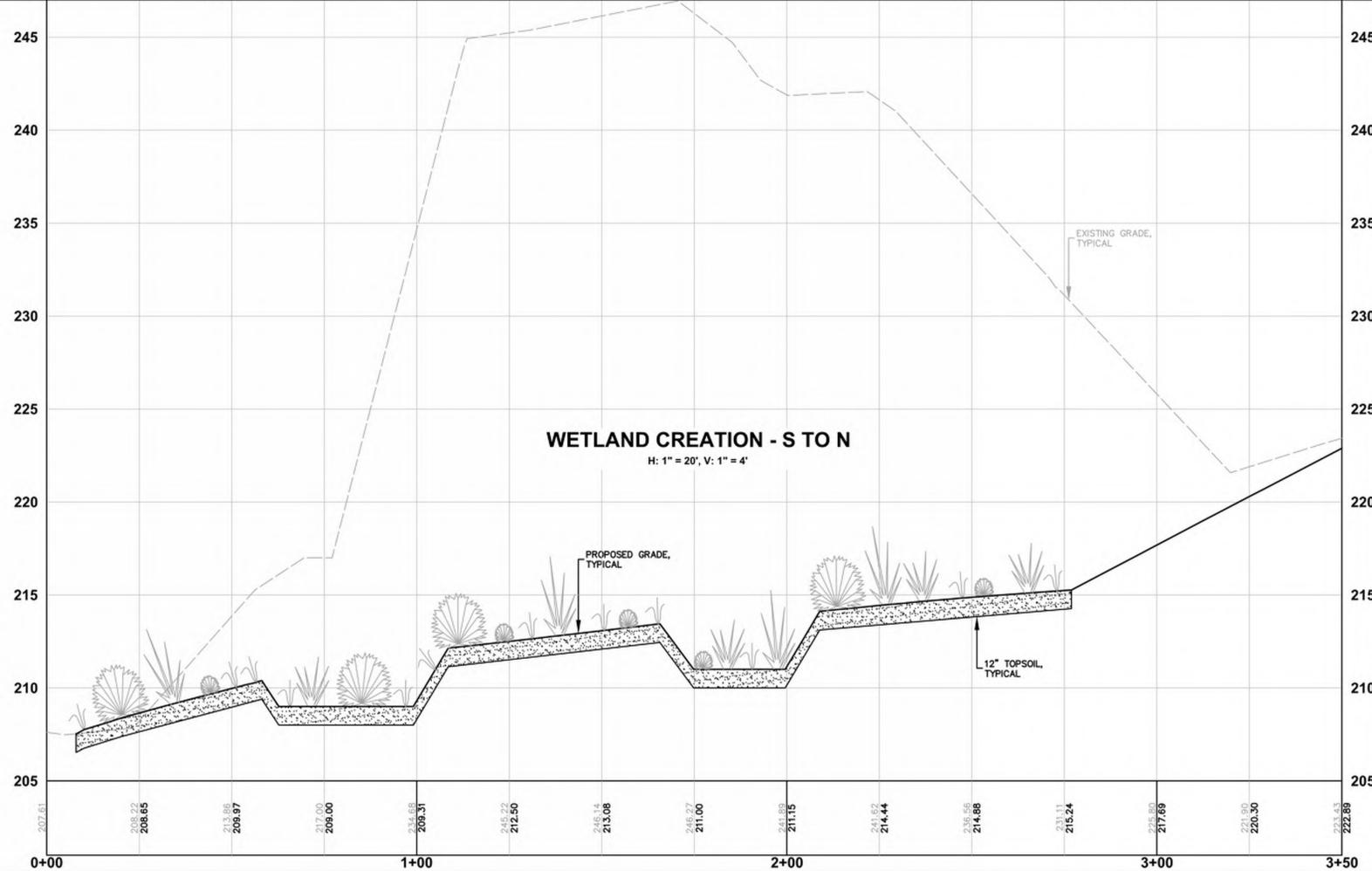
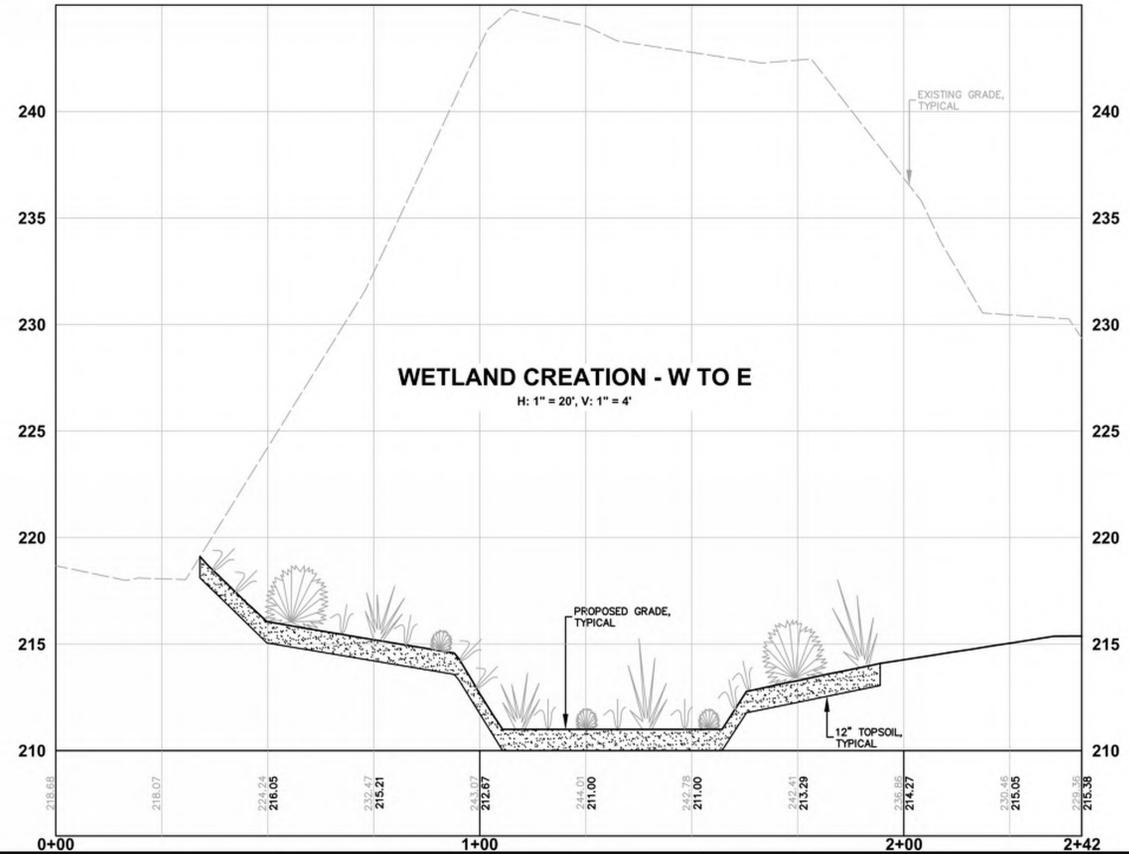
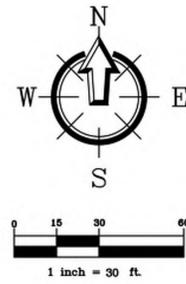
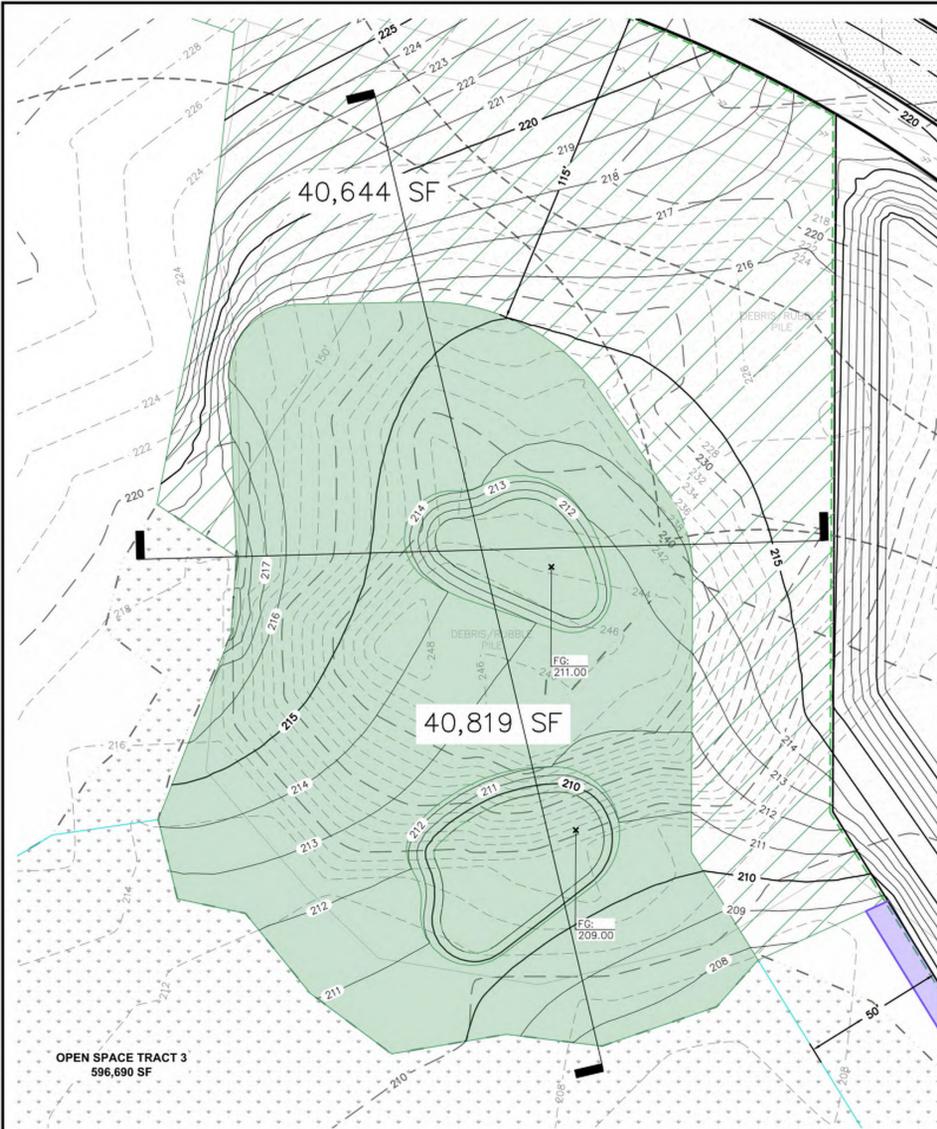
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PROJECT LOCATION: **PLAT OF QUEEN MOUNTAIN**  
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SHEET CONTENTS: **WETLAND MITIGATION**



JOB #: 18271  
DATE: 8-31-2023  
SHEET: **W3**



**WETLAND LEGEND**

- WETLAND CREATION  
40,819 SF
- WETLAND PRESERVATION  
114,816 SF
- BUFFER ENHANCEMENT  
92,430 SF
- RESTORATION  
7,555 SF
- PROPOSED BUFFER

NOTE: OVEREXCAVATE THE FINAL GRADE BY APPROXIMATELY 12 INCHES AND REPLACE WITH TOPSOIL TO REACH FINAL GRADE. ALL EXPOSED SOILS MUST BE STABILIZED. DURING SOIL EXCAVATION, SOILS WILL BE EVALUATED BY THE WETLAND BIOLOGIST. IF NEEDED, CLAY OR SILT SOILS WILL BE IMPORTED AND PLACED 12 TO 16 INCHES BELOW THE FINAL GROUND SURFACE TO RETAIN HYDROLOGY WITHIN THE WETLAND CREATION AREA.



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**PLAT OF QUEEN MOUNTAIN**  
4175 IRONGATE ROAD  
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**WETLAND CREATION DETAILS**



JOB #: 18271  
DATE: 8-31-2023  
SHEET: **W4**

**Planting List for Wetland Creation Area 40,819 square feet**

Scientific Name	Common Name	Size/Condition <sup>1</sup>	Spacing
<i>Populus tremuloides</i>	Quaking aspen	1-2 Gal or bareroot	12 feet
<i>Picea sitchensis</i>	Sitka spruce	1-2 Gal or bareroot	12 feet
<i>Picea sitchensis</i>	Shore pine	1-2 Gal or bareroot	12 feet
<i>Thuja plicata</i>	Western red-cedar	1-2 Gal or bareroot	12 feet
<b>Total Trees = 283 (choose at least 2 or more species)</b>			
<i>Rosa nutkana</i>	Nootka rose	1-2 Gal or bareroot	5 feet
<i>Rubus spectabilis</i>	Salmonberry	1-2 Gal or bareroot	5 feet
<i>Lonicera involucrata</i>	Black twinberry	1-2 Gal or bareroot	5 feet
<i>Salix hookeriana</i>	Hooker willow	1-2 Gal or bareroot	5 feet
<i>Cornus sericea</i>	Red-osier dogwood	1-2 Gal or bareroot	5 feet
<i>Salix lasiandra</i>	Pacific willow	1-2 Gal or bareroot	5 feet
<i>Salix sitchensis</i>	Sitka willow	1-2 Gal or bareroot	5 feet
<i>Physocarpus capitatus</i>	Pacific ninebark	1-2 Gal or bareroot	5 feet
<i>Malus fusca</i>	Western crabapple	1-2 Gal or bareroot	5 feet
<b>Total Shrubs = 1,349 (choose at least 4 or more species)</b>			

<sup>1</sup>Bare root plantings should be planted December to March – the dormant period.

**Planting List for Buffer Enhancement Area 92,430 square feet**

Scientific Name	Common Name	Size/Condition <sup>1</sup>	Spacing
<i>Pseudotsuga menziesii</i>	Douglas fir	1-2 Gal or bareroot	12 feet
<i>Picea sitchensis</i>	Sitka spruce	1-2 Gal or bareroot	12 feet
<i>Abies grandis</i>	Grand fir	1-2 Gal or bareroot	12feet
<i>Prunus emarginata</i>	Bitter cherry	1-2 Gal or bareroot	12 feet
<i>Betula papyifera</i>	Paper birch	1-2 Gal or bareroot	12 feet
<i>Acer macrophyllum</i>	Big-leaf maple	1-2 Gal or bareroot	12 feet
<b>Total Trees = 642 (choose at least 2 or more species)</b>			
<i>Symphoricarpos albus</i>	Snowberry	1-2 Gal or bareroot	5 feet
<i>Acer circinatum</i>	Vine maple	1-2 Gal or bareroot	5 feet
<i>Corylus cornuta</i>	Hazelnut	1-2 Gal or bareroot	5 feet
<i>Ribes sanguineum</i>	Red-flowering currant	1-2 Gal or bareroot	5 feet
<i>Rosa nutkana</i>	Nootka rose	1-2 Gal or bareroot	5 feet
<i>Holodiscus discolor</i>	Oceanspray	1-2 Gal or bareroot	5 feet
<i>Oemleria cerasiformis</i>	Indian plum	1-2 Gal or bareroot	5 feet
<i>Amelanchier alnifolia</i>	Saskatoon	1-2 Gal or bareroot	5 feet
<i>Rubus parviflorus</i>	Thimbleberry	1-2 Gal or bareroot	5 feet
<i>Rhamnus prushiana</i>	Cascara	1-2 Gal or bareroot	5 feet
<i>Rubus spectabilis</i>	Salmonberry	1-2 Gal or bareroot	5 feet
<b>Total Shrubs = 3,055 (choose at least 4 or more species)</b>			

<sup>1</sup>Bare root plantings should be planted December to March – the dormant period.

**Planting List for Buffer Restoration Area 7,555 square feet**

Scientific Name	Common Name	Size/Condition <sup>1</sup>	Spacing
<i>Pseudotsuga menziesii</i>	Douglas fir	1-2 Gal or bareroot	12 feet
<i>Picea sitchensis</i>	Sitka spruce	1-2 Gal or bareroot	12 feet
<i>Abies grandis</i>	Grand fir	1-2 Gal or bareroot	12feet
<i>Prunus emarginata</i>	Bitter cherry	1-2 Gal or bareroot	12 feet
<i>Betula papyifera</i>	Paper birch	1-2 Gal or bareroot	12 feet
<i>Acer macrophyllum</i>	Big-leaf maple	1-2 Gal or bareroot	12 feet
<b>Total Trees = 52 (choose at least 2 or more species)</b>			
<i>Symphoricarpos albus</i>	Snowberry	1-2 Gal or bareroot	5 feet
<i>Acer circinatum</i>	Vine maple	1-2 Gal or bareroot	5 feet
<i>Corylus cornuta</i>	Hazelnut	1-2 Gal or bareroot	5 feet
<i>Ribes sanguineum</i>	Red-flowering currant	1-2 Gal or bareroot	5 feet
<i>Rosa nutkana</i>	Nootka rose	1-2 Gal or bareroot	5 feet
<i>Holodiscus discolor</i>	Oceanspray	1-2 Gal or bareroot	5 feet
<i>Oemleria cerasiformis</i>	Indian plum	1-2 Gal or bareroot	5 feet
<i>Amelanchier alnifolia</i>	Saskatoon	1-2 Gal or bareroot	5 feet
<i>Rubus parviflorus</i>	Thimbleberry	1-2 Gal or bareroot	5 feet
<i>Rhamnus prushiana</i>	Cascara	1-2 Gal or bareroot	5 feet
<i>Rubus spectabilis</i>	Salmonberry	1-2 Gal or bareroot	5 feet
<b>Total Shrubs = 250 (choose at least 4 or more species)</b>			

<sup>1</sup>Bare root plantings should be planted December to March – the dormant period.

At least two different tree species and four different shrub species shall be chosen from each planting table. All plant materials used at the mitigation site shall be grown in the Puget Sound lowlands. Each plant shall be flagged with bright colored flagging to assist with annual monitoring.

**Wetland Creation Methods**

The wetland creation area, totaling 40,819 square feet in size will be excavated to achieve a similar final grade as the existing northern portion of Wetland A. This will include the removal of the rubble fill pile over the area.

The side slopes adjacent to the wetland creation area will also be graded (within the buffer), due to the topography of this area, to achieve gentler side slopes (2:1). The wetland creation area shall be over-excavated by one to two feet and backfilled with clay or silt soil fill (if needed) and one foot of topsoil – to achieve the final grades. During soil excavation, soils will be evaluated by the wetland biologist to determine if clay or silt soils are needed. Topsoil from the property may be used from graded areas proposed for development. The entire wetland creation area shall be mulched with three to four inches of wood chip mulch. Native trees and shrubs will then be installed during the appropriate planting season: January/February for bare root, early spring or fall for container plants.

**Buffer Enhancement Methods**

Approximately 92,430 square feet of the Wetland A and C buffer will be enhanced. This will include the removal of rubble fill over portions of the buffer. Prior to installing native plants, invasive species will be removed from the buffer area. The entire buffer enhancement area shall be sheet mulched to a depth of three to four inches.

**Buffer Restoration Methods**

Approximately 7,555 square feet of Wetland A buffer will be temporarily disturbed with the construction of the site access road and the stormwater pond. Prior to installing native plants, invasive species will be removed from the buffer area. The entire restoration area shall be sheet mulched to a depth of three to four inches.

**Mitigation Implementation Schedule**

A general outline and schedule for the implementation of the mitigation is as follows:

- 1) Pre-construction meeting with City staff, contractor and wetland biologist;
- 2) Identify mitigation work area boundaries with temporary fencing, silt fence, or markers;
- 3) Remove rubble and fill from the mitigation areas;
- 4) Excavate the wetland creation area, with over excavation and placement of clay (as needed) and topsoil to reach the final grade. Wetland biologist must review the excavation prior to spreading the clay (if needed) and topsoil;
- 5) Clear Himalayan blackberry/reed canarygrass and other invasive plant species from buffer enhancement areas;
- 6) Install mulch in the wetland creation area, buffer enhancement area and restoration area;
- 7) Install native trees and shrubs;
- 8) Remove temporary work fencing and/or markers;
- 9) Install split-rail fencing around the development footprint (as shown on the mitigation map); and
- 10) Install critical areas protection signs adjacent to the development footprint, as shown on the mitigation map.

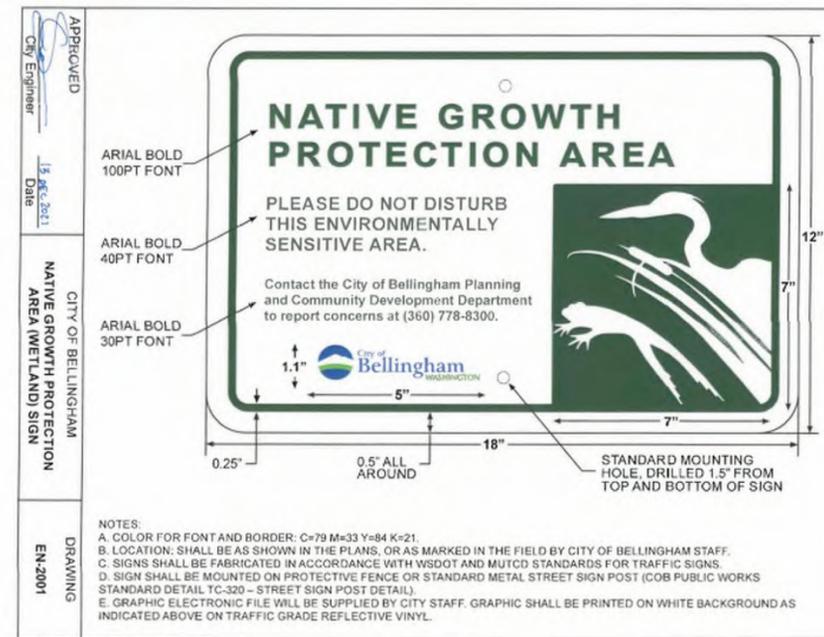
Steps one through six will be completed concurrent with construction of the proposed project.

Plant installation, step seven, should occur in the winter (if bare root plants are used), early spring or fall (if container plants are used). The remaining steps, eight to ten, would occur concurrently or after planting.

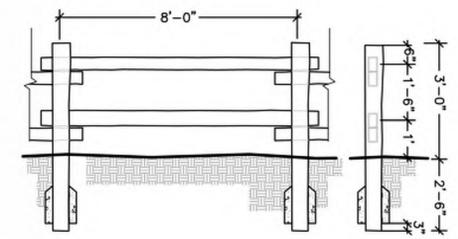
Once installed an as-built letter/documentation should be submitted to the City and Corps for review and approval. Maintenance of the mitigation areas will occur on an annual basis for the ten year monitoring program and monitoring reports will be submitted to the City and Corps for review and approval.

A PLANTING TABLES

**B PLANTING NOTES**



**C NGPA (WETLAND) SIGN**



**D SPLIT RAIL FENCE**



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PROJECT LOCATION: PLAT OF QUEEN MOUNTAIN  
4175 IRONGATE ROAD  
BELLINGHAM, WA 98226  
DRAWING #: 18271SP5.DWG  
DESIGNED BY: NSP  
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SHEET CONTENTS: WETLAND PROJECT DETAILS



JOB #: 18271  
DATE: 8-31-2023  
SHEET: