



Planning and Community Development Department

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Mitigated Determination of Non-Significance (MDNS)

SEP2022-0013

Date of Issuance of Threshold Determination: 7/25/2025

Project Name: The Woods at Viewcrest

Project Description: A phased preliminary plat to subdivide approximately 37.7 acres of land into 38 detached, single-family lots and 3 reserve/open space tracts. The lots range in size from 8,439 to 53,118 square feet. Retention of approximately 80% of the site's existing forested condition is proposed. The lots are proposed to be accessed from Viewcrest Road, Sea Pines Road, a private driveway from S Clarkwood Drive, newly dedicated and constructed streets off Viewcrest Road and from private on-site alleys. Variances have been requested from the requirements to 1) construct the platted 10th Street right of way located within the preliminary plat, 2) eliminate the required sidewalk on one side of the newly dedicated streets and 3) increase the number of lots that can be served by a single private driveway from 8 to 10 lots. The proposed lots will be served with public infrastructure including water, sewer and stormwater management. The extension of public water and sewer mains is proposed to comply with city codes. Stormwater mitigation is proposed in two separate systems, a stormwater detention facility proposed adjacent to Viewcrest Road and an above ground public conveyance system. Both systems are designed to comply with federal, state and city codes with enhanced treatment on site. Public access through the site is proposed through the construction of a trail network connecting Clarkwood Plat and Viewcrest Road to Sea Pines Road. Public access through the site directly to Chuckanut Bay is not proposed. The site contains regulated critical areas, including wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas and their associated buffers. Impacts to wetland buffers are proposed to allow the construction of a public trail. Impact to some of the onsite geologically hazardous areas is proposed with mitigation provided compliant with city code. A Shoreline Substantial Development Permit and Shoreline Conditional Use Permit are required for the placement of the proposed public stormwater conveyance pipe and energy dissipater outfall within shoreline jurisdiction but above the elevation of the high tide line of the Chuckanut Creek pocket estuary. A street vacation of portions of the unimproved Quinault, 8th, 10th, Fairhaven and Baker Streets within the Amended Map of South Fairhaven Plat is proposed. Compensation for the vacated rights of way is proposed to be offset through the dedication of the new streets. Land use applications submitted for the Proposal include preliminary plat, land division variance, critical areas, street vacation petition, shoreline substantial development permit, shoreline condition use permit and an environmental checklist (SEPA). Though the land area of the subject site allows 82 density units under current zoning only 38 lots are proposed. The Proposal does not include a density bonus or use of the recently adopted state legislation approved under HB 1110. This environmental review is based on the proposed 38 detached, single-family lots, supporting infrastructure (roadways and utilities) and construction of a public trail connecting Viewcrest to Sea Pines Road.

Project Location: 352 Viewcrest Road / Area 7, Edgemoor Neighborhood; Residential Single zoning designation with a 20,000 square-foot overall density; PINs 3702130834990000, 3702130755420000, 3702131135500000, and 3702120300040000

Proponent: Ali Taysi, AVT Consulting, LLC; 1708 F Street, Bellingham WA 98225; 360-527-9445

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

Environmental Information Considered:

This information is available to the public at [Current Planning Notices](#), [The Woods at Viewcrest - City of Bellingham](#) or upon request.

- SEPA Environmental Report Record, dated July 24, 2025
- Land use application forms
- Environmental SEPA checklist, dated December 19, 2024, as submitted in Response to the City's 4th Request for Information, and the following documents and reports:

Exhibit 1 - Transmittal Memorandum from Ali Taysi, AVT Consulting dated December 4, 2023

Exhibit 2 - Project Narrative, dated February 23, 2023

Exhibit 3 - Response Letter to August 14, 2024 RFI by AVT Planning, December 19, 2024

Exhibit 4 - Response Letter to August 14, 2024 RFI by Sitkin, December 20, 2024

Exhibit 5 - Expanded SEPA checklist, updated by AVT Planning, December 19, 2024

Exhibit A - [Project Plans](#); December 4, 2023

Exhibit B - [Critical Areas Reconnaissance](#)

Exhibit C - [Wetland Delineation & Critical Areas Summary](#)

Exhibit D - [Wildlife Habitat Assessment](#) by Radeke, November 22, 2024

Exhibit E - [Geotechnical Investigation & Geohazard Report](#) by Element, October 6, 2022

Exhibit F - [Preliminary Stormwater Management Report](#) by PSE, November 22, 2024

Exhibit G - [Traffic Impact Analysis](#)

Exhibit H – Cultural Resource Report by Drayton, October 28, 2024

Exhibit I - [Phasing Plan](#)

Exhibit J - [Right of Way Vacation & Dedication](#)

Exhibit K - [Variance Exhibits](#)

Exhibit L - [Vegetation Management Plan](#)

[Exhibit M – Subdivision Guarantee](#)

[Exhibit N.1 – Assessor Tax Statements](#)

[Exhibit N.2 – City Maps](#)

[Exhibit N.3 – Transportation Concurrency Certificate](#)

[Exhibit N.4 – Vesting Deed](#)

[Exhibit N.5 – Mailing Labels \(3-15-2024\)](#)

[Exhibit N.6 – Mailing List \(1-31-2022\)](#)

[Exhibit N.7 – Mailing Verification](#)

[Exhibit N.8 – Neighborhood Meeting Notice](#)

[Exhibit N.9 – Neighboring Subdivision](#)

[Exhibit O – Prior Right of Way Vacation Documents](#)

[Exhibit P – Easement Relinquishment Request](#)

[Exhibit Q – Clarkwood Tracts Documents](#)

Exhibit R - [Geo Memo #1 Response to City RFI 12/21/2022](#) by Element, June 19, 2023

Exhibit S - [Tree Survey](#)

Exhibit T - [Water System Analysis Memorandum](#)

[Exhibit U – TRC Letter for Street Vacation](#)

Exhibit V – RFI #1 Response TM & Letter (AVT, November 22, 2022)

Exhibit W [Before and After Outfall Renderings](#)

[Exhibit X – Critical Areas Impact Assessment and Mitigation Plan](#) by NES, November 22, 2024

[Exhibit Y – Wetlands and HCA Report Addendum Memorandum](#) by NES, November 22, 2024

[Exhibit Z – Technical Memorandum](#) by Raedeke, November 22, 2024

[Exhibit AA – Geohazard Review Addendum](#) (Stormwater Outfall Plan) by Element Solutions, November 22, 2024

[Exhibit BB – Geo Memo #2 Response to Public Comment & COB RFI #4](#) by Element Solutions, November 22, 2024

[Exhibit CC – Wetland Proximity to Outfall](#) by PSE, December 19, 2024

Exhibit DD – Roadway Cut and Fill by PSE, December 1, 2023

The lead agency for this proposal has determined that, as conditioned, the project does not have a probable adverse impact on the environment. An environmental impact statement is not required under RCW 43.21.C.030(2)(c). This decision was made after review of a completed environmental checklist and all associated Exhibits on file with the lead agency. This information is available to the public at [Current Planning Notices](#), [The Woods at Viewcrest - City of Bellingham](#) or upon request.

- ☒ This MDNS is issued under WAC 197-11-350; the lead agency will not act on this proposal for 14 days from the date of issuance. Anyone wishing to comment on this threshold determination is invited to submit written comments to the PCDD by **5:00pm on 8/8/2025**.

Mitigating Conditions Required for this Proposal:

1. The mitigation measures specified in **Exhibit C** of Sitkin's Response Letter to the City's 8/14/2024 RFI (**Exhibit 4**) are herein incorporated in their entirety. Some of the mitigation measures specified in **Exhibit C** are required by applicable development regulations and compliance with development regulations will be determined during land use and construction permit reviews.
2. Prior to or concurrently with submittal of the public facilities construction agreement application, a construction management plan that includes phasing, staging and circulation plan shall be submitted to the PCDD for review and approval. Said plan shall avoid impacts to wetlands, wetland buffers and landslide hazard areas and shall not otherwise extend beyond anticipated development areas for future infrastructure and/or individual lot development. Said plan shall also identify, at a minimum, the sequence and timing of construction, construction worker parking, on site material and construction staging, on and offsite staging, haul routes and temporary use of and closures of rights of way and/or pedestrian routes.
3. Prior to or concurrently with submittal of the public facilities construction agreement application, a bedrock removal plan shall be submitted to the PCDD for review and approval that details the following:
 - a. Amount in cubic yards / metric tons expected to be necessary for removal;
 - b. Specific areas where removal is proposed;
 - c. Anticipated duration of time for bedrock removal;
 - d. Anticipated method(s) of bedrock removal and containment;

- e. Post removal bedrock stabilization measures – if deemed necessary by City engineers (retaining walls / shotcrete, similar);
- f. Proposed notification procedures for surrounding property owners within 500' of the project site; and

Detailing of the required information above will be used by City staff to determine an hours of operation schedule.

- 4. Prior to any site disturbance, the construction phasing and staging information in condition #1, above and the bedrock removal information in condition #2 above shall be provided to property owners within the required radius in a singular "Development Implementation Plan." No specific site work is allowed until development permits for that specific element have been issued with the exception of site work associated with additional site exploration and / or geotechnical analysis.
- 5. Clearing, removal of vegetation and earthwork for construction of public infrastructure and/or development of individual is prohibited between November 1 and April 1 of any calendar year for the following areas / phases:
 - a. All infrastructure associated with the "east road" and the lane that extends to the western extent of the plat boundary;
 - b. The lane extending from "west road" to the west boundary of the plat;
 - c. Lots 9-10, 18-34 and 36-38

This condition is placed to avoid erosion, sedimentation, equipment track-out, and to protect neighboring properties from possible increased drainage problems. Limited exceptions may be granted for extended dry periods that may occur outside of the restricted period upon applicant request and subsequent approval by the Planning and Public Works Departments.

- 6. Clearing and grading for site development shall be phased to avoid drainage and erosion problems, reduce construction traffic impacts on the neighborhood, and to maintain forested areas until construction permits are issued for a specific phase.
- 7. Clearing, and grading shall be reviewed for compliance with applicable development regulations and mitigating conditions for each construction activity, such as installing stormwater and erosion control BMPs for the site, geotechnical analysis, buildings and parking areas, retaining walls, stormwater facilities and public infrastructure, and is not permitted without an issued building permit and/or public facilities construction agreement or as otherwise authorized by the Bellingham Municipal Code
- 8. The City shall have the authority to further limit the clearing and grading for each plat or construction phase of development to ensure:
 - a. The proposed clearing and grading limits is the minimum necessary to complete the construction activity in an efficient manner; and
 - b. That there is adequate maneuvering and staging area on site in order to implement the phase within the plat to minimize off-site impacts to surrounding properties and street networks.

9. Prior to any site disturbance, the perimeter of vegetation management areas demarcated in green on **Exhibit L** (vegetation management area #1) shall be clearly marked in the field and shall be inspected by a representative from the PCDD.
10. Prior to any site disturbance associated with public facilities, an ISA certified arborist shall identify significant trees on the edges of management area #1 that are likely to be affected. The arborist shall flag in the field the specific trees to be retained based upon their ability to survive during and after construction is completed.
11. Conservation easements shall be granted to the City across the retained vegetation management areas shown on **Exhibit L** behind (south of) Lots 1-6, all land area south of Lots 23-33, the public trail and Lot 37, land areas within Lot 38 that are not within the proposed development footprint including wetlands A and B and their buffers and concurrent with final plat approval for the initial phase or entire project – whichever occurs first. Said conservation easement shall include provisions for construction of the public trail that connects the East Road and Viewcrest Road to Sea Pines Road.
12. A native vegetation conservation plan shall be submitted by an ISA certified arborist identifying native trees greater than 6" in diameter across all proposed lots. The purpose and intent of this plan is to minimize the amount of mature native tree and native ground cover removal and disturbance during the design of a development footprint on individual private lots. Said requirement shall be noted on the final plat.
13. At the time of building permit submittal for individual lots, a tree retention plan as required in BMC 16.60.080(B)(4) shall be submitted. Replacement trees may be required as recommended by an ISA certified arborist or licensed landscape architect. Said plan for individual lots shall be reviewed, may be modified and shall be approved by the Planning Department prior to issuance of said building permit.
14. Development of Lot 37 including access and utility connections shall be implemented according to the National Bald Eagle Management Guidelines (Azzerad, 2012, USFWS, 2007).
15. If active nests of protected species such as bald eagles or great blue herons are discovered on site after the issuance of this determination the National Bald Eagle Management Guidelines shall also be implemented. (Azzerad, 2012, USFWS, 2007)
16. Prior to any site disturbance, a professional archaeologist shall provide training on how to develop and follow an Inadvertent Discovery Plan with the project earth and site work contractors. In addition, and prior to any site disturbance, said training shall be documented and provided to the PCDD.
17. Should archaeological resources (e.g., shell midden, animal remains, stone tools) be observed during project activities, all work in the immediate vicinity shall stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (State Archaeologist Rob Whitlam, 360-586-3080) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-312-2257; Tamela Smart, Deputy THPO 360-312-2253) shall be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources is required.

Inadvertent Discovery of Human Skeletal Remains on Non-Federal and Non-Tribal Land in the State of Washington (RCWs 68.50.645, 27.44.055, and 68.60.055):

18. If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity shall cease that may cause further disturbance to those remains. The area of the find shall be secured and protected from further disturbance. The finding of human skeletal remains shall be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains shall not be touched, moved, or further disturbed. The county medical examiner/coroner shall assume jurisdiction over the human skeletal remains and determine whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they shall report that finding to the DAHP who shall then take jurisdiction over the remains. The DAHP shall notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist shall determine whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP shall then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.”
19. At the time of building permit submittal for each individual lot, an analysis shall be provided as to the feasibility of infiltration or dispersion. This analysis could also be submitted for the entire plat for City review and approval through the public facilities construction agreement application review. If infiltration and / or dispersion is determined to be feasible, it shall be incorporated into the building permit submittal.

Appeal Rights: Pursuant to BMC 16.20.210(B)(2), this determination may be appealed, within 14 days of the date of issuance to the City of Bellingham Hearing Examiner in accordance with BMC 21.10.250.

Staff Contact:

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Responsible Official:

Kurt Nabbefeld, Development Services Manager
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210 Lottie Street, Bellingham, WA 98225



Signature