



Planning and Community Development Department

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Determination of Non-Significance (DNS)

SUB2022-0033/DR2022-0023/VAR2023-0002/SEP2022-0032

Date of Issuance of Threshold Determination: 10/4/2023

Project Name: Stream Bellingham Townhomes

Project Description: Construction of 67 new infill toolkit townhouse units with 134 garage parking stalls and 21 surface guest parking stalls. A single access point to the project is proposed from Meridian St. located directly across from the Orchard St. intersection. The proposal includes a preliminary subdivision to place each townhouse on a fee simple lot. Based on a certified arborist's report the proposal includes preservation of approximately 65 trees on site and removal of approximately 335 trees to accommodate the proposed building footprint, surface driveways and associated utilities. The applicant has proposed to mitigate for the tree removal by planting 3 replacement trees for each tree removed with a caliper greater than 30-inches (213 replacement trees) and planting 1 replacement tree for each tree removed with a caliper less than 30-inches (264 replacement trees). A total of 477 replacement trees which includes 80 trees to meet both landscaping and street tree requirements are proposed to be planted for mitigation associated with the tree removal from the project. The applicant has proposed planting the remaining 397 replacement trees on and off site. Finally, the proposal includes a variance from BMC 23.04.090 from the requirement to provide infrastructure improvements around the entire Bellingham Golf and Country Club (BGCC), however, the applicant has proposed installation of approximately 780 feet of sidewalk and curb and gutter along Meridian St. abutting the BGCC site to connect the existing sidewalk to the bus stop near the intersection with McLeod Rd.

Project Location: 3509 Meridian St., Bellingham WA 98225. Area 5, Birchwood Neighborhood, Residential Multi zoning with a Planned use qualifier and high density designation. AP# 380213-546133-0000

Proponent: AVT Consulting LLC, 1708 F St., Bellingham WA 98225

Lead Agency: City of Bellingham, Planning and Community Development Department (PCDD)

Environmental Information Considered: SEPA Checklist dated 7/29/22; Preliminary Stormwater Plan prepared by Freeland & Associates dated July 2022; Geotechnical Report prepared by PanGeo Incorporated dated January 2022; Traffic Impact Analysis prepared by Transpo Group dated February 2022; Critical Area Review Memorandum prepared by Northwest Ecological Services LLC dated 10/13/21; Potential Retention Tree Analysis prepared by Aubrey Stargell dated 1/23/23; and Architectural and Civil Plans including Tree Preservation and Landscaping Plans dated 4/12/23.

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter [36.70A](#) RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW [43.21C.240](#) and WAC 197-11-158. Our agency will

not require any additional mitigation measures under SEPA. This decision was made after review of the environmental information considered on file with the lead agency. This information is available to the public at <http://www.cob.org/notices> or upon request.

- This DNS is issued after using the optional DNS process in WAC 197-11-355. A notice of Application and Optional DNS was issued on **5/25/2023**, there is no further comment period on the DNS.

Appeal Rights: Pursuant to BMC 16.20.210(D), there is no administrative appeal of this environmental determination.

Staff Contact:

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Responsible Official:

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Planning and Community Development Department
210 Lottie Street, Bellingham, WA 98225



Signature

ENVIRONMENTAL RECORD SUPPLEMENTAL REPORT

This report contains supplemental information to the environmental review of the Proposal known as the Stream Bellingham Townhouses preliminary plat. This report is an analysis of the application materials, including all environmental documents referenced in this report, and public comment received in response to the issuance of the Notice of Application (dated May 25, 2023).

BACKGROUND

The subject property was short platted from the Bellingham Golf and Country Club property for future residential development on 8/2/22. The subject property is zoned Residential Multi with a Planned use qualifier and high density designation. The proposed development includes 67 townhouse units in accordance with the Infill Toolkit requirements under BMC 20.28 on individual fee simple lots.

Land use applications for the Proposal, consisting of a preliminary plat, subdivision variance, design review and SEPA review were submitted on 8/4/22. The applications were deemed complete on 9/1/22. As allowed under WAC 197-11-350 and in response to both the public comment received and city review of the materials, the applicant chose to revise the proposal to include the staff recommended conditions within the preliminary plat (**SUB2022-0033**) and associated variance (**VAR2023-0002**) identified in **Attachment A** resulting in staff's issuance of a DNS as opposed to a MDNS.

PUBLIC COMMENT

The City received a significant amount of public comment in response to the Notice of Application that was issued on 5/25/23. In summary, the public comments received that are specific to the environmental elements of the SEPA checklist include: Air; Water; Plants; Animals; Environmental Health; and Noise.

PERMITS/APPROVALS REQUIRED

The Proposal is required to obtain approval of Type III applications for a preliminary plat and associated variance and Type II applications for infill/multifamily design review and associated SEPA review. Prior to the City hearing examiner's decision of the preliminary plat application and associated variance for the Proposal, an environmental threshold determination is required by the responsible SEPA Official to ensure that the Proposal will not likely have significant adverse environmental impacts.

Based on staff's analysis of the environmental record herein and public comments received, the Director or designee under the authority of BMC 16.20.190 may condition proposals to mitigate direct impacts to ensure compatibility with goals and policies and to protect neighboring properties and to preserve natural resources or sensitive environments.

The SEPA Official has determined that the environmental impacts for this project, as disclosed in the application materials and this addendum to the SEPA review, does not have a significant adverse impact on the environment.

RESPONSIBLE OFFICIAL'S AMENDMENTS TO CHECKLIST

Environmental Information Considered:

- SEPA Checklist dated 7/29/22
- Preliminary Stormwater Plan prepared by Freeland & Associates dated July 2022
- Geotechnical Report prepared by PanGeo Incorporated dated January 2022
- Traffic Impact Analysis prepared by Transpo Group dated February 2022
- Critical Area Review Memorandum prepared by Northwest Ecological Services LLC dated 10/13/21
- Potential Retention Tree Analysis prepared by Aubrey Stargell dated 1/23/23
- Architectural and Civil Plans including Tree Preservation and Landscaping Plans dated 4/12/23
- Bellingham Habitat Restoration Technical Assessment (November 2015)

The Applicant's environmental checklist and environmental information referenced above and incorporated herein by reference have been determined to be adequate for a SEPA review.

In response to the public comment received by the City and as discussed above, the following provides an analysis of the public comment as it relates to each applicable element of the environment defined under SEPA.

Specific sections of the checklist applicable to the Proposal are identified below.

B. ENVIRONMENTAL ELEMENTS

Public concerns were raised that removal of the mature forest will have detrimental impacts on Air; Water; Plants; Animals; and Environmental Health.

2. Air

This section of the checklist is intended to address emissions to air and the potential impacts to air quality associated with such emissions. The applicant adequately addresses this section by specifying that temporary impacts to air quality will occur during construction and that ongoing emissions from activities typically associated with single-family residential development will occur as it does in most other areas of the City.

Comments were provided indicating Meridian St. in this location was not suitable for residential units due to air pollution from vehicle and commercial truck circulation abutting the site. The BMC allows residential units adjacent to arterial streets and state and interstate highways. The Northwest Clean Air Agency regulates air quality in Bellingham and Whatcom County. Residential development along arterial streets and state/interstate highways is common throughout the state and country. Staff is not aware of local, state or federal regulations which prohibit the proximity of residential development adjacent to arterial streets or highways due to air quality.

Trees do provide health benefits in relation to air quality and loss of them on the project may have impacts. The project includes a substantial tree replacement regime and will result in an increase in the actual number of trees for the community.

No additional mitigation beyond city code requirements is necessary for this Proposal.

3. **Water:** Public concerns were raised regarding impacts to urban flooding and issues associated with stormwater management.

Based on the City's records the subject property is not located within a FEMA regulated floodway or floodplain. There is a stormwater main located adjacent to the subject property in Meridian St. and the applicant has provided a preliminary stormwater report prepared by a qualified professional. Public Works staff has performed a preliminary review of the stormwater report and determined the information is adequate for obtaining a preliminary land use approval. The applicant will be required to provide a final stormwater report which will be reviewed by Public Works Engineering staff for compliance with BMC 15.42 prior to final plat approval. The proposal is required to match pre-existing drainage conditions on site and detain stormwater to minimize impacts on surrounding properties and the City's public infrastructure.

No additional mitigation beyond city code requirements is necessary for this Proposal.

4. **Plants:** Public concerns were raised regarding removal of trees in a mature forest, canopy coverage loss, tree preservation and planting best management practices and climate change impacts.

The proposal includes preserving 52 evergreen trees and 13 deciduous trees and removal of 296 evergreen trees and 39 deciduous trees. Approximately 71 of the trees proposed for removal have calipers 30" or greater with the remaining 264 trees proposed for removal with a caliper less than 30". The applicant has agreed to a tree replacement planting plan which incorporates a 3:1 replacement ratio for trees removed with a greater than 30" caliper and 1:1 replacement ratio for trees removed with a caliper less than 30", totaling 477 new planted trees. The newly planted native trees will be accommodated to the extent practical on the subject property with the balance planted on the adjoining Bellingham Golf and Country Club (BGCC) property or other site approved by City staff.

Staff has incorporated best management practices for tree preservation and planting identified during the comment period into the project conditions recommended to the Hearing Examiner and agreed to by the applicant.

The City's Climate Action Plan contains multiple municipal and community measures to reduce greenhouse gas emissions related specifically to land use. The City's Critical Area Ordinance and Shoreline Master Plan protect wetland, fish and wildlife habitat conservation area, shoreline and other regulated critical areas throughout the entire city through regulatory compliance and conservation easements. Additionally, the Parks Department preserves and maintains parks and open space throughout the City which provide environmental and recreational benefits for the community. The City continues to purchase property within the Lake Whatcom Watershed to protect the City's drinking water source resulting in permanent preservation of significant open space tracts and associated trees. The City also restores degraded lands by planting native plants throughout multiple sites throughout the community.

The City continues to focus development on infill opportunities which are in close proximity to high frequency transit corridors, urban villages, where existing infrastructure and services can be efficiently provided. As identified in the Climate Action Plan, other urban villages that have not yet been formalized with a master plan include Birchwood/Northwest/Maplewood which is in close proximity of the subject property. The proposed development will benefit from the existing commercial shopping center and high frequency transit in close proximity consistent with the community land use

measures identified in the Climate Action Plan. Additionally, the Climate Action Plan supports higher density housing and infill housing toolkit forms such as townhouses identified in the proposed development. The Climate Action Plan does not include regulations or specific policies which require tree preservation on private property.

The City relies on the Comprehensive/Neighborhood Plans, the Street Tree Policy and development regulations in the Critical Areas Ordinance (BMC 16.55), Shoreline Master Program (BMC 22), Clearing Ordinance (BMC 16.60) and the Land Division Ordinance (BMC 23) to require tree preservation on private properties. The Comprehensive/Neighborhood Plan do not contain specific policies related to the subject property. The project has been designed to comply with the Street Tree Policy based on the proposed tree preservation plan and landscaping plan. The project has been reviewed by staff for compliance with applicable development regulations. There are no regulated critical areas or shorelines on the subject property. The clearing regulations have been implemented through the tree preservation plan, landscaping plan and tree replacement planting plan which is supported by ratios established under the BMC and agreed upon by the applicant. The Land Division Ordinance contains performance standards which state natural features including trees should be incorporated into the overall land division design through preservation to the extent feasible.

Required mitigation to address this issue has been identified and incorporated into the project description by the applicant and therefore no further action is necessary to mitigate the issue.

5. Animals

The environmental checklist description regarding animals is adequate to conduct SEPA review. Public comment raised concerns over the loss of wildlife habitat resulting from the Proposal.

Based on information provided from a qualified professional and the City's records there are no critical areas, shoreline buffers or priority habitats and species on the subject property. The flora of undeveloped, vegetated areas does provide habitat to animals, however the subject property does not include habitat that is regulated under the BMC or state/federal regulations. There is significant habitat in the vicinity primarily associated with Baker and Squalicum Creek habitat corridors which are protected under the Critical Areas Ordinance and Shoreline Master Plan. Additionally, Cornwall Park is located across the street which will be preserved open space into perpetuity. Finally, the BGCC although private and used for active recreation provides a significant amount of open space for the surrounding area and serves as habitat for the environment.

The proposal does not include impacts to animals that were not anticipated during the adoption of the zoning for this area and no additional mitigation beyond city code requirements is necessary.

7. Environmental health

Public concerns were raised that there could be impacts from use of pesticides by the golf course on adjoining residential uses.

The BGCC golf course is surrounded by existing residential uses and the City has no record of complaints or knowledge of the golf course utilizing pesticides in a matter inconsistent with application guidelines or that impacts adjacent residential uses.

Residential uses adjacent to golf courses is common throughout the state and country.

Similar to agricultural and forestry uses, many golf courses use pesticides and other chemicals to manage the grounds. The purchaser of any of the subject townhouses will have prior knowledge of the golf course use and benefits and/or burdens associated with the use prior to purchase of the subject property. When applying herbicides or pesticides it is the applicator's responsibility to ensure compliance with stated guidelines and the BMC does not specifically regulate pesticides and the use of chemicals for ground maintenance on the subject property.

During construction there will be temporary impacts associated with construction activity. There are significant trees retained within the proposed development along with trees on the Bellingham Golf and Country Club which provide a sound buffer between I-5 and residential development located south of the subject property. Noise associated with vehicle and truck traffic on Meridian St. is not dissimilar to traffic on other arterial streets within City limits (Sunset & Lakeway Dr.) or I-5. The BMC does not require sound buffering between housing units and arterial streets and the noise anticipated is common in urbanized areas. The proposed landscaping will provide some buffering between the units and future owners will have prior knowledge of noise impacts associated with the proximity to Meridian St.

As supplemented with this report and as disclosed in the application materials, the SEPA Official has determined that the environmental impacts for this project do not have a significant adverse impact on the environment.

ATTACHMENT A

I. CONDITIONS

Staff recommends the Hearing Examiner approve the subdivision (SUB2022-0033) and associated variance (VAR2023-0002) for the Proposal subject to the following conditions:

A. GENERAL REQUIREMENTS

1. The plat shall be developed generally consistent with the lot layout on **Attachment A** as conditioned.
2. Preliminary plat approval is contingent upon the approval of a Consolidated Permit for Type II land use decisions for infill toolkit/multifamily design review and SEPA review in accordance with Chapters 20.25 and 16.20 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 23.12.080.
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. Impact fees for transportation, schools and parks shall be paid in accordance with applicable BMC requirements.
7. Preliminary plat approval shall expire as provided in BMC 23.16.070.

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 23.12 BMC.

1. Access to the site shall be limited to one driveway off Meridian St. as shown on **Attachment A**.
2. The applicant shall be required to dedicate right of way as depicted on the plan set in **Attachment A** to facilitate the capital transportation roundabout improvement located at the intersection of Meridian/Birchwood/Squalicum.
3. The applicant shall be required to obtain Public Facility Construction Agreement approval from the Public Works Department for the construction of a missing segment of sidewalk and curb and gutter stormwater infrastructure along Meridian St. from the northern portion of the subject property to the existing bus stop in front of the BGCC near the intersection of Meridian St. and McLeod Rd. Additionally, the applicant shall be required to extend water/sewer/stormwater mains in accordance with Public Works Department requirements within the subject property. The public utility main extensions shall require public utility easements reviewed and approved by the City and recorded with the Whatcom County Auditor prior to final plat approval. The required public infrastructure construction shall be completed and accepted by the City prior to final plat approval.
4. In order to comply with Fire Departments requirements all units shall be equipped with NFPA 13D sprinkler systems and building elevations shall be consistent with the plans shown in **Attachment A**.
5. The applicant shall be required to submit private covenants, conditions and restrictions

(CC&Rs) for vehicular/pedestrian access, parking, utilities, open space amenities, waste/recycling, mail service, etc. for City review and approval prior to final plat approval. The private CC&Rs shall include a clause that no fencing between individual units is allowed in front yards to ensure access for emergency services. The private CC&Rs shall be recorded with the Whatcom County Auditor with the recording of the final short plat.

6. 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.
7. Mailboxes shall be installed as approved by the United States Postal Service.
8. The applicant shall be responsible to obtain any and all necessary Federal and/or State approvals associated with the proposal.
9. The following shall be shown on the face of the plat, as applicable:
 - a. All existing, required, and proposed easements.
 - b. 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.
 - c. A note referencing any existing private covenants and any covenants specific to the proposed lots.
 - d. The applicant shall be required to provide a final stormwater report prepared by a qualified professional identifying compliance with BMC 15.42 for Public Works Department review and approval prior to final plat approval.
 - e. The proposal is required to provide street trees for every 50' of street frontage.
- k. Pursuant to BMC 16.60.080.A.1, no clearing is permitted on an undeveloped lot without a valid Building Permit or Public Facility Construction Agreement.
- l. The applicant shall be required to submit a native tree replacement plan for City review and approval. The native tree replacement plan shall be prepared by an experienced professional. The tree replanting plan shall include a mix of medium-large native conifers and should be developed to match the soil conditions and sun exposure of the subject property.
- m. Prior to the issuance of a building or construction permit and site disturbance the applicant shall be required to provide an environmental surety approved by the City for 150% of the cost for installing the proposed tree planting plan, including annual maintenance and monitoring for 5 years and an as-built mitigation report all prepared by a qualified professional and submitted to the City. The applicant shall be required to replace unsuccessful trees with an equivalent native seedling annually. The surety shall be fully executed with City signatures before this condition is considered satisfied. The party initially providing the surety shall remain responsible for maintaining the surety through the duration of the mitigation maintenance and monitoring period required by the City unless the City approves, in writing, the transfer of responsibility for maintaining the surety to another party.
- n. Prior to the issuance of a building permit and/or any site disturbance, the applicant shall schedule a site visit with the planning project manager, project arborist, and contractor to inspect the clearing limits and tree/critical root zone protection.
- o. The applicant shall be required to adhere to best management practices on protection of critical root zones of preserved trees and installation of 397 required native trees on and off site. Tree boxes and other related protections as specified in the arborist report (**Attachment H**) shall be required to protect all retained trees onsite throughout the construction period.
- p. The native tree replacement plan shall include deer protection of tree seedlings provided by

secured tree cages or high perimeter deer fencing. The plan shall include blue tubes being provided for the first 2-3 years of all tree species impacted by rodents/rabbits. The plan shall include regularly scheduled watering from May through September unless otherwise specified by the qualified professional and approved by the City.

- q. The applicant be required to incorporate native trees into the landscaping plan to the extent practicable.
- r. As a condition of approval, the applicant shall be required to plant the required native replacement trees within the BGCC site and/or Birchwood Neighborhood.
- s. In the event of the required planted trees are removed from the BGCC, the applicant shall be required to submit a revised replanting plan for City review and approval.

