



PLANNING COMMISSION

WORK SESSION AGENDA

City Hall Council Chambers, 435 Martin Street, Suite 4000

5:00 P.M.

Planning Commissioners

Vernon "Van" Tabb
Chair

J. Calvin Armerding
Vice-Chair

Sue Sturgill

Richard May

John LeBrun

Kevin Owens

Ken Ely

A. CALL TO ORDER

B. UNFINISHED BUSINESS

**Semiahmoo Zone 3 – Seasmoke
Planned unit Development Preliminary Plat**

C. ADJOURNMENT

*For information regarding this
Agenda, please call:
(360-332-8311) ext 3330*



CITY OF BLAINE
COMMUNITY DEVELOPMENT SERVICES DEPARTMENT

MEMORANDUM

Date: September 22, 2016
To: Planning Commission
From: Michael Jones, Community Development Director

Re: Semiahmoo Zone 3/Seasmoke Development Study Session

Decision Points

During the Planning Commission deliberation staff identified certain items that we have included in the table below as items/topics that may need a decision by the Commission. We have developed proposed reasons and/or findings both for and against. For some items, we have also created conditions of approval that we suggest get applied if that aspect of the project is approved.

Note that this is not presumed to include every topic that may need discussion or decision. These are simply the ones we identified based on the Commission’s discussion and direction.

Note that this is not intended to include every reason that someone might think warrants denial or approval of a certain aspect of the project. It is also important to note that not all reasons noted are equal in importance nor should they be given the same weight.

This table is intended to help you formulate your position on the various topics and help illustrate some of the factors that go into the decision making.

Buffer Exception (Sliver of Land) – Request to allow deviation from the requirement for a 20-foot wide buffer on one part of the eastern project boundary. This is requested because a very narrow part of a separate parcel exists adjacent to the site.

Reasons supporting approval

The adjacent strip of land is nearly unbuildable and would very likely be retained as open space when the remainder of the property develops thus avoiding impacts to the adjacent property.

Allows greater use of the subject property.

Reasons supporting denial

Applicant does not have access so they cannot landscape and enhance the land serving as a buffer.

Could be considered an unfair burden on adjacent parcel

<p>There is not significant benefit gained by strict adherence to the standard and PUD approval allows for variation from standards.</p> <p>This is considered in the overall open space and buffer requirements for the project.</p>	<p>Could be considered an adverse impact on adjacent parcel</p> <p>Loss of open space was a primary comment received from the community.</p>
<p>If approving – no condition of approval. Staff will provide a Finding of Fact w/ recommendation.</p> <p>If denying: Modify the project to include a 20-foot wide buffer along the eastern property boundary. Setbacks areas shall apply on the affected lots as with all the perimeter lots. A reduction in buildable area and/or lot count may occur by applying this condition.</p>	
<p>Commercial Building Uses – Request to allow a mix of uses to be determined in a future decision-making process.</p>	
<p><u>Reasons supporting approval</u></p> <p>The RSMP calls for commercial uses on the project site.</p> <p>Developing commercial uses will enhance the Semiahmoo area by increasing the number of services and products available.</p> <p>Developing commercial uses may reduce the need for area residents to drive out of the neighborhood to access certain services.</p> <p>Access to services and recreation within walking distance (i.e. walkability) is a desirable residential amenity that has been shown to increase marketability of residential properties.</p> <p>The design of the commercial site and building(s) will be dictated by the PUD Guidebook and subject to administrative approval by the City thereby ensuring compatibility with the environs.</p>	<p><u>Reasons supporting denial</u></p> <p>The applicant has not clearly defined the future commercial uses in the mixed-use/commercial building on the site.</p> <p>The 30-year development history of Semiahmoo has varied from the RSMP such that the mix of uses originally planned does not fit in the context of the site in 2016.</p> <p>The 30-year development history of Semiahmoo has resulted in reduced residential density and substantial reduction in “rooftops” or consumer base making the need for and viability of commercial uses low.</p> <p>The impacts of a commercial site in a low density residential environment cannot be fully avoided and those impacts outweigh the benefits gained by including commercial options on the project site.</p>
<p>If approving: The PUD Guidebook shall include a list of uses permitted for Tract C which shall be subject to final review and approval by Planning Commission when the final PUD Guidebook is submitted.</p>	

A preliminary list shall include these uses (as adapted from the RSMP):

- Retail
- Restaurant/Food and Beverage Services
- Office
- Personal and Professional Services
- Civic and Community Services

The PUD Guidebook shall stipulate that uses other than those included in the Guidebook may only be permitted through a PUD Amendment.

All outdoor light fixtures on Tract C shall be shielded, full cut-off fixtures. The PUD Guidebook shall include the requirement. Compliance shall be determined through Site Plan Review.

If denying:

Modify the project to remove the commercial/mixed use development proposed for Tract C and identify the site for attached single-family or detached single-family on the revised PUD Site Plan. Add parcel lines as applicable on the revised Preliminary Plat.

Commercial Building Height – Request for commercial building to be up to 50-foot height as described in the RSMP.

Reasons supporting approval

The RSMP provides guidance that supports a 50-foot height limit for the commercial/mixed-use building(s).

The commercial building is not located adjacent to any uses or residences, except those within this project, so the visual impact of the structure(s) will be minimal for all existing uses.

In comparison to the single-family height guideline of 35 feet, 50 feet is not a dramatic difference, but will allow for differentiating the commercial facility from the nearby residential uses.

Reasons supporting denial

The 50-foot height limit guidance in the RSMP was drafted in the context of the original plan which includes multi-family residential uses surrounding this site. Those areas have primarily developed at low-density single-family resulting in an overall lower building height in the area.

The 50-foot height limit is appropriate to a denser, and more commercially oriented area such as Semiahmoo Spit, but is not compatible with the lower density Uplands area.

If approving:

The maximum building height on Tract C shall be 50 feet. The PUD Guidebook shall stipulate the maximum height and define the height measurement to be calculated as currently described in Blaine Municipal Code.

If denying:

The maximum building height on Tract C shall be **XX** feet. The PUD Guidebook shall stipulate

the maximum height and define the height measurement to be calculated as currently described in Blaine Municipal Code.

Storage Facility – Request to develop a commercial storage facility as part of the project.

Reasons supporting approval

The RSMP identifies this site a location for recreational vehicle parking and storage.

The personal storage use is similar in nature and effect to the “recreational vehicle parking and storage” use described in the RSMP.

With appropriate design, lighting, and buffering the personal storage use can be compatible with nearby uses.

The market appears to support the development of this use as similar facilities are prevalent throughout the region.

Reasons supporting denial

The use is incompatible with the recreational residential environment developed in the surrounding area.

The potential adverse impacts of the ongoing operation of the facility cannot be avoided or mitigated to an acceptable level through design and management.

The recreational vehicle parking and storage use, as considered in the RSMP, is part of a large shuttle parking lot and groupings of commercial/public uses, as such it is not appropriate as a stand-alone use tucked into the corner of an otherwise predominantly residential development area.

If approving:

All outdoor light fixtures on Tract A shall be shielded, full cut-off fixtures. The PUD Guidebook shall include the requirement. Compliance shall be determined through Site Plan Review.

The buffer along Semiahmoo Parkway shall be increased to 30 feet in depth from the location of the driveway to the western corner of the site. This area buffer shall receive heavier planting of evergreen, native trees, specifically to create a solid vegetated screen over time. Minimum tree size at planting shall be 6-feet tall.

No fencing shall be permitted at the rear of buildings towards Semiahmoo Parkway of adjacent parcels. The site shall be designed such that the rear of the buildings is part of the security perimeter. Any fencing on other areas shall be dark colored (black, brown or green).

Possibly Consider the Following:

The hours of operation shall be limited to **XX**. This shall be included in the PUD Guidebook and the project CC&R’s.

Modify the project such that Tract A only includes storage units sized to accommodate recreational vehicles and/or boats, such that no unit is smaller than 12’x20’.

If denying:

Modify the project to remove the storage development proposed for Tract A and identify the site

for attached single-family or detached single-family. Modify the private road tract and utility plans accordingly. Add parcel lines as applicable. Show on the revised PUD Site Plan and the revised Preliminary Plat.

Semiahmoo Parkway Entry – Project design with two private residential streets, one on Semiahmoo Parkway and one on Semiahmoo Drive.

Reasons supporting approval

All neighborhoods with frontage on Semiahmoo Parkway have been granted permission for an access road on the Parkway.

Some neighborhoods with frontage on both Semiahmoo Parkway and Semiahmoo Drive have used the Parkway, exclusively.

Pursuant to the transportation impact assessment, traffic volumes are not high enough on either the Parkway or the Drive to warrant precluding access for traffic flow reasons.

A similar condition exists nearby at the intersection of Semiahmoo Parkway/Shearwater Way/Mallard Road and it has not proven to be hazardous.

Based on the City’s Assistant Public Works Director’s testimony, traffic data, traffic analysis and roadway design standards analysis indicates that the proposed locations of both entrances are acceptable.

Having two points of access on two different major streets will distribute traffic more evenly and will spread the impacts more evenly.

Reasons supporting denial

There is a perception among some that proposed Semiahmoo Parkway entry road would cause traffic hazards and vehicle movement conflicts.

There is a perception among some that there is inadequate sight distance along the Parkway.

The vehicles exiting the development will shine lights at/towards homes across the Parkway.

Semiahmoo Parkway has a higher traffic volume than the Drive.

If approving:

No conditions needed

-or, consider-

The applicant shall coordinate with the City Public Works Department and the property owner(s) to install an evergreen tree buffer on the east side of Semiahmoo Parkway intended to screen light cast by vehicle headlights based on a plan approved by the Community Development Director prior to occupancy of any dwelling units.

If denying:
 Modify the project to include two residential accesses on Semiahmoo Drive and no access on Semiahmoo Parkway. Show on the revised PUD Site Plan and the revised Preliminary Plat.

Considering the Location of Open Space and the Amount of Open Space

<u>Reasons supporting approval</u>	<u>Reasons supporting denial</u>
<p>The Phase 1 includes 15% open space as required by the BMC.</p> <p>Additional open space is indicated to be included in future phases.</p> <p>Spreading the open space throughout the project enhances the availability and access to open space for the residents of the proposed project.</p>	<p>The project is in an especially prominent location, which warrants concentrating the open space or increasing open space in the vicinity of the Semiahmoo Parkway/Semiahmoo Drive/Drayton Harbor Road intersection.</p> <p>The project is small enough that concentrating the open space in one area will not substantially diminish the benefit of the open space to residents certain areas of the site.</p> <p>The project is provided with access to open space and recreation amenities created by the RSMP at a regional level, thus concentrating the open space in one area of the site will not have a substantial adverse effect.</p>

If approving:
 Include an open space design in the PUD Site Plan and specific open space amenities in the PUD Master Plan. These include one major and two minor amenities.

If denying:
 Modify the project to concentrate open space near the intersection of Semiahmoo Parkway/Semiahmoo Drive/Drayton Harbor Road intersection. Incorporate the area currently occupied by Tract E into the open space tract. *Note: It would be best to create an exhibit to illustrate the concept intended by this condition.*

Include an open space design in the PUD Site Plan and specific open space amenities in the PUD Master Plan. These include one major and two minor amenities.

Density and Unit Count – The project proposes up to 119 units at a density of 6.25 units/acre.

<u>Reasons supporting approval</u>	<u>Reasons supporting denial</u>
<p>The proposed unit count is within the range of 114-136 units permitted by the RSMP.</p>	<p>This is denser than almost every other development within the RSMP plan area.</p>

<p>By using a larger portion of the property for residential uses, the density falls below the 10-12 du/acre that is indicated in the RSMP.</p> <p>The RSMP allows for reduced density.</p> <p>The RSMP allows for conversion of multi-family areas to single family areas.</p> <p>The small lot size and smaller home size allows for a density that would typically only be available through multi-family development, thereby creating a different unit type and diversifying the housing stock.</p> <p>By not further reducing the density of the project site, the development helps to accommodate some of the City's increasing population without spreading over larger land areas and supports the City's significant investments in utility infrastructure to serve the area.</p>	<p>The 30-year development history of Semiahmoo has resulted in reduced residential density in the Boundary Ridge and Cove Districts of the RSMP such that the project density is inconsistent with the surroundings.</p>
<p>If approving: No conditions needed.</p> <p>If denying: Modify the project to reduce the overall unit count to XX units. Modify the revised Preliminary Plat and revised PUD Site Plan to reflect the change.</p> <p>-Or- Modify the project to increase the detached single family lot size to no less than XXXX square feet, resulting in reduced unit count. Modify the revised Preliminary Plat and revised PUD Site Plan to reflect the change.</p>	

Conditions of Project Approval

The following is a list of proposed project conditions. Most were originally provided to you in the August 25, 2016 Staff Report. They may not all be necessary. Conversely, others may be warranted. Please review and consider the conditions making note of any you think should be revised or deleted. Also, please consider if others seem to be missing.

Some conditions reference "Exhibit X," which is the PUD plan drawing that the applicant presented during the public hearing. It will be attached the Planning Commission Recommendation.

General Conditions

- G1. SEPA mitigation measures, as identified in the project SEPA checklist and SEPA Mitigated Determination of Non-Significance (9/19/16) shall be reflected in the project design and civil construction plans, and are hereby made conditions of this approval.
- G2. A complete set of civil engineering plans for the development shall be prepared by a licensed Washington State professional engineer for all required publically served utilities (i.e. sewer, water, stormwater, and electric), public and private streets and sidewalks, rights of way and easements, and any required analysis and reports for the site. The civil engineering plans will be submitted to the City, and reviewed and approved by the City Public Works Department prior to issuance of a land disturbance permit.
- G3. The applicant shall obtain a land disturbance permit prior to conducting site work on private property subject to the limitations of the BMC.
- G4. The applicant shall obtain a Right-of-Way Excavation Permit and/or Public Facilities Construction Agreement and post a performance bond for any work on City utilities and infrastructure to the satisfaction of the Public Works Director prior to initiating work on said facilities.
- G5. Any drainage facilities, including required off-site construction, must be designed and installed to the satisfaction of the Public Works Director, and in accordance with current Department of Ecology guidelines, where applicable.
- G6. After construction of infrastructure improvements, as-built drawings shall be submitted to the Public Works Department. The Public Works Department may reject incomplete or inaccurate drawings. In such case, revised submittals will be required.
- G7. The applicant shall post a maintenance bond for any public infrastructure to the satisfaction of the Public Works Director prior to acceptance of public infrastructure by the City.
- G8. Any applicable impact fees shall be paid at the time of Building Permit issuance or as otherwise required by the BMC. (A note to this effect shall be shown on the face of the revised preliminary plat).
- G9. The PUD approval shall be valid for the term of the associated preliminary plat. Construction on a PUD must have commenced prior to the expiration of the associated preliminary plat approval. Once construction of a PUD has been initiated, the PUD master plan, and any approved PUD site plan, shall be binding on the property in perpetuity, unless a PUD amendment is processed and approved by the city.

- G10. Revise the preliminary plat and PUD plans to reflect all of the conditions of approval that require a physical change to the plans. Submit four (4) full size copies of the revised plans and one (1) 11” x 17” size copy to Community Development Services for final review, approval, and stamping. Copies of the stamped approved plans will be distributed to City Departments, one copy will be provided to the Fire District and one copy will be returned to the applicant.
- G11. Responsibility for compliance with other agency requirements shall be solely the applicant’s.
- G12. Open space areas, or other tracts of land not suitable as building lots, together with associated facilities and equipment shall be privately owned and maintained by the Homeowner's Association.
- G13. The CC&R’s shall be subject to approval by the City prior to Final Plat approval. The CC&R’s shall identify responsibilities for maintenance of the wetland/open space areas, water detention and treatment facilities, private drainage infrastructure, private drives and parking areas, landscaping, and other common infrastructure or open space elements of the project. The CC&R's shall contain specific language insuring annual inspection and certification to the city by a registered engineer of the adequacy of the storm water treatment and conveyance system. Any required repair or maintenance shall be the responsibility of the Homeowner’s Association.
- G14. The plat survey shall be tied to the City of Blaine “Survey Monument Network” established in June 2001. If no suitable monuments exist from the aforementioned network then coordinates from the City of Blaine “Existing Monument Location Survey” shall be utilized. If no monumentation from either of the aforementioned surveys can be reasonably utilized, the surveyor may use the best available information as approved by the city. The applicant’s engineer/surveyor shall contact the city’s GIS/Mapping Specialist to determine which monuments shall be utilized based on the location of the project.

Specific Conditions

- S1. Develop PUD Master Plan responsive to the conditions of project approval and submit it for Planning Commission review and approval within 180-days of City Council approval of the PUD as per BMC 17.68.090.
- S2. Provide a typical landscape schematic for front and side yards illustrating plant density, mix of trees, shrubs and ground covers and the degree to which landscapes will be wooded versus turf-focused. Incorporate it into the PUD Master Plan making it clear it is an illustrative example and not prescriptive of future landscape plans.

- S3. The community garden shall be added to plans and shall be more clearly defined. Incorporate it into the PUD Master Plan and or the CC&R's explaining its purpose, use and management.
- S4. Include a detailed description of the architectural standards in the PUD Master Plan for use by the City in approving future development. These do not need to be identical or as specific as may be found in the CC&R's but must be compatible.
- S5. Include a trail standard in the PUD Guidebook for trails in the open space and park areas to be a minimum of 5 feet wide, with appropriate subbase added as needed, and a minimum of 4 inches of crushed rock surfacing.
- S6. For buffer landscaping areas the applicant shall prescribe a density of planting and/or amount of obscuring vegetation, and shall incorporate that into the PUD Master Plan.
- S7. The applicant is encouraged to coordinate with the City to install the interpretive signs adjacent to the public trail on the Semiahmoo Parkway/Drive ROW along the property frontage so as to maximize visibility and benefit.
- S8. The bioretention area on Tract E shall be designed and landscaped to be naturalized in appearance, meaning it shall be of a shape and character to appear to be a natural depression, meadow or forest understory, not an excavated basin. It shall be landscaped with native species and ornamentals. It shall not be fenced. A feature that is designed to not pond water at the surface except in extreme events is preferred.
- S9. The stormwater pond on Tract J shall be setback 20 feet from the Semiahmoo Drive ROW to allow installation of the landscape buffer. A gently sloped pond that does not require fencing is preferred. Any required fencing around the pond shall be coated in a dark color and shall be set behind the landscape buffer so as to be screened.
- S10. Clearing shall be phased with project construction. Phase 1 and necessary utility corridors may be cleared subject to this approval, with preservation of trees outside infrastructure corridors and building footprints. Future clearing shall proceed only after approval of a site plan review or preliminary plat for those areas.
- S11. Buffer enhancement planting installation shall occur concurrent to or prior to development of adjacent land uses. This shall occur prior to final plat approval of individual residential lots, or prior to occupancy for multi-family, mixed-use and commercial lots. This may be bonded dependent upon season and weather.
- S12. Finalize CC&R's and submit them for review and approval by the Community Development Director prior to recording.
- S13. The CC&R's shall include the 12 design elements in BMC 17.38.050.B.
- S14. The CC&R's shall be subject to approval by the City prior to Final Plat approval. The CC&R's shall identify responsibilities for maintenance of the wetland/open space areas, water detention and treatment facilities, private drainage infrastructure, private

drives and parking areas, landscaping, and other common infrastructure or open space elements of the project. The CC&R's shall contain specific language insuring annual inspection and certification to the city by a registered engineer of the adequacy of the storm water treatment and conveyance system. Any required repair or maintenance shall be the responsibility of the Homeowner's Association.

- S15. Open space areas, or other tracts of land not suitable as building lots, together with associated facilities and equipment shall be privately owned and maintained by the Homeowner's Association.
- S16. The 3-foot gravel trail indicated in the project plans adjacent to the private drive(s) shall be widened to a minimum of 4 feet.
- S17. In front of Lots 1-4 and connecting to Semiahmoo Parkway, the 3-foot gravel trail indicated in the project plans adjacent to the private drive shall be widened to a minimum of 4 feet and shall be paved in asphalt or concrete.
- S18. Tract D shall be permitted as a public park, private recreation facility, or residential development subject to a site plan review approved by the City.
- S19. Create a tract for the future private road to allow access to Semiahmoo Drive without requiring a land division, or expand Tract I for same purpose.
- S20. Tract F may be platted into single family and multifamily lots pursuant to this approval provided:
- Total unit count for the PUD may not exceed 119 units
 - Multifamily tracts shall be designed for a density no greater than 12 units per acre
 - No single family lot may be less than 4,000 SF
 - All setbacks, buffering and design requirements of this approval and the PUD Guidebook shall apply to future development
 - Such division of land shall require a preliminary plat processed under this PUD approval and shall be considered a PUD Modification provided the standards herein are maintained.
- S21.
- Install a 100% evergreen, native, site-obscuring vegetation buffer along the Semiahmoo Drive frontage adjacent to Tract A. Such buffer shall be a minimum of 6 feet tall at time of planting. Irrigation shall be provided to ensure health of the planting for the first 2 growing seasons (2 summers), minimum. Planting shall occur prior to issuance of any occupancy permit for the building(s).
- S22. Specific site design, such as the use of flush curbs, street widths, gate design, among other features, is subject to final review by City staff through subsequent permit approvals.
- S23. Clearing shall be phased and no clearing shall be permitted without a preliminary plat approval or site plan review approval for the specific development area(s). All approved clearing shall be limited in scope with the intent of preserving trees outside of infrastructure and building footprint areas.

- S24. An arborist report and survey shall identify clusters of trees or individual larger, specimen quality trees, as well as large, vestige stumps from earlier logging, along the street corridors that can be preserved and augmented with landscaping to create the street tree clusters required by BMC 17.74.080.D, Subsection 2. The report shall include at least 15 feet on both sides of the curb line. The results of the report shall be incorporated into the civil construction plans in consultation with the City and trees shall be noted for preservation along the private road tracts and/or in easements on adjacent parcels. The report shall be provided to the City with the land disturbance permit application.
- S25. Phase 1 is permitted, consistent with Exhibit X, for 40 single family residential lots and units. Ten units and lots are paired to create 10 units in five buildings. Four units and lots are grouped to create four units in one building in a townhouse configuration. Variation of this arrangement is permitted through PUD modification or PUD amendment.
- S26. Phase 1 is permitted, consistent with Exhibit X, for development of a storage facility on Tract A with up to 22,000 square feet in two to four buildings. Variation of this arrangement is permitted through PUD modification or PUD amendment. This shall be subject to a Site Plan Review administrative permit.
- S27. Future phases may develop 29 single family lots and units in a mix of paired or detached units, 15 units in townhouse configuration, and additional units in a mixed-use commercial/residential building on Tract C which may not exceed the project total of 119 units consistent with Exhibit X without an additional Preliminary Plat approval, provided this initial approval has not expired. Variation of this arrangement is permitted through PUD modification or PUD amendment and/or other permits as may apply.
- S28. Tract D may be developed as a public park, private park, or private open space, consistent with Exhibit X, without an additional Preliminary Plat approval, provided this initial approval has not expired. Variation of this arrangement may be permitted through PUD modification or PUD amendment and/or other permits as may apply.

Findings of Fact/Conclusions of Law

The following findings of fact were developed under the assumption the Planning Commission will recommend approval of the project. These are the “basic” findings of fact that support that decision. However, based on the decision points above, there will need to be findings added to the list. For example, if the Commission decides to recommend a substantial change, then there should be findings of fact and/or conclusions of law added to support that decision. The items listed in the “reasons” section in the table above are conceptually those findings and conclusions.

If the Commission decides to recommend denial of the project additional findings of fact will need to be included and alternative conclusions of law will need to be developed.

Findings of Fact

Any of the following findings of fact which may be determined to be conclusions of law shall be considered as such for purposes of legal review.

1. The Semiahmoo Zone 3-Seasmoke Preliminary Plat and Planned Unit Development is a mixed-use development containing single family residential-detached and single family residential-attached housing, multi-family housing in a mixed use commercial/residential building(s), a personal storage facility, a public or private park, open space, private roads, infrastructure and other appurtenant facilities.
2. The project design was reviewed in a pre-application meeting by the City's Technical Review Committee on April 7, 2016.
3. A community meeting was held by the applicant on April 21, 2016.
4. The Preliminary Plat and Planned Unit Development applications were determined as complete applications on July 20, 2016.
5. The project design was reviewed by the City's Technical Review Committee on July 28, 2016.
6. Notice of Application was distributed by first class mail on July 20, 2016 and by registered mail on August 10, 2016.
7. Notice of Application was posted in the Northern Light on July 20, 2016 and in the Bellingham Herald on August 10, 2016, and on the City's website on the same dates.
8. The project was reviewed by the City's Technical Review Committee on January 14, 2016.
9. The project has undergone environmental review. A Mitigated Determination of Non-Significance was issued August 12, 2016 and subsequently withdrawn. A revised Mitigated Determination of Non-Significance was issued on Revised MDNS was issued on September 19, 2016
10. Notice of Public Hearing was posted on the City website, distributed to interested parties, and published in the Bellingham Herald on August 15, 2016.
11. The Planning Commission held a public hearing for the project on August 25, 2016 and continued the hearing for further testimony until September 8, 2106. On September 8, 2016 the record was closed with the exception to allow submittal of the final SEPA threshold determination.
12. The project site is within the geographic area of the Resort Semiahmoo Master Plan, an appendix to the City's Comprehensive Plan.
13. The Resort Semiahmoo Master Plan calls for the site to be developed with 114-136 dwelling units at 10-12 dwelling units per acre in a multi-family configuration. The Resort Semiahmoo Master plan also allows for reducing density, reducing unit count, and

converting multi-family sites to single-family development.

14. The Resort Semiahmoo Master Plan calls for the site to be developed with up to 400 parking spaces to support uses on Semiahmoo Spit, and to be developed for recreational vehicle parking and storage.
15. The Resort Semiahmoo Master Plan calls for the site to be developed with a variety of neighborhood commercial uses.
16. The application complies with lot and plat design standards as required under Blaine Municipal Code Chapter 17.74 Subdivision Design Standards, except where varied through the Planned Unit Development process included in Chapter 17.68.
17. The creation of a new private road system on tract(s) held by the homeowners association has been reviewed by the Public Works Director for street and utility design, and will be further reviewed for technical detail in subsequent administrative permitting.
18. Gated entrances are permitted on Semiahmoo Parkway and Semiahmoo Drive for the residential development and on Semiahmoo Drive for the commercial storage facility, which will be further reviewed for technical detail in subsequent administrative permitting.
19. The Planning Commission solicited and considered public input on the project prior to making a recommendation to City Council.
20. The Transportation Impact Analysis and supplemental memos and analyses prepared by The Transpo Group demonstrate that traffic impacts at the newly created intersections, including the modified intersection with Gleneagles Drive, and at the Semiahmoo Drive/Semiahmoo Parkway/Drayton Harbor Road intersection do not create significant adverse effects and will not cause traffic level of service standards to be exceeded.
21. The Transportation Impact Analysis and supplemental memos and analyses prepared by The Transpo Group demonstrate that traffic impacts at other intersections not included above may be adversely impacted to a degree that mitigation is appropriate and the revised SEPA Mitigated Determination of Non-Significance addresses those impacts.
22. Testimony by Assistant Public Works Director, Bill Bullock P.E., indicated that Semiahmoo Parkway and Semiahmoo Drive are designed for the prevailing speed measured by the City and have sight distance and stopping distance that allow for creation of the new entrance road(s).
23. Data entered into the record on accidents indicate that the Semiahmoo Drive/Semiahmoo Parkway/Drayton Harbor Road intersection has been the site of two documented accidents.
24. Data entered into the record on accidents indicated that the Semiahmoo Parkway/Shearwater Way/Mallard Road intersection has had no multi-vehicle accidents.
25. The Planning Commission solicited and considered public input on the project prior to making a recommendation to the City Council.

Conclusions of Law

Any of the following conclusions of law which may be determined to be findings of fact shall be considered as such for purposes of legal review.

1. The project, as conditioned, meets the approval criteria of a Preliminary Plat as defined by the Blaine Municipal Code, and appropriate provisions are made for, but not limited to, open spaces and drainage ways; roads, streets, potable water supply, sanitary sewer, electricity and franchise utilities; parks and recreation; sidewalks and other pedestrian corridors; and facilities that preserve the quality of the neighborhood.
2. The subdivision will serve the public interest, and will not be detrimental to the public health, safety and general welfare.
3. That all applicable requirements of Chapter 58.17 RCW et seq., not included above, have been met.
4. The project, as conditioned, meets the approval criteria of a Planned Unit Development as defined by the Blaine Municipal Code.
5. The City has met the notification and procedural requirements for review of a Preliminary Plat and Planned Unit Development.
6. The proposed mix of uses is generally consistent with the goals and policies of the Comprehensive Plan, with particular attention to general consistency with the Resort Semiahmoo Master Plan, an appendix to the City of Blaine Comprehensive Plan.
7. The project is consistent with the City of Blaine Municipal Code applicable zoning and critical areas regulations.
8. The project is consistent with, and furthers the goals of, the Growth Management Act.
9. The project was processed and reviewed consistent with the State Environmental Policy Act regulations.



PLANNING COMMISSION

AGENDA

City Hall Council Chambers, 435 Martin Street, Suite 3000
Thursday, September 22, 2016

7:00 P.M.

Planning Commissioners

Chair

Vernon "Van" Tabb

Vice-Chair

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Kevin Owens

*For information regarding this
Agenda, please call:
(360-332-8311)*

All proceedings are recorded.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **AUDIENCE COMMENTS**
(regarding items not on the agenda)
4. **UNFINISHED BUSINESS**
 - Semiahmoo Zone 3
Planned Unit Development and Preliminary Plat
5. **INFORMATIONAL ITEMS**
6. **APPROVAL OF MINUTES**
 - September 8, 2016
7. **ADJOURNMENT**



STAFF REPORT TO PLANNING COMMISSION

MEETING DATE: September 22, 2016 at 7:00 p.m.

SUBJECT: **Semiahmoo Zone 3 - Seasmoke**

PROPONENT: Rimland Pacific (Wayne Schwandt)

APPLICATION TYPE(S): Planned Unit Development and Preliminary Plat

FILE NUMBER(S): PUD-2-16 and LOP-1-16

REQUEST: An application for permits to develop 19.4 acres at the southwest corner of Semiahmoo Parkway and Drayton Harbor Road. The development proposes 40 housing units in Phase 1 and up to an additional 79 units in future phases. The project also includes commercial space for various neighborhood commercial uses and a personal, indoor storage facility. Open space, roads, utilities and a potential park site are included in the project.

PROJECT LOCATION: Southwest corner of Semiahmoo Parkway and Drayton Harbor Road, a portion of the N ½ of the SE ¼ of Section 10 Township 40N, Range 1W, W.M.

SUBMITTED BY: Community Development Services

AGENDA LOCATION:

Public Hearing Unfinished Business New Business

ATTACHMENT

Attachment A - Revised Mitigated Determination of Non-Significance (MDNS)

SUMMARY

The project under review has been the subject of a public hearing. The hearing is closed. Staff has provided a copy of the revised SEPA Mitigated Determination of Non-Significance (Attachment A).

The Commission will hold a Study Session on September 22, 2016 at 5:00pm immediately prior to the regular meeting. Staff has provided a separate memo to the Commission in preparation for that meeting.¹

The Commission is required to consider the application and the full public record, deliberate, and render a decision to recommend approval or recommend denial. Approval is typically subject to conditions.

Dependent upon the results of the study session, staff may provide a recommendation for the Commission's consideration at the September 22, 2016 regular meeting. At the discretion of the Commission additional meetings and study sessions may be scheduled.

¹ See website for memo or contact city staff to be provide a copy



REVISED MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

City of Blaine CDS 435 Martin Street, Suite 3000 Blaine, Washington 98230

Project Name	Semiahmoo Zone 3 Planned Unit Development and Plat
SEPA File Number	SEP-8-16
Project Description	An application for permits to develop 19.4 acres at the southwest corner of Semiahmoo Parkway and Drayton Harbor Road. The development proposes 40 housing units in Phase 1 and up to an additional 79 units in future phases. The project also includes potential commercial space for various neighborhood commercial uses and a personal, indoor storage facility. Open space, roads, utilities and a potential park site are included in the project.
Proponent	Wayne Schwandt Rimland Pacific 965 Grand Ave Bellingham WA 98229
Location	Southwest corner of Semiahmoo Parkway and Drayton Harbor Road, a portion of the N ½ of the SE ¼ of Section 10 Township 40N, Range 1W, W.M.
Lead Agency	City of Blaine
Documents Considered	Preliminary Plat Planned Unit Development Submittal City of Blaine Comprehensive Plan (2016) Traffic Impact Analysis – Resort Semiahmoo Zone 3 (Transpo Group, June 2016) Transpo Group Memos (August 1, 2016, August 10, 2016, Sept. 15, 2016) Traffic Impact Analysis – Resort Semiahmoo Zone 3 (Transpo Group, Sept. 2016) Archeological and Cultural Resources Assessment (Alfred Reid, et al, January 2006) Wetland and Wildlife Determination Update (Cantrell and Assoc., April 2016) Preliminary Stormwater Design Report (Cascade Design Group, June 2016) Draft and Final Environmental Impact Statement (Whatcom County, 2015/16) Whatcom County Comprehensive Plan, Approved Draft (2016) SEPA Checklist (June 2016)
Determination	The lead agency has determined that this project is not likely to have a probable significant adverse impact on the environment with the addition of mitigating conditions to the development approval. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. That information is available to the public upon request at the City of Blaine, Community Development Services office.

Mitigation Measures

Air Quality

Prior to commencing land disturbance activity, the Applicant shall prepare and submit a Dust Suppression Plan (DSP) as part of the SWPPP to the City for review and approval by the City Public Works Director. The Applicant shall not commence land disturbance activity until the City approves a Final DSP. The DSP shall address methods to control dust generated on and off the site during construction.

Stormwater

Prior to approval of civil construction plans, the Applicant shall submit to the City a Final Stormwater Design Report consistent with the latest edition of the Stormwater Management Manual for Western Washington for review and approval by the Public Works Director. The Final Stormwater Design Report and associated stormwater site plan must respond to all relevant conditions attached to preliminary plat and PUD approval.

Prior to commencing land disturbance activity, the Applicant shall submit a Construction Stormwater Pollution Prevention Plan (SWPPP) to the City for review and approval by the City Public Works Director. The final approved SWPPP shall demonstrate, in detail, how Applicant will manage the site during the time that land disturbing activity is taking place, including; measures to protect disturbed areas, control and direct storm water runoff through construction areas, and provide water quality treatment for runoff from the site. Best Management Practices (BMPs) associated with the SWPPP shall comply with the latest edition of the Washington State Department of Ecology’s Stormwater Management Manual for Western Washington.

Cultural Resources

Inadvertent Discovery:

At any time during excavation, site clearing, or preparations, if archaeological resources (e.g. shell midden, faunal remains, stone tools) be observed during project activities, all work in the immediate vicinity should stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (Gretchen Kaehler, Local Government Archaeologist 360-586-3088) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-312-2257; Tamela Smart, Deputy Compliance Officer 360-312-2253); and the City of Blaine SEPA Official (Michael Jones, 360-543-9981) shall be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). In the event that the find includes human remains the Blaine Police Department shall be called immediately at 360-332-6769. Compliance with all applicable laws pertaining to archaeological resources is required. The Applicant shall ensure that all equipment operators and site managers are advised of the following archeological resources mitigation

Monitoring: The Applicant shall ensure that grading, excavating, and trenching within the utility corridors and private road tracts are monitored by a professional archaeologist, and that the archaeologist is present on-site at all times to monitor all such activities. If the archaeologist observes any pre-contact or historic period archaeological deposits and/or human remains in any part of the project area, all work in the immediate vicinity shall stop, and the area shall be secured. The Washington State Department of Archaeology and Historic Preservation (Gretchen Kaehler, Local Government Archaeologist 360-586-3088) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-312-2257; Tamela Smart, Deputy Compliance Officer 360-312-2253); and the City of Blaine SEPA Official (Michael Jones, 360-543-9981) shall be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). In the event that the find includes human remains the Blaine Police Department shall be called immediately at 360-332-6769. Compliance with all applicable laws pertaining to archaeological resources is required.

Emergency Services

Capital Facilities: The project proponent shall pay emergency services mitigation fees to Fire District #21 according to a rate and schedule as determined by the North Whatcom Fire and Rescue Capital Facilities Plan and any associated, applicable mitigation fee schedule.

Traffic

Intersections in Whatcom County jurisdiction: Development on the project site shall contribute fair-share funding for off-site transportation improvements at the Lincoln Road/Harborview Road intersection, the Drayton Harbor Road/Blaine Road intersection, and the Birch Bay-Lynden Road/Blaine Road intersection as evaluated in the Transportation Impact Analysis Resort Semiahmoo Zone 3 (Transpo Group, September 2016) based on a percentage contribution of vehicle trips through the intersection in 2023 at the following peak hour vehicle trip rates:

- Lincoln Road/Harborview Road intersection at \$3.00 per trip
- Drayton Harbor Road/Blaine Road intersection at \$32.00 per trip
- Birch Bay-Lynden Road/Blaine Road intersection at \$174.00 per

The Developer/applicant shall execute a voluntary mitigation agreement with either the City or Whatcom County in a form approved by the City and subject to RCW 82.02.020 prior to building permit issuance. The above fees shall be paid prior to building permit issuance for each dwelling unit or commercial space. The funds may only be used for a project approved by the City at one of the above intersections. The City and Whatcom County may by interlocal agreement provide for the payment of the funds towards a County project or agree to transfer funds to the County through interlocal agreement for a project at one of the above intersections approved by the City. In the event that the funds are transferred to the County, the funds will remain subject to RCW 82.02.020.

Bell Road/Blaine Road/Peace Portal Drive Intersection: Development on the project site shall contribute fair-share funding for off-site transportation improvements at the Bell Road/Blaine Road/Peace Portal Drive intersection as estimated in the City's 2016 Transportation Improvement Plan based on a percentage contribution of vehicle trips through the intersection in 2023. Fees shall be paid at the time of building permit issuance for each dwelling unit or commercial space at a \$135.20 per peak hour vehicle trip rate. Such funds shall be held by the City for improvements to the specific intersection and remain subject to RCW 82.02.020.

Aesthetics

Landscape Maintenance A landscape maintenance plan shall be created, which is an obligation of the homeowner's association and enforceable by the City through the development's Covenants, Conditions, and Restrictions (CC&Rs). The applicant shall include a section in the CC&R's for the project that specifically addresses the maintenance requirements of this Landscape Plan. The maintenance plan and CC&R's shall be reviewed and approved by the Department of Community Development prior to occupancy of the first dwelling unit.

Open Space: The land disturbance and clearing plans shall include preservation of all viable/non-hazardous trees and understory vegetation in the perimeter buffer and open space areas. A final landscape plan shall be developed for open space areas adjacent to and included in each phase prior to issuance of land disturbance permits for those phases. Said plan shall include an enhanced density of native vegetation, primarily evergreens, that will screen between approximately 50-percent and 75-percent of the view into residential lots

on the site from Semiahmoo Parkway and Semiahmoo Drive, at a minimum

Tree Preservation: Tree removal and clearing for Phase 1 in areas designated for residential lot development will be conducted after on-site consultation with the Community Development Director/SEPA Official with the intent to preserve trees and vegetation that are outside the future building and appurtenance development footprints. Tree removal and clearing for future phases will be conducted after approval of Site Plan Review or other development permits such that these areas are left in a forested state until time of development and are not prematurely cleared.

Comment Period
Responsible Official
Appeal

This MDNS is issued under WAC 197-11-340 (2). The lead agency will not act on this proposal for 14 days from the date of issuance. No comment period is provided for this revised threshold determination.

Michael Jones
Community Development Director, City of Blaine
435 Martin Street, Suite 3000, Blaine, WA 98230
Phone: 360-543-9981 Fax: 360-543-9978
Email: mjones@cityofblaine.com

This determination may be appealed by letter to the SEPA Official at the address noted above. Such an appeal would need to be made by 4:30 pm on October 3, 2016. Appeals must include a specific factual objection. Questions should be directed to the responsible official noted above.

Signature:  Date: 9/19/16