



CITY OF BLAINE
COMMUNITY DEVELOPMENT SERVICES DEPARTMENT
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STAFF REPORT and RECOMMENDATION TO PLANNING COMMISSION Type II Quasi-Judicial Decision – Planned Unit Development and Preliminary Plat

To: Planning Commission
From: Stacy Clauson, Project Planner
Date: June 5, 2020
Files: Permit #2020018 Planned Unit Development
Permit #2020019 Preliminary Subdivision
Permit #2020020 Critical Areas Review
Permit #2020021 SEPA Checklist
Hearing Date and Place: Thursday, June 11, 2020 at 6pm
Hearing will take place via videoconferencing.

I. INTRODUCTION

Applicant: East Maple Ridge LLC
File No.: 2020018 – 21
Site Location: North of H Street, east of Jerome Street, and west of North Harvey Road, in Blaine, Washington (Attachment A)
Application: Planned Unit Development – Type II-CC and Preliminary Plat – Type II-PC
Review Process: Quasi-Judicial, Type II-CC decision: Planning Commission shall hold the public hearing and make a recommendation to the City Council
Summary of Key Issues: Compliance with the Planned Unit Development and Preliminary Plat criteria for approval.

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III. RECOMMENDATIONS

Based on Findings and Conclusions (Section VI) and Attachments in this report, the Community Development Services Department (CDS or “the Department”) recommends that the Planning Commission forward a recommendation of approval to the City Council of the subject applications, subject to the following ten (10) conditions:

GENERAL CONDITIONS

1. This application is subject to the applicable requirements contained in the Blaine Municipal Code, Public Works Design and Engineering Standards and Building and Fire Codes. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these standards and codes. Attachment L.1 and M, which are incorporated into this recommendation as conditions of approval, are provided in this report to familiarize the applicant with some of the additional development regulations.
2. SEPA mitigation measures, as identified in the project SEPA checklist and SEPA Mitigated Determination of Non-Significance, shall be reflected in the project design and civil construction plans, and are hereby made conditions of this approval (see Environmental / Project Review and Critical Areas Review).
3. State and Federal approvals, as applicable, may be required prior to issuance of any City permit for construction. Responsibility for meeting other agency requirements shall be solely the applicant’s. These include, but are not limited to:
 - a. Performing an asbestos survey and filing a notification with the Northwest Clean Air Agency prior to any demolition activity (see Attachment H.1).
 - b. Complying with Inadvertent Discovery of Archaeological Resources and 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) policies and procedures as outlined in Attachment H.3.
 - c. Obtaining a Forest Practices Permit, as necessary.
 - d. Obtaining necessary Construction Stormwater General Permit (CSWGP) from the Department of Ecology.
4. The project shall comply with the Development Agreement (Attachment B.8).

PRELIMINARY PLAT CONDITIONS

5. Once action on the Preliminary Plat is taken by the City Council, the following is required:

- a. The Preliminary Plat shall be revised and resubmitted pursuant to BMC 17.60.030.D. The revised preliminary plat shall include the following revisions or additions:
 - i. Dedicate right-of-way and depict street improvements per BMC 17.74.050-060, 17.74.080 and 17.68.190 (see East Blaine Infrastructure Plan, Subdivision Design Requirements, Planned Unit Development Requirements and Transportation Concurrency sections), including the following:
 - a. Dedicate Mott's Hill Parkway right-of-way at the time of recording Phase I (Attachment L.1).
 - b. Dedicate right-of-way along North Harvey Road frontage to provide a minimum of 30-feet available right-of-way on the west side of the road, measured from centerline of road right-of-way. Improve North Harvey Road frontage as described in the Public Works review comments (Attachment L.1).
 - c. Dedicate 60-feet of right-of-way for local streets within the plat, unless otherwise modified by Public Works Director.
 - d. Dedicate 30-feet of right-of-way from the centerline of Cedar View Road. Improve the portion of Cedar Street abutting proposed lots 66-72 with required frontage improvements.
 - e. Improve H Street along the property frontage, including a left-turn pocket into the development, at any point during the project phases, as determined by the Public Works Director, but no later than when a permanent access between Motts Hill Parkway and H Street is fully constructed and dedicated to the city.
 - f. Dedicate 10-feet of right-of-way along the unopened portion of the Jerome Street property frontage to accommodate future development of a bike/pedestrian trail. In lieu of dedication, the applicant may propose an alternative to address the community trail connection, to be approved by the Community Development Services and Public Works Directors.
 - g. Revise Sheet 9 of Attachment B.1 to depict on-street sidewalks on the roadway connecting north from Mott's Hill Parkway, between the Parkway and Flagstone Crest.
 - ii. Depict off-site improvements consistent with BMC 17.05.040.B.4 as follows:
 - a. Prior to connection to Mott's Hill Parkway to the west, the applicant shall install all facilities for an all-way stop and illumination at the E/Allan street intersection and provide edge line

- and centerline striping on E Street (see Transportation Concurrency section).
- iii. The City Park Areas shall be dedicated to the City at the time of recording Phase I (see Planned Unit Development Requirements).
 - iv. Revise the lighting plan to address required lighting at intersections involving alleys and the multi-use trails, unless otherwise modified by the Public Works Director (see Planned Unit Development Requirements).
 - v. Revise the lots proposed for cottage development to meet the minimum lot size (4,000 square feet) be designated as zero setback lots (see Planned Unit Development Requirements).
 - vi. Place the wetland and buffer in a Native Growth Protection Area with applicable development limitations stated on the face of the final recorded document (see Environmental / Project Review and Critical Areas Review).
- b. The traffic impact analysis should be revised to include additional evaluation of the East Blaine "Motts Hill" Parkway (D/E St) Realignment - 16th to Jerome for conformance to design standards and safety criteria pursuant to the guidelines and manuals contained in BMC 17.05.030.C.1-4 to determine if any additional mitigation is required (see Transportation Concurrency section).
 - c. The mitigations and recommendations contained in the Traffic Impact Analysis should be incorporated into the proposal (see Transportation Concurrency section).
 - d. The PUD Master Plan shall be revised and reviewed by the Planning Commission pursuant to BMC 17.68.090. The revised Development Guidebook shall include the following changes as well as other modifications approved through the PUD guidebook process with the Planning Commission (see Planned Unit Development Requirements):
 - i. Provide standards for minimum lot size, setbacks, lot coverage, and lot width for all planned development. Building height for the residential multifamily shall be limited to 45-feet or a maximum of 3 stories.
 - ii. Provide a detailed buildout schedule that meets the requirements of BMC 17.68.080.K.
 - iii. Identify the type and location for recreational amenities meeting the requirements of BMC 17.68.120.E.
 - iv. Revise the Guidebook per the Public Works Department comments (Attachment L.1).

CONSTRUCTION PLAN CONDITIONS

6. All design and construction of plat improvements shall be in conformance with the approved preliminary plat and Planned Unit Development, unless otherwise modified under the provisions in BMC 17.68.100.
7. Adequate fire protection infrastructure, of a type and location approved by the Fire District, shall be included in the civil construction plans. All travel ways shall provide for emergency vehicle access to the satisfaction of the Fire District. No buildings may be constructed until adequate fire flow and emergency access is provided (see FIRE CODE STANDARDS).
8. Evaluation of alternatives to convey sewer without a sewer lift station shall be completed at any point during the project phases, as determined by the Public Works Director, but no later than Phase 8 (see East Blaine Infrastructure Plan and Attachment L.1).
9. Upsizing of the existing 8-inch main from the manhole at SR543 to the south end of Lincoln Park shall be completed (see East Blaine Infrastructure Plan and Attachment L.1, Sewer and Water Section, Item #1). Timing for the work shall be determined based on an evaluation of existing capacity and as approved by the Public Works Director.
10. Prior to any land disturbance or work in the right-of-way or public utilities on each respective phase of development, the following is required:
 - a. Submit a Land Disturbance Permit consistent with BMC 17.60.240.
 - b. Submit a complete set of civil engineering plans consistent with BMC 17.60.220 and 230. Civil drawings shall include:
 - i. As part of Phase 2 plans, critical area long-term protection area fence, 10-foot building setback and sign locations. Signs shall be posted at a minimum rate of one every 100 lineal feet or one per lot. Improvements within the 10-foot building setback are not authorized unless otherwise approved under the provisions of BMC 17.82.280.A.2 (see Environmental / Project Review and Critical Areas Review).
 - ii. A detailed landscape plan demonstrating how the PUD buffer area and open storm water features will meet the standards in BMC 17.68.160 and BMC 17.74.150.B.3, respectively.
 - iii. A tree inventory and retention plan completed by a certified arborist or similarly qualified professional to inventory significant trees (evergreen or deciduous, six inches in diameter or greater, measured four feet above existing grade) within the natural open space areas and perimeter buffers, assess the health of trees, and provide recommendations for management practices.
 - iv. Limits of clearing shall be depicted and are limited to the buildable area within the respective phase, together with any areas

determined by the City to be needed for staging, construction or access to the phase.

- v. An approved Stormwater report and appropriate provisions for stormwater facilities (Attachment L.1).
 - vi. Revisions and/or additional information to address comments in the Fire Code and Public Works review (see PUBLIC WORKS DEVELOPMENT STANDARDS and FIRE CODE STANDARDS).
- c. Obtain a Right-of-Way Excavation Permit and/or Public Facilities Construction Agreement and post a performance bond for any work in the City right-of-way and or on City utilities and infrastructure to the satisfaction of the Public Works Director.

FINAL PLAT APPROVAL AND IMPACT FEES CONDITIONS

11. Prior to recording of any phase of the final plat, the following is required:
- a. Submit revised Covenants, Conditions and Restrictions (CC&Rs) for review and approval by the City consistent with BMC 17.68.170 and 180. Additionally, the CC&Rs shall include language that prohibits the use of commercial pesticides and minimizes the use of fertilizers on all HOA controlled property and single-family lots (see Environmental / Project Review and Critical Areas Review).
 - b. Install required improvements, consistent with BMC 17.60.250, 260 and 310. In lieu of completing required improvements, the applicant may request to defer improvements with completion of a performance bond meeting the requirements of BMC 17.60.260, to be reviewed and approved by the City.
 - c. Submit final plat application materials consistent with BMC 17.60.210.
 - d. Submit as-built drawings consistent with BMC 17.60.270.
 - e. 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.
12. Impact fees (parks, traffic, and fire) required under Chapter 3.80 shall be paid for each lot at the time of Building Permit issuance. A note to this effect shall be shown on the face of the Final Plat (see Impact Fees section).

IV. PROJECT DESCRIPTION AND REQUEST

The applicant, East Maple Ridge LLC, proposes to develop 353 dwelling units, with a mix of single family, cottage, and multifamily housing. The project also includes a neighborhood commercial center consisting of 24,000 square feet of commercial space. Open space, a playground, roads, utilities and a park site are included in the project (Attachment B).

Materials received by the applicant in support of the application include:

1. [Project Plans](#) (Attachment B.1)
2. [Development Guidebook](#) (Attachment B.2)
3. [SEPA Environmental Checklist](#) (Attachment B.3)
4. [Wetland Delineation Report](#) (Attachment B.4)
5. [Preliminary Stormwater Report](#) (Attachment B.5)
6. [Traffic Analysis](#) (Attachment B.6)
7. [Geotechnical Report](#) (Attachment B.7)
8. [Aquifer Recharge Soils Report](#) (Attachment B.8)
9. [Preliminary Covenants, Conditions, and Restrictions](#) (Attachment B.9)
10. [Development Agreement](#) (Attachment B.10)

The application was deemed complete on March 26, 2020 (Attachment D).

A. GENERAL INFORMATION

1. Date of Application: March 18, 2020
2. Determination of Completion: March 26, 2020
3. Applicant: East Maple Ridge LLC
4. Primary Contact: Nathan Rowe, PE, APC Engineers, 1401 Astor St, Bellingham, WA 98225
5. Property Owners: Douglas and Louise Connelly
6. Property Location: North of H Street, east of Jerome Street, and west of North Harvey Road (Attachment A)
7. Assessor Parcel Numbers (APN's): 410132403162, 410132500190, 410132540101, 410132477076, 410132370100, and 410132400035
8. Comprehensive Plan Land Use Designations, Zoning Classifications and Existing Land Uses of the Site and Surrounding Area:

AREA	LAND USE DESIGNATION	ZONING	EXISTING USE
Project Site	Planned Residential	PR	The site is generally forested with a mixed hardwood deciduous forest. There are two wetland areas located near the south-central part of the site. The site slopes gently to the west and south, with the highest ground being near the northeast corner. The site occupies a ridge. The site is mostly vacant. One parcel includes a single-family home and outbuildings. This property, located at 4258 H Street, is one of two parcels included in the site that have frontage on H Street.
North of Site	Planned Residential	PR	Along west portion of site, plat of Caple's Addition to Blaine (platted in 1890), containing roads and lots measuring 100' by 25'. Mostly undeveloped with some homes. Along east portion of site, large tracts with single family homes/undeveloped.
South of Site	Pipeline Road Urban Growth Area, with residential densities from 4-6 dwelling units/acre (west of cemetery) and Rural (County Comprehensive Plan – east portion, including cemetery)	UR4: Urban Residential - 4 Units / Acre (west of cemetery) and R10A: Rural - 1 Unit / 10 Acres (east portion, including cemetery)	H Street (Major Collector) and lots of varying sizes (generally over an acre in size) with mix of single family residences and vacant land. On the south side of H Street, properties contain the City of Blaine Cemetery, as well as residential lots of varying sizes developed with mix of single family residences and vacant land.
East of Site	Planned Residential	PR	North Harvey Road. Large tracts with single family homes/undeveloped.
West of Site	Planned Residential	PR	Jerome Street (Minor Collector). Large tracts with single family homes/undeveloped. Transmission power line and City water storage area.

9. Public Utilities and Services Provided by:

Water:	City of Blaine	Gas:	Cascade Natural Gas Corporation
Sewer:	City of Blaine	Cable TV:	Comcast, Wave Broadband, and Black Rock Cable
Garbage:	Waste Management, Inc.	Police:	City of Blaine
Storm Water:	City of Blaine	Fire:	Fire District #21
Telephone:	Frontier Communication	School:	Blaine School District
Electricity:	City of Blaine	Hospital:	St. Joseph Medical Center

V. BACKGROUND

The following sections of this report explain the history of the East Maple Ridge proposal within the context of the East Blaine annexation.

1996: East Blaine Annexation

The proposed development is located in the East Blaine Subarea, which was annexed into the City in 1996.¹ The purpose of the annexation was to facilitate urban levels of residential development connected by a central utility corridor named Mott's Hill Parkway. The over-1000 acres currently comprising the East Blaine Subarea is zoned Planned Residential, a designation designed to promote an orderly transition from existing rural densities to denser residential development. The current landscape of the East Blaine area supports wetland mosaics, low density housing, and undeveloped property tracts.

2005 - 2010: East Maple Ridge Planned Unit Development and Preliminary Plat

The Blaine City Council approved the East Maple Ridge Preliminary Plat and Planned Unit Development under Ordinance 10-2765 on July 26, 2010. Ordinance 10-2765 authorized the development of 225 single-family units, 128 multi-family units, and approximately 24,000 square feet of commercial space. The development also contained 23 acres of open space and dedicated park land. Development was to occur over 13 phases.

State law allows seven years to begin construction on a Preliminary Plat. The Blaine Municipal Code (BMC) allows for the possibility of granting two, single-year extensions. City Council approved two extensions; after the final extension expired on July 26, 2019, the preliminary plat and planned unit development approvals expired.

The current application closely resembles the previously approved application, but differs in the following key ways:

1. The sizing and design of the stormwater facilities has been updated to meet the requirements of the 2019 Department of Ecology Stormwater Manual for Western Washington.
2. The wetland rating classification has been updated to meet current standards.
3. Modification to street sections, consistent with the East Blaine Infrastructure Plan.
4. Reduction in percent open space and usable open space from 23.6 to 23.3 percent; and from 9.97 acres to 9.90 acres, respectively.
5. Minor change in phasing layout, shifting the Tract R playground from Phase 13 to Phase 4.
6. Minor changes to location of guest parking stalls.

¹ City of Blaine Ordinance No. 96-2224

2009: East Blaine Infrastructure Plan and the Comprehensive Plan

The East Blaine Infrastructure Plan² was developed by the City in 2009, and it serves as the basis for both public and private infrastructure requirements in the Subarea. One of the seven key principles of the document is that it be used as a guide to review development applications in the Subarea, ensuring coordinated growth and that infrastructure costs are appropriately borne by the developers.³

The Housing Element of the City's Comprehensive Plan recognizes the East Blaine Subarea as the receiving zone for denser residential growth over the 20-year planning horizon.⁴ The City will need over three thousand new homes by 2036 to accommodate the projected population growth; East Blaine is targeted to support almost 40% of those new homes.

2010: Amended Developers Agreement

In 2010, the City entered into an amendment to a Development Agreement that addressed vesting and phasing of the development (Attachment B.10). The amended agreement extended the time period that the original development agreement, executed in May 2005, was valid establishing a new expiration date of April 29, 2030.

2019: East Blaine Infrastructure Installation

Subsequent to receipt of both State and local funding, in 2019-2020 the City of Blaine Public Works Department was granted permits for installation of approximately 6,820 linear feet of 15-inch sanitary sewer main and primary electrical system improvements, beginning near Lincoln Park, and ending near the City's North Harvey Road Water Tank. Improvements crossed the East Maple Ridge development site and are substantially complete.

VI. ANALYSIS⁵

A. BLAINE MUNICIPAL CODE – CHAPTER 17

APPLICATION PROCESS

1. The applicant held a community conference for the project on July 17, 2019. Notice and summary of the meeting are contained in Attachment C.
2. The city received preliminary plat and planned unit development drawings and supporting materials on March 18, 2020 (Attachment B). The application was deemed to be complete on March 26, 2020 (Attachment D).

² <https://www.ci.blaine.wa.us/DocumentCenter/View/3220/E-Blaine-Infrastr-Plan---final?bidId=>

³ East Blaine Infrastructure Plan: page 1-1

⁴ <https://www.ci.blaine.wa.us/DocumentCenter/View/12326/Housing-Element?bidId=>

⁵ Project analysis includes CDS findings and conclusions based on a review of current materials applicable to the project.

3. Per BMC 17.68.060.C and 17.60.120.B a Planned Unit Development and a Preliminary Plat are both Type II-CC decision processes, issued by the Blaine City Council after an open record public hearing and recommendation by the Planning Commission.
4. An open public record hearing is scheduled before the Planning Commission on June 11, 2020.

CONCLUSION: The application is being processed in accordance with the procedural requirements for Type II-CC applications established in Chapter 17.06 of the BMC.

PUBLIC NOTICE AND COMMENT

1. Notice of Application and Hearing (Attachment E.1):
 - a. The applicant published a combined Notice of Application and Public Hearing per BMC 17.16.100 and .110 in the Bellingham Herald; mailed it to property owners within 300 feet of the site and to Whatcom County; and posted it on the subject property on April 1, 2020 (Attachment E.1).
 - b. The applicant published a revised Notice of Public Hearing in the Bellingham Herald on May 21, 2020; mailed it to property owners within 300 feet of the site; and posted it on the subject property (Attachment E.2).
2. Public Comments: As of the writing of this report, the City has received five public comments pursuant to the combined Notice that are attached to this report (Attachment F).
 - a. Correspondence from Douglas W Ranney II, P.E., LEED AP, Engineering Services Manager, Whatcom County Public Works
 - b. Correspondence from Jeffrey Voltz.
 - c. Correspondence from AJ Bredberg.
 - d. Correspondence from Mike Owens.
 - e. Correspondence from Christy Schroeder-Lloyd.

CONCLUSION: The application meets the noticing requirements for Type II applications established in BMC Chapter 17.06.

PRELIMINARY PLAT APPROVAL CRITERIA

BMC 17.60.150 establishes the requirements and criteria for approving a preliminary plat. The applicant has submitted plans and supplemental materials for CDS review as required by the applicable code sections. The proposed preliminary plat meets the decision criteria as set forth in BMC 17.60.150 as discussed in the following sections below:

1. The preliminary plat is generally consistent with the goals and policies of the comprehensive plan (see Comprehensive Plan section below);

2. The preliminary plat is consistent with the applicable zoning (except as modified through the Planned Unit Development), critical areas, Growth Management Act goals and policies, and State Environmental Policy Act regulations (see Comprehensive Plan, Planned Residential District, Density/lot size, Dimensional Regulations, Open space, and Parking Requirements, Environmental / Project Review and Critical Areas Review sections below);
3. The application complies with lot and plat design standards as required under Chapter 17.74 BMC, Subdivision Design Requirements, unless specifically varied through the Planned Unit Development (PUD) (see Density/lot size, Dimensional Regulations, Open space, and Parking Requirements and Subdivision Design Requirements sections below);
4. The subdivision and related dedication will serve the public interest, and not be detrimental to the public health, safety and general welfare (see Comprehensive Plan, PUBLIC WORKS DEVELOPMENT STANDARDS, and FIRE CODE STANDARDS sections below);
5. As conditioned, appropriate provisions are made for, but not limited to, open spaces and drainage ways; roads, streets, alleys and transit stops; 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 (see Subdivision Design Requirements section below);
6. That all applicable requirements of Chapter 58.17 RCW et seq., not included above, have been met (see Subdivision Design Requirements section below).

CONCLUSION: The application, as conditioned, will meet the requirements for a preliminary plat established in BMC 17.60.150, as well as RCW 58.17.

PLANNED UNIT DEVELOPMENT APPROVAL CRITERIA

BMC 17.68.080 establishes the criteria for approving a Planned Unit Development. The applicant has submitted plans and supplemental materials for CDS review as required by the applicable code sections. The Planned Unit Development plat meets the decision criteria as set forth in BMC 17.68.080 as discussed in the following sections below:

1. Design. The design includes dedication of area for a City Park and private open spaces and transition buffer areas, an integrated pedestrian circulation plan providing internal circulation and transportation options to the east-west and north-south, varied lot sizes and housing types to add visual interest and provide increased housing options, recreation facilities and a small commercial center to serve the needs of residents and neighboring properties. As an integrated whole, the project shows more creativity and integrated design than would be seen in a typical single-family residential development created under the subdivision regulations.

2. PUD Requirements. As conditioned, the proposal is consistent with the PUD requirements (see Planned Unit Development Requirements section below).
3. Consistent with Comprehensive Plan. The proposal is generally consistent with the goals and policies of the comprehensive plan (see Comprehensive Plan section below).
4. Public Welfare. With the provision of utilities, public infrastructure and appropriate compliance with the Fire Code, as conditioned, the proposal will not be detrimental to the public health, safety, morals, or general welfare of the public.
5. Compatible with Environs. The project represents a change in the character of the area, which up until now is more rural in setting. The East Blaine Subarea was annexed into the City in 1996, with the intention that the area would provide urban levels of residential development to meet the City's housing goals. The City has recently invested funding to support utility extensions needed in the East Blaine area. As such, this change is supported by the land use and housing goals of the City, planned development of the PR zoning district, and recent City investments in infrastructure improvements. Further, it is mitigated by the buffering, open space provisions, public park dedication, and clustered design proposed by the development. The project provides a buffer around the perimeter and orients the multifamily and commercial development along the primary transportation corridor. Most multifamily development is located away from adjacent, existing single-family development, or appropriately buffered. Architectural standards and design guidelines apply to all construction within the project and will enhance the overall project aesthetics, while also enhancing compatibility with the existing adjacent development and planned development in the PR zoning district.
6. Natural Features. The PUD preserves the wetland and wetland buffers on the site. The site is partially forested, containing stands of mature trees. Perimeter buffers and forested open space will be retained. To retain and protect trees with a high retention value to the maximum extent possible, the applicant should be required to work with a certified arborist or similarly qualified professional to inventory significant trees (evergreen or deciduous, six inches in diameter or greater, measured four feet above existing grade) within the designated natural open space areas and perimeter buffers, assess the health of trees, and provide recommendations for management practices. Limits of clearing should be limited to the buildable area within the respective phase to be developed and any areas determined by the City to be needed for staging, construction or access to the phase. As conditioned, the project can be considered to preserve as many of the natural features as practical.
7. Circulation. As conditioned, the proposal provides streets, sidewalks, pedestrian ways, bicycle paths, off-street parking, and off-street loading as appropriate to the planned land uses (see Sections Planned Unit Development Requirements section below).

8. Open Space and Landscaping. As conditioned, the open space in the project is adequate to provide perimeter buffering, some open view corridors, some wildlife habitat retention, public and private recreation areas and the preservation of on-site wetlands (see Sections Planned Unit Development Requirements section below).
9. Covenants. Draft covenants have been submitted with the application (Attachment B.7). The preliminary Covenants, Conditions and Restrictions shall be revised to describe responsibilities for operation and maintenance of commonly owned elements of the PUD and provide further detail on architectural controls.
10. Public Services. The City has determined that all public infrastructure will be readily available to the project and future homeowners. The applicant is responsible for payment of park, traffic, and fire impact fees at the time of building permit issuance to help pay for new or expanded public facilities that will directly address the increased demand for services created by that development. Additional impact fees for police service have been negotiated through the Development Agreement. Notice has been provided to the School District through the SEPA notice requesting comments. No comments have been received from the School District as of the drafting of this report. CDS recommends this criterion has been met.
11. Phasing. The applicant has proposed development of the site in 13 phases. Per BMC 17.68.200, each phase shall be designed so that it can stand alone so that if subsequent phases are not constructed, the completed portion of the project constitutes a coherent development logically interconnected with surrounding areas. As part of the final Development Guidebook, the applicant shall provide a buildout schedule for stormwater, utility, open space and recreational amenities, street and sidewalk improvements, and rights-of-way and easements that demonstrate how the phase can stand alone.

CONCLUSION: The application, as conditioned, will meet the requirements for a Planned Unit Development in BMC 17.68.080.

COMPREHENSIVE PLAN

The proposal is consistent with the City's long-term plans contained in the Comprehensive Plan to develop East Blaine with urban levels of residential development. The City has developed the East Blaine Infrastructure Plan to guide the development of public streets; water; and electrical infrastructure necessary for development and has secured State and local funding to extend infrastructure in the area. Most recently, the City has completed Phase 1 of sewer and power infrastructure installation for East Blaine.

The East Blaine Subarea is projected to support almost 40% of the City's needed housing stock over the 20-year planning horizon. The proposed development realizes the City's growth plans

in East Blaine and capitalizes on recent funding secured from the State to extend utilities as anticipated in the East Blaine Infrastructure Plan.

CONCLUSION: The application, as conditioned, furthers the Comprehensive Plan Goals and related policies promoting development on the subject property and serves the public interest.

EAST BLAINE INFRASTRUCTURE PLAN

1. Street Improvements. As depicted in Attachment G.1, the East Blaine Infrastructure Plan⁶ identified the following planned street improvements associated with the proposed development:

Street	Right-of-Way Width	Required Improvements
H Street	60 feet	3-lane roadway with a center left turn lane up to N Harvey Road, with two 14-foot lanes with an 11-foot center turn lane, five-foot minimum sidewalk on one side (page 2-5).
Mott’s Hill Parkway (includes E/D Streets)	60 feet plus 10-foot easements on both sides.	Two 12- to 15-foot lanes with 10-foot separated bike/pedestrian path and street side swale/buffers (page 2-9). Realign D Street with a curve to E Street and continue to Jerome Street (page 2-8).
Neighborhood Collectors (Adventure Place and N Harvey Road)	60 feet plus 10-foot easements on both sides.	Two 12- to 15-foot lanes with three- to five-foot bike lanes, sidewalk on at least one side, and street side swale/buffers (page 2-10). North Harvey Road to be realigned to match South Harvey Road (page 2-9). Right turn pockets are required for all collectors that access both H Street and the Parkway, if warranted (page 2-10).
Jerome Street ⁷	N/A	Meandering bike/pedestrian pathway between H Street and the Parkway within this right of way (page 2-11).

In lieu of the on-street bike lane on the neighborhood collector access off H Street (Adventure Place), the applicant has proposed a separated multi-use trail (Sheet 9 of Attachment B.1). Public Works Department has indicated their recommendation of this alternative (Attachment L.1, Streets Section, Item #4).

⁶ The Plan is available at the following link: <https://www.ci.blaine.wa.us/DocumentCenter/View/3220>

⁷ Jerome Street was dedicated as part of the Stanley’s First Addition to Blaine, platted in 1890. The right-of-way is subject to the Non-User Statute provisions contained in RCW 36.87.090 and, as such, the public right-of-way has been extinguished.

The Traffic Impact Analysis for the project (Attachment B.6) determined that the access off of H Street would not warrant a right-hand turn pocket.

The proposal, with the recommended modification to Adventure Place and the following changes, is consistent with these standards:

- a. Improve H Street along the property frontage, including a left-turn pocket into the development, as determined by the Public Works Director (Attachment L.1).
 - b. Dedicate 10-feet of right-of-way along the unopened portion of the Jerome Street property frontage to accommodate future development of a bike/pedestrian trail. In lieu of dedication, the applicant may propose an alternative to meet the community trail connection, to be approved by the Community Development Services and Public Works Directors.
 - c. Dedicate right-of-way along North Harvey Road frontage to provide a minimum of 30-feet available right-of-way on the west side of the road, measured from centerline of road right-of-way.
 - d. Improve North Harvey Road frontage as described in the Public Works review comments (Attachment L.1).
2. Water Service Improvements. The East Blaine Infrastructure Plan established the following criteria for review of planned water system improvements to serve the development:
- a. Looped mains within the developments wherever feasible;
 - b. Construction of the backbone of the water system when located on the developers' property; and
 - c. Construction of connection points to facilitate service through to other parcels (page 3-15).
3. Wastewater Service Improvements. The East Blaine Infrastructure Plan established the following guiding principles for review of planned wastewater system improvements to serve the development:
- a. The use of pump stations shall be avoided where possible.
 - b. Construct the wastewater system to minimize the need for public or privately owned lift stations.
 - c. The proposed utility drawings (Sheet 15 of Attachment B.1 identifies the location of a pump station near Lots 123-125). As noted by the Public Works Department, alternatives to convey sewer without a sewer lift station are required to be evaluated, consistent with the Infrastructure Plan (Attachment L.1, Sewer and Water Section, Item #3).

Further, the Infrastructure Plan established the following planned improvements to provide service to East Maple Ridge (shown on Map 4.3 on page 4-9):

- d. Extension of a 15—inch wastewater main from Route B through Lincoln Park to Mott’s Hill Parkway on the western boundary at Jerome Street (page 4-4); and
 - e. Extension of a 15-inch wastewater main east to the intersection of North Harvey Road and Mott’s Hill Parkway (page 4-4). The city has completed, in two phases, this work from Lincoln Park to N. Harvey. Accordingly, as noted by the Public Works Department, the only off-site portion remaining is to upsize the existing 8-inch main from the manhole at SR543 to the south end of Lincoln Park (Attachment L.1, Sewer and Water Section, Item #1).
4. Stormwater. Under the Plan, stormwater detention and treatment is assumed to be provided on a project-specific basis, with all costs borne by the project developer (page 1-3). Further, all stormwater improvements are required to meet standards as set forth by the edition of the Stormwater Management Manual for Western Washington currently adopted by the City of Blaine, and by the City of Blaine Development Standards (page 6-4). The Development Agreement also addresses stormwater, setting forth the standards and regulations for the development (Attachment B.5).
5. Electrical service. The Plan notes that all new electrical infrastructure provided with new subdivision will be constructed underground (page 1-4).

CONCLUSION: The proposed development, as conditioned, will be consistent with the East Blaine Infrastructure Plan.

ENVIRONMENTAL / PROJECT REVIEW AND CRITICAL AREAS REVIEW

1. Environmental Review (SEPA)
 - a. The City acted as lead agency and analyzed the environmental impact of the proposed use as required by the State Environmental Policy Act (SEPA) Chapter 43.21 RCW.
 - b. A Mitigated Determination of Non-Significance was issued on May 19, 2020 (Attachment H).
 - c. Notice of the SEPA threshold determination was provided to agencies with potential jurisdiction and/or interest, as well as to members of the

public in the vicinity of the project site in the same manner as the Notice of Application (Attachment E.2).

- d. As of the writing of this report, the City has received three comments on the Mitigated Determination of Non-Significance (Attachment I).
 - i. Correspondence from Scott Pratschner, Inspector, Northwest Clean Air Agency
 - ii. Correspondence from Deborah Johnson, Wellhead Protection Specialist, Office of Drinking Water, Environmental Public Health Division, Washington State Department of Health
 - iii. Tamela S. Smart, M.A., Deputy THPO/Compliance Officer, Culture Department, Lummi Nation

2. Critical Areas

- a. Aquifer Recharge Area. The subject property is located within an aquifer recharge area. The Developer's Agreement on file for the subject property (Attachment B.10) notes that the aquifer recharge area would be protected in accordance with the regulations in effect as of the date of the agreement (2005). Ordinance 2554 was in effect at the time, and the provisions are contained in Attachment I. The site is located in Qbg⁸, an area of potential high permeability. In areas of potential high permeability, the regulations required restrictions on the use of the site. The subject property, to be developed with an approved sewer and stormwater system, would be consistent with these provisions. In addition, Attachment J notes the restriction on the use of pesticide and fertilizer applications. As noted by the Public Works Department comments, the Covenants, Conditions and Restrictions for the development shall include language that prohibits the use of commercial pesticides and minimizes the use of fertilizers (Attachment L.1, General Section, Item #16).
- b. Wetlands. The Developer's Agreement on file for the subject property (Attachment B.10) notes that the wetlands located on the subject property shall be required to be protected in accordance with provisions of Title 17 of the Blaine Municipal Code, and the City's critical areas ordinance as they exist as of the date of this Amended Development Agreement (2005). The original wetland delineation was completed in

⁸ Map available at <https://pubs.usgs.gov/imap/0854d/plate-1.pdf>

2004, with the boundaries re-examined in 2019 and 2020 (Attachment B.4).

- i. The site contains two Category III wetlands on the southern portion of the site as part of Phase II.
- ii. BMC 17.82.340.B requires a 75-foot buffer for Type III wetlands with moderate habitat function.
- iii. BMC 17.82.270.H authorizes a reduction in the 75-foot buffer by no more than 25 percent (56.25 feet) provided that the total buffer area is not reduced below the area that would result from use of the standard buffer. A request for buffer averaging requires submittal of a critical areas study and demonstration that the use of buffer averaging will improve the overall protection of the resource.
- iv. The applicant submitted a critical areas report from Northwest Wetlands Consulting, LLC dated August 13, 2019 and May 28, 2020 (Attachment B.4). These documents are the official wetland reports for this project.
- v. The applicant is proposing buffer averaging as shown in Sheet 7 of Attachment B.1.
- vi. The total area of the buffer has not been decreased, in no case is the buffer reduced by more than 25-percent, and the analysis of wetland functions demonstrates that added buffer area is sufficient to adequately protect and/or replace the critical area functions and values of the reduced buffer.
- vii. BMC 17.82.280 establishes long-term protection measures. Prior to issuance of a land disturbance permit, the fence, 10-foot building setback and sign locations shall be shown on the permit drawings. Improvements within the 10-foot building setback are not authorized unless otherwise approved under the provisions of BMC 17.82.280.A.2. Signs shall be posted at a minimum rate of one every 100 lineal feet or one per lot. Prior to recording the final plat for Phase II, the wetland and buffer shall be placed in a Native Growth Protection Area with applicable development limitations stated on the face of the final recorded document.

CONCLUSION: The application, as conditioned, meets SEPA standards established in BMC Chapter 17.80 and Chapter 197-11 WAC and the critical area standards established in BMC Chapter 17.82 and Ordinance 2554, as noted in the Developer’s Agreement.

PLANNED RESIDENTIAL DISTRICT

1. Under the terms of the Development Agreement (Attachment B.8), the subject property is vested in and entitled to the Planned Residential Development rules and regulations adopted under Ordinance 96-2229 (Attachment K). These provisions permit single family detached and attached dwelling units. For attached dwelling units, no more than four units can be attached and the number of dwelling units needs to conform to the density requirements of 4 dwelling units/acre. As detailed below, the applicant is proposing the flexibility to permit more than 4 attached dwellings under the provisions for Planned Unit Developments contained in BMC 17.68.010.
2. The proposal includes a mix of single-family and attached dwelling units. The overall density is consistent with the maximum permitted density of 4 dwelling units/acre. The mix of different housing types is as follows:

Housing Type	Notes
Single-family (see Figure 2 on page 13 of Attachment B.2 for locations)	
Detached	Proposed on 188 lots, with varying lot sizes. The development guidelines depict an alternative design for zero lot line detached residences.
Attached	As an optional development form, the applicant has proposed zero lot line attached homes consistent with the zoning standards in the SF-2 zone (BMC 17.31), provided that alley loaded garages are proposed. Standards for this housing type are described on sheet 20 of Attachment B.2.
Cottage	Proposed on 37 lots, with vehicular access from alleys and shared garages, where possible.
Multi-family (see Figure 2 on page 13 of Attachment B.2 for locations)	
Row-house	Attached units, with parking on the ground floor and building fronts oriented toward open space and park areas. The narrative in Attachment B.2 describes these as having 3-6 attached units in a row.
Stacked Flats	As an optional development form, the applicant has proposed stacked flats with detached shared parking. The units are described as being on one floor, with different units stacked on top of each other, arranged around a central corridor.
Carriage House	As an optional development form, the applicant has proposed

	that up to 2 units in each 12 unit tract could be permitted as carriage units over parking.
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3. Ordinance 96-2229 permits accessory dwelling units, subject to standards, as a conditional use. The applicant is proposing to permit up to one accessory dwelling unit per primary dwelling unit under the flexibility provisions for Planned Unit Developments contained in BMC 17.68.010.
4. Under Ordinance 96-2229, neighborhood grocery stores, drug stores, barber/beauty shops, laundromats or restaurants are conditional uses, subject to standards. Further, public and community facilities are conditional uses. These uses are proposed under the flexibility provisions for Planned Unit Developments contained in BMC 17.68.010.

CONCLUSION: The proposed single family attached and detached units are consistent with the uses allowed under Ordinance 96-229. The accessory dwelling units, multifamily, commercial and public and community facilities are being reviewed under the provisions for Planned Unit Developments.

DENSITY/LOT SIZE, DIMENSIONAL REGULATIONS, OPEN SPACE, AND PARKING REQUIREMENTS

1. Lot size and Density. Ordinance 96-2229 establishes an overall density of four units per gross acre excluding any density bonus allowed by existing ordinance, provided the property is served by public utilities. The proposal is consistent with this overall density. Lot sizes vary throughout the development, as depicted in Attachment B.1 and described in the Development Guidebook in Attachment B.2. The lot sizes are summarized as follows:

Housing Type	Lot Size (sheets 3-4 of Attachment B.1)	Development Standard (sheet 19 of Attachment B.2)
Single-family detached	Approximately 5,500 – 13,150 square feet	No minimum lot size proposed in development standards
Cottage single-family detached	Approximately 3,266 – 6,814 square feet	

Prior to master plan approval under BMC 17.68.090, the guidebook should be revised to provide more detail in the development standard on minimum lot size.

2. Setbacks, Land coverage, and Lot width. Ordinance 96-2229 establishes that setbacks, land coverage and lot width are established through the Planned Unit Development process. The proposed development standards to govern development of the site are contained in the Development Guidebook (Attachment B.2) and are summarized as follows:

Housing Type	Setbacks	Land Coverage	Lot width
Single-family detached	<p>Front: 12' to building, 10' to porch or stoop. If on pedestrian easement or open space: 4' to building or 1' to porch or stoop</p> <p>Side: 5'. If on pedestrian easement or open space: 4'</p> <p>Side on Corner Lot Facing Street: 8'</p> <p>Rear: 4' when adjacent to common open space, otherwise 10'</p> <p>Note: provisions for zero lot line are discussed on page 20 of Attachment B.2.</p>	Not addressed	Not addressed. For single-family residential lots, preliminary plat depicts lot widths of ranging size, generally at 50 feet.
Single-family Attached	Not specifically addressed separately from detached.		
Single-family Cottage	Not specifically addressed separately from detached.		
Multi-family Row-house	Not addressed.		
Multi-family Stacked Flats			
Multi-family Carriage House			
Commercial	Not addressed.	Not addressed.	

Prior to master plan approval under BMC 17.68.090, the guidebook should be revised to provide more detail in the development standards for land coverage and lot width, as well as provide clarity on proposed setbacks for multifamily, attached and cottage units. Additional development standards should be proposed for the commercial uses.

3. Height. Height is limited to 35-feet or 3-stories, except for commercial uses, where height is limited to 25-feet. The applicant is requesting flexibility on the height provisions under the provisions for Planned Unit Developments contained in BMC 17.68.010. Specifically, the applicant has requested approval to develop multi-family units at a height of 45-feet. CDS recommends allowing for greater height if the building is a maximum of 3 stories. This would allow for parking on the ground floor and two

residential floors, as well as pitched roof forms. This is supported by the purpose (17.48.010) and approval criteria (17.48.080).

4. Open Space. Open space is required to be 20 percent, and critical areas are considered part of the open space. The proposal includes 26 percent of the site designated as open space, inclusive of the wetlands on the site.
5. Parking. Parking was proposed to be provided consistent with parking standards, or as modified through the Planned Unit Development. The proposed development standards for parking (Attachment B.2) are summarized as follows:

Land Use	Parking
Residential single-family	1 stall/unit for units 1,500 square feet or less in size. 2 stalls/unit for units over 1,500 square feet in size. Located on-site or in a shared detached garage. Guest parking: 1 stall/unit, inclusive of tandem parking in driveways associated with on-site garages.
Residential multi-family	In accordance with BMC, which requires 2 stalls/unit. Development guidelines for parking identified on page 22 of Attachment B.2.
Commercial	In accordance with BMC, which varies depending on type of use. Development guidelines for parking identified on page 22 of Attachment B.2.

CONCLUSION: The application meets building height for the site, with the exception of multifamily uses, and meets open space provisions as described in Ordinance 96-2229.

SUBDIVISION DESIGN REQUIREMENTS

1. Chapter 17.74 BMC establishes standards for preliminary plats addressing right-of-way widths, additional right-of-way, utility easements, required improvements for municipal utilities, street improvements, street lighting, street trees, pedestrian facilities, block lengths and lot design, storm water maintenance, trail corridors, and parks and open space.
2. Right-of-Ways. Per BMC 17.74.050, the following minimum right-of-way widths apply to the property:

Street	Street Classification (depicted in Attachment G.3)	ROW width
H Street	Major Collector	60 feet
N Harvey Road	N Harvey Road	60 feet

Motts Hill Parkway	Major Collector	60 feet
Adventure Place	Minor Collector	60 feet
Cedar View Road	Other Streets	60 feet
Jerome Street (south of Mott's Hill Parkway) ⁹	Other Streets	60 feet
Internal Streets	Other Streets	60 feet
Alleys	N/A	20 feet

The proposal, with the following additional right-of-way to be dedicated pursuant to BMC 17.74.060, is consistent with these standards:

- a. Dedicate right-of-way along North Harvey Road frontage to provide a minimum of 30-feet available right-of-way on the west side of the road, measured from centerline of road right-of-way.
 - b. Dedicate 60-feet of right-of-way for local streets within the plat, unless otherwise modified by the Public Works Director.
 - c. Dedicate 30-feet of right-of-way from the centerline of Cedar View Road.
3. Utility Easements. Per BMC 17.74.070, a minimum five-foot-wide public utility easement shall be dedicated adjacent to all public rights-of-way, unless otherwise waived by the Public Works Director.
4. Required Improvements. BMC 17.74.080 establishes required improvement for sanitary sewer, water, power, and storm water, street improvements, street lighting, street trees, and pedestrian facilities.

 - a. Utilities. The Public Works Department has indicated that water and power are available and sufficient to provide the necessary infrastructure to the site (Attachment L.1, General Section, Item #1). Public Works has also addressed the capacity of the wastewater system to serve the proposed development (Attachment L.2). Stormwater design and improvements are being reviewed for compliance with the most recent version of the DOE Stormwater Guidelines for Western Washington (Attachment L.1, Geotechnical, Aquifer Recharge and Drainage Report section). Utility extensions and an upgrade to the 8-inch wastewater main from the manhole at SR 543 to the south end of Lincoln Park will be needed to serve the lots within the development. Per BMC 17.74.080.A.1, utilities shall be extended along the entire

⁹ Note: The East Blaine Infrastructure Plan notes that Jerome Street is unlikely to be developed in the future (page 2-2 and 2-11).

frontage and the applicant is required to make required connections as further discussed in Public Works comments in Attachment L.1. All utility extensions, upgrades, and proposed constructed facilities will be further reviewed during civil design review (Attachment L.1, General Section, Item #2).

- b. Streets. The proposal includes construction of internal streets consistent with city standards or as modified by the East Blaine Infrastructure Plan. The portion of Cedar Street abutting proposed lots 66-72 shall be improved with required frontage improvements. Other required improvements for the streets fronting on the PUD are addressed in the East Blaine Infrastructure Plan section above.
- c. Street lighting. Street lighting depicted on Sheet 16 of Attachment B.1 is generally consistent with the requirements to provide lighting at each intersection, with the exception of lighting at intersections involving alleys and the multi-use trail. The lighting plan shall be revised to address required lighting at intersections involving alleys and the multi-use trail.
- d. Street trees. The street sections provided on Sheet 8 of Attachment B.1 are consistent with the requirements for street trees.
- e. Pedestrian facilities.
 - i. The street sections provided on Sheet 8 of Attachment B.1 are consistent with the requirements for on-street sidewalks, as modified by the East Blaine Infrastructure Plan and recommended by the Public Works Department (Attachment L.1). Sheet 9 of Attachment B.1 should be revised to depict on-street sidewalks on the roadway connecting north from Mott's Hill Parkway, between the Parkway and Flagstone Crest.
 - ii. As depicted in Attachment G.2, the 2009 Non-Motorized Plan¹⁰ identifies the following planned improvements in the vicinity of the site: 1) a community trail and on-street bikeway corridor along Mott's Hill Parkway; 2) a neighborhood trail corridor connecting through the site and the subdivision to the north to connect with the Boundary Trail, 3) a neighborhood park at the east end of Mott's Hill Parkway as it extends through to the site, and 4) a community trail south of Jerome Road between E and

¹⁰ The Plan is available at this link: <https://www.ci.blaine.wa.us/DocumentCenter/View/3221>

H Streets. With the exception of the community trail south of Jerome Road, the proposed plan identifies features that will meet these planned improvements (see Sheet 9 of Attachment B.1). Mott's Hill Parkway is designed to accommodate bike and pedestrian connectivity via a shared 10-foot wide bike/ped path, as outlined in the East Blaine Infrastructure Plan. The continuation of the Boundary Trail through the site would be via a combination of on-street sidewalks and a multi-use trail. Dedication of right-of-way should be required for future development of the community trail south of Jerome Street, addressed above.

5. Block Length. The proposal includes block lengths longer than the standard 600 feet established for the East Blaine area. As provided in this section, block length can be modified through the planned unit development process. In this case, the increased block lengths are warranted due to a number of factors, including: limitations on the number of north/south collectors to encourage use of the Parkway instead of H Street for east/west travel (page 2-10 of the East Blaine Infrastructure Plan); lack of connectivity provided by Jerome Street; and lack of frontage along right-of-ways to provide additional connections. The resulting street network does not result in excessive block lengths.
6. Neighborhood Pattern. The proposal is generally consistent with the neighborhood pattern standards established in BMC 17.74.100, with the following exceptions: 1) there are some streets that contain more than 12-single family lots between intersections; and 2) there are two cul-de-sacs that do not have non-motorized access through the end of the cul-de-sac, which is encouraged. The number of lots between intersections is related to the block length discussion above. The cul-de-sacs that do not have access through are either located along adjoining residential development or stormwater facilities and, as such, would not be recommended in those locations.
7. Irregular shaped lots. Lot design is consistent with this standard.
8. Lot orientation. Lot design is generally consistent with this standard. In some limited circumstances, the side yard of a lot abuts an alley.
9. Flag lots. Lot design is generally consistent with this standard, through there are four lots proposed to be served by means of a flag lot.
10. Through lots. Lot design avoids the use of through lots by incorporating open space buffers between lots and adjoining streets.
11. Stormwater management. As noted in the Public Works comments (see Geotechnical, Aquifer Recharge and Drainage Report item #1 in Attachment L.1), a third party review

is being completed of the proposed stormwater management system. Stormwater systems adjacent to open spaces are proposed to be landscaped as park areas (on the top of the pond slope), consistent with standards to design open water systems to appear as a natural feature, unfenced and planted with native vegetation. A landscape plan should be submitted to address native vegetation for the pond. The use of low impact design will be evaluated as part of the review of the proposed stormwater management system.

12. Trail Corridors. Trails depicted on the plans that are located outside of public right-of-way shall be placed in easements. Maintenance of any trail corridor or improvements retained in private ownership shall be the responsibility of the Homeowner's Association. A provision for the maintenance of the recreation space must be provided in the covenants of the development and referenced on the face of the final recorded plat.
13. Parks and Open Space. The proposed development includes a city park proposed to be developed on the east end of Mott's Hill Parkway on the site. This plan is consistent with the park space depicted in the 2009 Non-Motorized Plan¹¹ (Attachment G.2.) and meets the community need for a park identified in the 2004 Parks and Open Space Plan¹² (Attachment G.3). The park also fulfills the objective stated in the Comprehensive Plan to develop a new community park in the vicinity of N Harvey Road (page 8-16).

CONCLUSION: The application, as conditioned, is generally consistent with the lot and plat design standards contained in BMC 17.74. CDS is recommending modifications be permitted to the block length and neighborhood pattern provisions. CDS is also recommending approval of four flag lots.

PLANNED UNIT DEVELOPMENT REQUIREMENTS

1. Chapter 17.68.090-200 BMC establishes standards for Planned Unit Developments. The following analysis addresses provisions applicable to the proposed development.
2. Residential PUD standards. BMC 17.68.160 addresses Residential PUD standards.
 - a. Uses. The proposal is consistent with the permitted uses. The project includes a mix of residential housing types as well as a commercial space (1.67 acres) that is significantly less than 10 percent of the area of the development.

¹¹ Plan is available for review at this link: <https://www.ci.blaine.wa.us/DocumentCenter/View/3221>

¹² Plan is available for review at this link: <https://www.ci.blaine.wa.us/DocumentCenter/View/761/2004-Blaine-Parks-and-Recreation-Plan?bidId=>

- b. Density. The development is consistent with established density standards, proposed to be developed at the base density of 4 units/acre.
 - c. Lot Size. The proposal is generally consistent with this standard, but contains lots that are less than 4,000 square feet in size proposed for some of the cottage style development. This lot size is below the minimum threshold established in BMC 17.68.120. This restriction does not apply to designated zero setback lots. The lots shall either be reconfigured to meet the minimum lot size or amended to be designated as zero setback lots.
 - d. Open Space. The site contains 13.9 acres of open space (15.7% of the site), exclusive of the area dedicated for the wetland and its associated buffer, as well as stormwater detention ponds. Open space is located in spaces designed to serve varied functions, including a City Park, neighborhood parks, pocket parks, common greens, natural open space and buffer areas, as depicted on Sheet 10 of Attachment B.1 and described further on pages 29-30 and 32 of Attachment B.2.
 - e. Recreational amenities. Based on the 353 residential units planned for the site, there is a requirement for 8 major recreational amenities and 17 minor recreational amenities. The applicant shall amend the Development Guidebook (Attachment B.2) to identify the location for amenities meeting the requirements of BMC 17.68.120.E.
 - f. Lot Configuration. Lots vary in configuration, consistent with the varied housing types proposed.
3. Base Density. The proposed development is consistent with the base density of 4 dwelling units/acre established for the Planned Residential zone, consistent with BMC 17.68.125.
4. PUD landscape, buffering and setbacks. The proposal is generally consistent with the minimum setbacks from PUD boundaries, setbacks from rights-of-way and private streets, separation of buildings, and PUD buffer areas reserved for landscaping are defined in BMC Table 17.68.F, with the following exceptions:
- a. The proposal includes zero lot line development, which would not meet the 10-foot separation between buildings;
 - b. The proposal has identified an 8-foot wide setback from on a corner lot facing street, which is consistent with the treatment of corner lots in the SF-1 zone.

- c. As noted above, additional information is needed for setbacks on cottages.

CDS recommends approval of the modifications, as they will provide greater housing options and variety in the development pattern.

CDS recommends specific standards for the PUD buffer area, as described previously in Planned Unit Development Approval Criteria.

Retention of existing vegetation within the buffers is addressed in the Planned Unit Development Approval Criteria above. To supplement this existing vegetation, the applicant shall submit a detailed landscape plan demonstrating how the PUD buffer area will meet the standards in BMC 17.68.160. Consistent with required standards, buffers are shown as separate tracts when not included as common area, as per the preliminary plat drawings contained on Sheets 3 and 4 of Attachment B.1. Maintenance responsibilities for the PUD buffer shall be clearly identified in the Covenants, Conditions and Restrictions.

- 5. Owner’s Association. The applicant has submitted draft Covenants, Conditions and Restrictions that identify the establishment of a homeowner’s association (Attachment B.7), consistent with BMC 17.68.170.
- 6. Restrictive Covenants. As required by BMC 17.68.180, the applicant has submitted draft Covenants, Conditions and Restrictions. The preliminary Covenants, Conditions and Restrictions shall be revised to describe responsibilities for operation and maintenance of commonly owned elements of the PUD and provide further detail on architectural controls.
- 7. PUD street design standards. Street standards contained in BMC 17.68.190 have been addressed in the East Blaine Infrastructure Plan and Subdivision Design Requirements sections above.
- 8. Project Phasing. As required by BMC 17.68.200, the applicant has submitted a proposed phasing plan. Buildout of the plat is proposed to occur by 2025. Per BMC 17.68.200, each phase shall be designed so that it can stand alone so that if subsequent phases are not constructed, the completed portion of the project constitutes a coherent development logically interconnected with surrounding areas. Further, as per BMC 17.68.200, certain project elements, such as open space and recreational amenities, must be provided for each phase of development in rough proportion to the size of the particular phase within the whole project. The phasing plan has identified which phase each open space area is proposed to be developed, with the exception of the Public Park (Attachment B.2), summarized as follows:

Open Space	Phase	Units
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Natural Open Space, Buffer Area	1	24
Common Green, Natural Open Space, Buffer Area, Pocket Park	2	22
Neighborhood Park, Natural Open Space	3	48
Buffer Area	4	19
Buffer Area	5	48
	6	23
Pocket Park	7	22
Buffer Area	8	27
Neighborhood Park, Buffer Area	9	45
Buffer Area	10	32
Natural Open Space, Buffer Area	11	29
Natural Open Space	12	14

The development of the open space areas appears appropriate to the units to be developed at different phases. The applicant shall ensure that open space areas are fully developed and available for public use at the time of final plat approval for each respective phase, unless the improvement is deferred per the provisions contained in BMC 17.60.260. The City Park Areas shall be dedicated to the City at the time of recording Phase I.

As part of the final Development Guidebook, the applicant shall provide a buildout schedule for stormwater, utility, open space and recreational amenities, street and sidewalk improvements, and rights-of-way and easements that demonstrate how the phase can stand alone.

9. Master Plan. A draft Development Guidebook (also known as a Master Plan) has been submitted with the application (Attachment B.2). The applicant shall revise the Guidebook based on the final action by the City Council and resubmit the Guidebook for approval consistent with the provisions contained in BMC 17.68.090.

CONCLUSION: The application, as conditioned, is generally consistent with the applicable Planned Unit Development Requirements contained in BMC 17.68. CDS is recommending approval of PUD setbacks to accommodate the planned housing types and to address corner lot development.

TRANSPORTATION CONCURRENCY

1. Chapter 17.05 requires all projects or development activities generating more than 50 trips per peak hour to be reviewed for transportation concurrency. The applicant has

submitted a traffic impact analysis prepared by a licensed professional engineer that substantially addresses the requirements of Chapter 17.05.

2. The analysis includes an evaluation of intersection level of service and collector and arterial roadway level of service. With the following additional evaluation, the analysis satisfies the level of service requirements established in BMC 17.05.030:
 - a. The traffic impact analysis should be revised to include additional evaluation of the East Blaine "Motts Hill" Parkway (D/E St) Realignment - 16th to Jerome for conformance to design standards and safety criteria pursuant to the guidelines and manuals contained in BMC 17.05.030.C.1-4 to determine if any additional mitigation is required.
3. With the exception of the additional requested analysis, the report demonstrates that the project would not cause intersections to degrade below a LOS "D" and the volume-to-capacity of roadway segments between intersections would continue to operate at an acceptable level of service.
4. The analysis contains mitigation measures and recommendations and conclusions that should be incorporated into the proposal. Additionally, the Public Works Department has noted the need for installation of all facilities for an all-way stop and illumination at the E/Allan Street intersection (Attachment L.1).

CONCLUSION: The application, as conditioned, is consistent with the Transportation Concurrency provisions contained in BMC 17.05.

IMPACT FEES

1. Chapter 3.80 establishes mitigation requirements for impacts to the city's park and streets from development. This requirement shall be noted on the final plat document. At the time of building permit issuance, the applicant shall pay the currently adopted park and traffic impact fees.
2. Chapter 3.80 establishes mitigation requirements for fire district capital facilities. This requirement shall be noted on the final plat document. At the time of building permit issuance, the applicant shall pay the currently adopted fire impact fees.
3. Under the terms of the Development Agreement (Attachment B.8), the applicant is responsible for a one time police services impact fee, which shall be collected at the time of building permit issuance. This fee is intended to provide a 2-year funding for police services, the time expected the unit to come on line as a taxable dwelling.

CONCLUSION: The application, as conditioned, is consistent with the mitigation requirements contained in Chapter 3.80.

B. PUBLIC WORKS DEVELOPMENT STANDARDS

4. Comments and requirements addressing compliance with the Public Works Standards are found in Attachment L.1. Prior to approval of the civil plan drawings, the applicant shall demonstrate compliance with these standards.

CONCLUSION: The applicant should follow the requirements set forth in Attachment L.1.

C. FIRE CODE STANDARDS

1. Additional comments and requirements placed on the project are found in the comments addressing the Fire Code, Attachment M. These comments address fire access, fire flow and adequate fire protection infrastructure, and fire hydrants. Prior to construction of infrastructure or building improvements, the applicant shall demonstrate Fire Code compliance.

CONCLUSION: The applicant should follow the requirements set forth in Attachment M.

VII. SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

VIII. CHALLENGES, APPEALS AND JUDICIAL REVIEW

Type II final decisions made by the city council shall be final and conclusive unless a timely judicial appeal is filed with the superior court of Whatcom County pursuant to BMC 17.06.190. Appeals from the final decision of the city council on a land use decision shall be made to Whatcom County superior court within 10 days of the date the decision or action became final by filing both a petition for review in the Whatcom County superior court and serving the petition on all necessary parties in conformity with the requirements of the State Land Use Petition Act, Chapter 36.70C RCW.

IX. LAPSE OF APPROVAL

Planned Unit Development: Under BMC Section 17.68.210, the PUD approval shall be valid for five years from the day it is approved by the city council or the term of validity of the associated plat or general binding site plan approval, whichever is greater, unless an extended time limit is established in an approved phasing plan at the time of initial PUD approval. Construction on any phases of a PUD must have commenced prior to the expiration of the PUD approval. Once construction of a PUD has been initiated, the PUD master plan, and any approved PUD site plan, become binding on the

property included in the PUD in perpetuity, unless a PUD amendment is processed and approved by the city.

Preliminary Plat: Under 17.60.170 Approval of any preliminary plat shall expire and the preliminary plat shall be considered invalid five years from the date of such preliminary plat approval unless an extension of the approval period is granted by the approving authority pursuant to this section. Upon expiration of preliminary plat approval or any extension granted pursuant to this section, all construction work on the plat shall cease except any work required by the city for the purpose of public safety and/or protection of the environment.

X. ATTACHMENTS

- A. Vicinity Map
- B. Application materials
 - 1. [Project Plans](#)
 - 2. [Development Guidebook](#)
 - 3. [SEPA Environmental Checklist](#)
 - 4. [Wetland Delineation Report](#)
 - 5. [Preliminary Stormwater Report](#)
 - 6. [Traffic Analysis](#)
 - 7. [Geotechnical Report](#)
 - 8. [Aquifer Recharge Soils Report](#)
 - 9. [Preliminary Covenants, Conditions, and Restrictions](#)
 - 10. [Development Agreement](#)
- C. Community conference materials
- D. Determination of complete application
- E. Notice of Application and Public Hearing
 - 1. April 1 Notice
 - 2. May 4 Notice
- F. Public Comments
 - 1. Correspondence from Douglas W Ranney II, P.E., LEED AP, Engineering Services Manager, Whatcom County Public Works
 - 2. Correspondence from Jeffrey Voltz
 - 3. Correspondence from AJ Bredberg
 - 4. Correspondence from Mike Owens
 - 5. Correspondence from Christy Schroeder-Lloyd

- G. City of Blaine Plans
 - 1. Figure 2.2: East Blaine Infrastructure Plan Proposed Road Section Standards
 - 2. Non-Motorized Transportation Plan – Figure Central Blaine 2
 - 3. Comprehensive Plan – Street Classification
- H. SEPA Mitigated Determination of Non-Significance
- I. SEPA Comments
 - 1. Correspondence from Scott Pratschner, Inspector, Northwest Clean Air Agency
 - 2. Correspondence from Deborah Johnson, Wellhead Protection Specialist, Office of Drinking Water, Environmental Public Health Division, Washington State Department of Health
 - 3. Correspondence from Tamela S. Smart, M.A., Deputy THPO/Compliance Officer, Culture Department, Lummi Nation
- J. Ordinance 2554
- K. Ordinance 96-2229
- L. Public Works Development Comments
 - 1. Memo from Ravyn Whitewolf, Public Works, dated May 21, 2020
 - 2. Email from Bob Hammond, Public Works, dated June 2, 2020
- M. Fire Code Comments

Distributed to the Following Parties:

- Nathan Rowe, PE, APC Engineers
- Douglas W Ranney II, P.E., LEED AP, Engineering Services Manager, Whatcom County Public Works
- Jeffrey Voltz
- AJ Bredberg
- Mike Owens
- Scott Pratschner, Inspector, Northwest Clean Air Agency
- Deborah Johnson, Wellhead Protection Specialist, Office of Drinking Water, Environmental Public Health Division, Washington State Department of Health
- Tamela S. Smart, M.A., Deputy THPO/Compliance Officer, Culture Department, Lummi Nation
- Ali Taysi Principal, AVT CONSULTING
- Debbie Turk, Blossom Management
- Public Works Department

