

SHORELINE COMMITTEE AGENDA ITEM COVER SHEET

Meeting Date	Staff Contact	
7/15/2008	STEVEN SUNDIN; 778-8359	
Subject:		
<p>SQUALICUM CREEK MEDICAL ARTS CENTER: Development of a 3-story medical office building with under-building parking and perimeter trail on a 6.65 acre site within the FEMA 100-year floodplain. Total development footprint is approximately 55,000 square feet or, approximately 20% of the overall site.</p>		
Attachments:		
1. EXHIBIT A Site Plans		
2. EXHIBIT B Vicinity Map		
3. EXHIBIT C Aerial Photograph		
4. EXHIBIT D Floodplain Schematic		
5. EXHIBIT E Bioswale, Rain Garden, Flow Spreader Landscapin Plan		
6. EXHIBIT F Bulkhead, Rain Garden, Bioswale Schematic		
7. EXHIBIT G Public Comments		
Meeting Type	Category	
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Legislative	
<input checked="" type="checkbox"/> Public Meeting	<input checked="" type="checkbox"/> Quasi-judicial	
<input type="checkbox"/> Work Session	<input type="checkbox"/> Information Only	
<input type="checkbox"/> Briefing		
Clearances	Initials	Date
Tim Stewart, Director	TS	7-7-08
Steven Sundin, Planning	SS	7-7-08
Previous Commission Meeting or Action:		
None.		
Recommended Action:		
Approve with conditions as specified in Section IX. of the STAFF REPORT.		

1 **SHORELINE COMMITTEE STAFF REPORT**

2
3 **Agenda Item #2: Squalicum Medical Arts Center**

4
5 **For: July 15th, 2008**

6
7 **Staff Contact: Steve Sundin, Planner**

8
9 **I. SUMMARY OF PROPOSAL:**

10
11 Development of a 3-story medical office building with under-building parking on a 6.65 acre site
12 within the FEMA floodplain that includes the following elements:

- 13 ⇒ Demolition of an existing house, several large outbuildings and areas of pavement.
- 14 ⇒ Movement of approximately 5,000 cubic yards of material off of and onto site to raise the
15 elevation of the development footprint two feet from the existing grade.
- 16 ⇒ New sidewalks abutting the project along Squalicum Parkway.
- 17 ⇒ Two new vehicular access points onto Squalicum Parkway.
- 18 ⇒ Fill of one 915 square foot category III wetland. All other existing wetlands on site are
19 preserved.
- 20 ⇒ Installation of approximately 50 'rock-pilings' for parking / building support.
- 21 ⇒ Construction of the 3-story medical office building.
- 22 ⇒ Approximately 150 parking spaces will be located on top of two-feet of fill; a portion of
23 these will be located under-building and the remainder will be surface parking. The
24 surface parking will utilize pervious concrete.
- 25 ⇒ Approximately 65 surface parking spaces will be located on a parking deck above the
26 parking below.
- 27 ⇒ Construction of stormwater management facilities including six bio-retention rain-
28 gardens, a stormwater wetland / pond, conveyance pipes, pervious parking with under-
29 parking stormwater infiltration & detention, a vegetated conveyance and discharge bio-
30 swale, vegetated green roof, amended soils in landscaping areas with full infiltration,
- 31 ⇒ Construction of a new 2-foot high retaining wall around the perimeter of the fill.
- 32 ⇒ Construction of an 8-foot wide limestone trail at existing grade between the fill / retaining
33 wall and the required setback area.
- 34 ⇒ Buffer restoration with native trees, shrubs and groundcover.
- 35 ⇒ Total development footprint is approximately 55,000 square feet or,
36 approximately 20% of the overall site. Please see EXHIBIT A

37
38 **II. LOCATION:**

39
40 Generally located at the southwestern corner of Birchwood Avenue and Squalicum Pkwy.
41 Parcel # 380318 226044. Cornwall Park Neighborhood, Area 4. Planned Residential,
42 Institutional zoning. Conservancy I Shoreline Designation. Please see EXHIBIT B.

43
44 **III. ATTACHMENTS:**

- 45
- 46 EXHIBIT A VICINITY MAP
- 47 EXHIBIT B SITE PLANS
- 48 EXHIBIT C AERIAL PHOTOGRAPH
- 49 EXHIBIT D FLOODPLAIN SCHEMATIC
- 50 EXHIBIT E BIOSWALE, RAIN GARDEN, FLOW SPREADER LANDSCAPING PLAN
- 51 EXHIBIT F BULKHEAD, RAIN GARDEN, BIOSWALE SCHEMATIC
- 52 EXHIBIT G PUBLIC COMMENTS

1 **IV. SHORELINE COMMITTEE RESPONSIBILITY:**

2
3 The Shoreline Committee must review the application for its consistency with the SMP and
4 forward a recommendation to the Planning Director.

5
6 **V. RECOMMENDATION: APPROVAL with conditions.**

7
8 **VI. BACKGROUND / FINDINGS**

- 9
10 1. An application for a Planned Development Permit and Shoreline Permit were
11 submitted on December 30, 2004.
12 2. Notice of Complete Application and Notice of Application and Optional DNS was
13 issued on February 8, 2005.
14 3. BMC 21.10.260: Vesting states that "an application for a land use permit or other project
15 permit shall be considered under the development regulations in effect on the date of
16 filing of that complete application as defined in BMC 21.10.120A. This section does not
17 establish vesting rules for impact fees."
18 4. The original proposal consisted of 25,600 square foot medical office building on a
19 3.95-acre site with future development of a second medical office building on an
20 adjacent 6.65 acre site.
21 5. The subject property is located in Area 4 of the Cornwall Park Neighborhood.
22 6. The zoning is Planned, Residential-Multi/Institutional which allows both
23 residential and medical uses.
24 7. The original site plan indicated development on property owned by the City of
25 Bellingham and privately owned property.
26 8. Letter dated December 4, 2004 to Tim Wahl of the Parks Department from David
27 Christensen details the breakdown of land area involved in the proposed land trade with
28 the City for the adjacent private property.
29 9. The land trade was to allow for maximum recreational possibilities on both properties
30 while providing developable upland pockets for medical offices.
31 10. Negotiations for land trade between the City Parks Department and the private property
32 owner ended with no land being traded.
33 11. The applicant has since submitted a revised site plan for only the privately held property
34 for construction of a medical office.
35 12. **The revised site plan - as established in EXHIBIT B – has the same development**
36 **footprint as the original application and is the proposal that is for consideration**
37 **by the Shoreline Committee for this Shoreline Permit.**
38 13. The proposal is entirely within the FEMA 100-year floodplain and is also regulated by
39 BMC 17.76; Construction in Floodplains.
40 14. The proposal must comply with the February 2005 Washington State Department of
41 Ecology Stormwater Management Manual for Western Washington. These standards
42 are adopted by reference into the City's Stormwater Ordinance. (BMC 15.42)
43 15. Compliance with the standards in BMC 17.76 and BMC 15.42 are demonstrated as part
44 of the building permit application.
45 16. The revised site plan –The standards within the Critical Area Ordinance (BMC 16.55) do
46 not apply to this proposal because the application was deemed complete prior to the
47 adoption of the CAO which occurred in November, 2005.

- 1 17. Compliance with the Shoreline Master Program must be demonstrated in order to
- 2 receive a shoreline permit.
- 3 18. Verification of compliance with the shoreline permit including satisfying conditions is
- 4 conducted as part of the building permit review.
- 5 19. On June 18th, 2008 the City issued a SEPA Mitigated Determination of Non-Significance.

6
7 **VII. SHORELINE MASTER PROGRAM COMPLIANCE:**

8
9 **1989 SMP: Section 19: CONSERVANCY ENVIRONMENT I**

10
11 A. **DEFINITION:** Areas where physical limitations would make intense development

12 detrimental to the function of the water body or the aesthetic quality of the shoreline.

13
14 B. **PURPOSE AND INTENT:** The purpose of the Conservancy Environment I is to

15 protect those areas, which are intolerant of intense modification due to flooding and/or sliding

16 and erosion or environmental problems. Structural modifications on the shoreline proper in a

17 Conservancy Environment I which are not sensitive to these problems would significantly

18 interfere with shoreline process causing detriment to other areas. Regulated use of the

19 shoreline is allowed which recognizes the physical limitations and environmental sensitivity of

20 the shoreline area.

21
22 C. **REGULATIONS:** No clearing within 50 feet of the ordinary high water mark shall

23 occur unless provided for in Section 26 of this ordinance. No fills, hard surfacing, permanent

24 structures, or storage shall be located within 100 feet of the ordinary high water mark or clearing

25 within 50 feet of the ordinary high water mark, unless permitted by Section 26 of this ordinance

26 or the following:

- 27
28 1. Development may be permitted within 100 feet of the ordinary high water
- 29 mark under the following regulations:
- 30
31 a. Such development may not be undertaken on a slope of greater
- 32 than 15% and;
- 33
34 b. Such development must be located above the level of the 100-
- 35 year flood.
- 36

37 **STAFF RESPONSE:** The proposal is consistent with the purpose and intent and the

38 Conservancy I shoreline designation. The ecological functions of Squalicum Creek, on-

39 site wetlands and the floodplain are preserved as part of this proposal.

40
41 **This area is designated as CONSERVANCY I because it can be subject to periodic**

42 **flooding. (Please see EXHIBIT D for floodplain schematic.) The proposal recognizes the**

43 **physical limitations of the site. The applicant has addressed these limitations by**

44 **conducting an update to data used specifically for flood and water-surface elevation**

45 **(WSEL) modeling. The analysis of this modeling has demonstrated that there is no**

46 **difference between the before and after elevation of flood waters at the downstream**

47 **property line as a result of the proposal.**

48

1 The proposal is consistent with other similar proposals in the immediate vicinity of the
2 project site and the manner in which the regulations in the SMP have been applied.

3
4 The entire site is located within the elevation of the 100-year floodplain. (EXHIBIT B) The
5 development footprint is elevated on two-feet of fill. The elements of the proposal that
6 include fill and bulkheads are allowed within the 100-foot setback area and are further
7 subject to the regulations in Section 27 for LANDFILL and BULKHEADS.
8

9 The development (parking and building) is proposed to be elevated above the level of the
10 100-year flood by approximately 1-foot. A portion of the development (surface parking) is
11 on top of fill that is not closer to the OHWM than 50-feet. The remaining portions of the
12 development (building and parking deck) will be supported by pilings and hence will be
13 elevated above the floodplain. Please see EXHIBIT A.
14

15 **NOTE: BMC 17.76: Construction in Floodplains:** The Public Works Department has
16 conducted an extensive preliminary review of this proposal including; impacts to the
17 water-surface elevation (WSEL), data collection, methodology, modeling and analysis as
18 well as the proposed stormwater management facilities.
19

20 While the applicant has not yet submitted a building permit, the Public Works
21 Department has approved in concept the proposed development in terms of its
22 construction in the floodplain and its compliance with both BMC 17.76 (Floodplains) and
23 BMC 15.42. (Stormwater Management)
24

25 **Section 26: GENERAL REGULATIONS:**
26

27 A. The following activities are allowed within the setbacks required in Section 18
28 through 25 of this ordinance or in any water body, EXCEPT in a Natural Environment.
29

- 30 1. Road, railroad, and utility construction necessary to span the shorelines
31 to facilitate the circulation or utility network of the City.
32

33 **STAFF RESPONSE:** The addition of sidewalks along Squalicum Parkway and the
34 installation of stormwater conveyance bio-swales are allowed within the required 100-
35 foot setbacks and are permitted subject to the specific use regulations in Section 27,
36 below.
37

- 38 2. Development necessary to facilitate public access subject to the
39 following:
40
41 a. Structures necessary to facilitate public access shall be designed
42 so as not to impair the function of the water body.
43
44 b. Public access development within a required setback shall be
45 limited to pedestrian or bicycle access.
46
47 c. Public access development shall consider and protect adjacent
48 private properties.

1
2 **STAFF RESPONSE: The proposed public access around the perimeter of the**
3 **development is not anticipated to impair shoreline ecological function of Squalicum**
4 **Creek or the south fork. The proposed formal trail is located at existing grade and is**
5 **limited to pedestrian and bicycle access which helps to minimize potential impacts to**
6 **adjacent buffer areas.**
7

- 8 3. Bulkheads necessary to protect property from erosion; must conform to
9 regulations pertaining to bulkheads contained herein.

10
11 **STAFF RESPONSE: Bulkheads are proposed along most of the perimeter of the fill area**
12 **they are not proposed within the required 50-foot setback. Please see Section 27; Section**
13 **E; BULKHEADS.**

- 14 4. Landscaping:
- 15 a. Contour alterations resulting from site preparation shall not be
16 substantially different from existing contours.
- 17 b. Landscaping materials shall be used which will prevent soil
18 erosion.
- 19 c. Existing natural vegetation shall be used when feasible.
- 20 d. Land, which is cleared of natural vegetation, shall be replanted as
21 soon as possible. The landscaping plantings shall emphasize the
22 plant species on the State of Washington Department of Wildlife
23 and Department of Fisheries list of recommended plants.

24
25
26
27
28
29
30 **STAFF RESPONSE: There is minimal native vegetation within the proposed development**
31 **footprint – it is mostly grass / pasture type vegetation. Existing native vegetation that is**
32 **within required setback areas shall remain intact.**
33

- 34 5. Minor channel improvements necessary to maintain the carrying capacity
35 of the waterway. Alteration of channel route is prohibited except in
36 connection with road or railroad construction necessary to span the
37 shoreline.
- 38 a. Dredging and bulk-heading activities shall conform to pertinent
39 regulations contained herein.
- 40 b. Removal of incompatible debris and/or structures is permitted.
- 41 c. When brush and bramble vegetation is removed it shall be
42 replaced by grasses, shrubbery, and/or trees.
- 43
44
45
46

- 1 d. Dead trees or trees which are presently in danger of falling due to
2 erosion may be removed provided such trees are cut at or near
3 ground level and the roots are allowed to remain.
4
- 5 6. Materials may be placed within the water body for the purpose of
6 enhancing fish production or migration. Such activity must be approved
7 by the State Departments of Fisheries or Wildlife. **NA**
8
- 9 7. Over-water construction including: Piers docks, floats, breakwaters, jetties
10 and groins are permitted within Urban I, Urban Maritime and Urban Multi-
11 Use Environments and those areas of Conservancy I designation located
12 from the north section line of Section 14 Township 37 north, Range 2 east
13 northerly to the south right-of-way line of Willow Road and from the
14 extended north line of Lot 7, Block 3, Division No. 2 northerly to the
15 southerly line of Cowgill Avenue extended westerly subject to pertinent
16 provisions contained herein. **NA**
17

18 **STAFF RESPONSE: Channel dredging, alteration and/or stabilization are not proposed as**
19 **part of this proposal. There is no construction proposed within the Squalicum Creek or**
20 **its south fork. (Historic channel) There are some existing structures within setback areas**
21 **and/or within the floodplain that are proposed for removal including some areas of**
22 **existing pavement.**
23

24 G. PUBLIC ACCESS: Public access shall be encouraged wherever possible. The
25 Bellingham Open Space Plan shall be used as a guideline for where access is most desirable.
26

- 27 1. No development shall block or interfere with the normal public use of or
28 public access to publicly owned shorelines and water bodies.
29
- 30 2. All developments shall be designed to protect and enhance views and
31 visual access to the water and shorelines.
32
- 33 3. All developments, including recreational, multi-family residential,
34 commercial or industrial, located along public shorelines or unique
35 shoreline areas shall be required to provide view corridors, public access-
36 ways, trail easements or other amenities upon a determination by the City
37 that the action would enhance public enjoyment of the shoreline, not
38 unduly conflict with the proposed use, adjacent uses or public safety nor
39 adversely impact the shoreline environment and is consistent with the
40 City of Bellingham Open Space Plan.
41
- 42 4. Any required public access easement shall be of a size and design
43 appropriate to the site, size, and general nature of the proposed
44 development. Such easements shall be recorded on a property deed or
45 face of a plat as a condition running in perpetuity with the land.
46

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

5. Signs which indicate the public's right of access shall be installed as required by the Director of Planning and Economic Development Department.
6. Public use on private property which is a condition of a shoreline permit may be limited to daylight hours or otherwise restricted to prevent use conflicts.
7. Where possible, public access sites shall have direct and easy access from the street.
8. Public access may be considered unfeasible and not be required where;
 - a. Unavoidable hazards to the public in gaining access exist.
 - b. Inherent security requirements of the use cannot be satisfied.
 - c. Unavoidable interference with the use would occur.
 - d. The cost of providing the access is unreasonably disproportionate to the total cost of the proposed development.
 - e. Where damage to the natural ecology of the area would result and could not be mitigated.
 - f. In the above, the applicant shall first demonstrate and the City shall determine that all reasonable alternatives have been exhausted, including but not limited to 1) maintaining a gate and limiting hours of use, or modifying operations and scheduling 2) designed separation of uses and activities, i.e. fences, terracing, use of one-way glazings, hedges, landscaping, etc. 3) provision of or contribution to an access at a site geographically separated from the proposal.
9. Public access to the shoreline shall be required on all public property, except as indicated above or as follows:
 - a. In harbor areas completely occupied by water-dependent uses.
 - b. In street ends or waterways occupied by water-dependent uses under permit or lease.
10. On property where public access is infeasible, the applicant may be permitted to provide off-site public access in the form of view platform, interpretive display or other public access enhancement consistent with the Open Space Plan in lieu of on-site access.

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
11. Required public access sites shall be fully developed and available for public use at the time of occupancy of the development unless the required public access site is on an undeveloped segment of a trail route designated in the Bellingham Open Space Plan. In this case, the required public access shall be fully developed and available for use when the trail segment is developed.
 12. Where public access is not required on-site due to one of the factors cited in 8 or 9 above, a payment in lieu may be required prior to permit approval to provide a similar or equivalent amenity.
 13. "Required public access" shall include not less than a pedestrian bicycle pathway of suitable surfacing and standards to meet the intended purpose, adequate signage to inform the public of the public access, design features and landscaping to make the facility in harmony with the shoreline setting, and where appropriate, facilities which are designed to meet the anticipated use including use by disabled persons.

Where required public access is located on a trail route indicated in the City of Bellingham Open Space Plan, the access-way shall connect to adjoining trail sections including access points and vistas, either existing or planned. If the required access does not connect to a continuous public trail, the required access shall connect to a public right-of-way.
 14. Future actions by the applicant shall not diminish the usefulness or value of the public access site.

28 **STAFF RESPONSE: The subject property is surrounded by multiple owners including the**
29 **City. (Please see EXHIBIT B) The "Bay to Baker" trail is specified as a future trail network**
30 **in the update of the City's Parks, Recreation and Open Space Plan (2007). Although**
31 **specific connections and linkage locations have not been identified for this area, the**
32 **property is strategically located between Cornwall Park and Bug Lake. There is no**
33 **existing public access on the subject site except for informal access along the road**
34 **edges of Squalicum Parkway and Birchwood Avenue.**

35
36 **The proposal includes an 8-foot wide limestone trail around the perimeter of the**
37 **development and is accessible at two locations on Squalicum Parkway. The purpose of**
38 **this perimeter trail is primarily for visual access to the floodplain and buffer area between**
39 **the building and the creek itself including areas adjacent to the south fork.**

40
41 **The trail is adjacent to five different rain-gardens and the stormwater wetland / pond**
42 **which are all required to be landscaped with native vegetation. This vegetation will**
43 **augment the trail and its location between the building and the creek. (Trails are**
44 **permitted within required setbacks subject to the requirements above.)**

45
46 H. Drain pipes from adjacent properties and other drainage structures shall not
47 extend into a required setback. Surface storm water run-off shall be collected in grass lined

1 swales except where land topography makes this infeasible, where erosion would occur or
2 where the City determines that another means of site drainage is preferable.

3
4 **STAFF RESPONSE: The proposal includes a vegetated bio-swale that will convey**
5 **stormwater to Squalicum Creek. The bio-swale also includes a flow-spreader at its**
6 **terminus that will disperse the discharge in order to prevent scouring and erosion at that**
7 **discharge point. Please see EXHIBIT E.**

8
9 **Section 27: USE ACTIVITY REGULATIONS:**

10
11 The following regulations shall apply respectively to all developments established consistent
12 with Sections 17 through 25 of this ordinance.

13
14 Definitions, Section 4: Bulkhead – Structures or rip-rapping erected parallel to or near the high
15 water mark for the purpose of protecting adjacent uplands from the action of waves or currents.

16
17 E. BULKHEADS: The following regulations apply to the construction of
18 bulkheads and seawalls and the placement of rip-rap.

- 19
20 1. Prior to the granting of a permit, the effect of the bulkhead on downstream
21 or adjacent properties shall be determined by the Department of Planning
22 and Economic Development and the disposition of the permit shall reflect
23 such determination. The applicant for a permit to construct a bulkhead
24 shall supply information as to the configuration of the shoreline and
25 consistency of bank materials for properties within 300 feet in both
26 directions from the proposed bulkhead.
27
28 2. Construction of bulkheads for the indirect purpose of creating land by
29 filling behind the bulkhead shall be prohibited unless such landfill is
30 permitted by the Master Program.
31
32 3. Bulkheads shall be prohibited which adversely affect public access to
33 publicly owned shorelines.
34
35 4. The surface of any bulkhead shall be kept free of protruding wires,
36 cables, metal straps, etc. Broken concrete or asphalt, or scrap metal
37 materials shall not be used on the surface of any bulkhead.
38
39 5. The placement of rip-rap and other bank protection materials shall be
40 done in conformance with Department of Fisheries and Department of
41 Wildlife regulations.
42
43 6. The top of any bulkhead or rip-rap installation shall be no higher than the
44 adjacent upland shoreline. Bulkhead materials shall not be placed
45 landward so as to prevent the reestablishment of shoreline vegetation.
46
47 7. Bulkheading for the sole purpose of channelization or channel
48 stabilization is prohibited.

1
2 **STAFF RESPONSE:** The intent of these regulations is to protect the function of adjacent
3 water-bodies from the potential impacts of bulkheads. The proposed bulkhead (hybrid of
4 rip-rap and retaining wall) is located landward of the 50-foot setback line. Construction of
5 a bulkhead outside of the required setback area is not considered 'near' the high water
6 mark. There is no definition of 'near' in the Shoreline Master Program. However, the
7 intent is to establish performance standards that ensure that bulkheads do not impact
8 shoreline ecological function or negatively impact downstream properties.
9

10 The applicant conducted a thorough analysis on potential impacts of the fill and
11 associated bulk-heading to downstream and adjacent properties in an April 2008 report
12 that was submitted to the City's Public Works Department. The report demonstrated that
13 there would be no net increase to the WSEL at the downstream property line and
14 therefore, would not have a detrimental impact to downstream properties. This also
15 demonstrates that shoreline ecological function in this location and downstream would
16 not be adversely impacted. Please see EXHIBIT D.
17

18 The proposed two-foot high bulkhead does not adversely affect public access to publicly
19 owned shorelines. The property is privately owned. The exterior portion of the bulkhead
20 will not be dangerous or unsafe especially since a trail is located immediately adjacent.
21 Fisheries does not have jurisdiction over bulkheads or rip-rap that are above the
22 elevation of the OHWM. The Bulkheading is not for the sole purpose of channel
23 stabilization as the main stem of Squalicum Creek is 50-feet away.
24

25 Please also see response in subsection J. LANDFILL.
26

27 F. COMMERCIAL DEVELOPMENT: The following regulations shall apply to
28 wholesale and/or retail trade establishments, offices, manufacturing and warehousing
29 facilities, public or quasi public uses, private clubs and lodges and similar uses, unless
30 such use is located in an Urban Maritime environment.
31

- 32 1. The area between any commercial development and the adjacent water
33 body shall be established and maintained in a sightly condition. This
34 requirement includes the elimination of debris and brambles, and may
35 require the installation of suitable landscaping. This requirement shall be
36 the continuing obligation of the property owner.
37
- 38 2. When a commercial development on the shorelines is designed such that
39 freight loading facilities, solid waste pick up stations or incinerators or
40 material storage exist between the development and the water body,
41 screening and/or landscaping shall be installed to screen such facilities
42 from the water body. Such screening should be located as near to the
43 facility as feasible and in no case shall it be located within the required
44 shoreline setback. Such screening requires the approval of the Planning
45 and Economic Development Department.
46
- 47 3. No hazardous waste materials shall be stored on its shorelines of the
48 City.

- 1
2 4. Oil separation devices shall be used for the disposal of storm water from
3 parking lots. Said devices shall be regularly maintained.
4

5 **STAFF RESPONSE: The subject property is not proximate to navigable water and as**
6 **proposed (and conditioned) is not anticipated to interfere with the existing shoreline**
7 **ecological function. Public access will be available around the perimeter of the**
8 **development but will otherwise be prohibited from having access to buffer areas except**
9 **for maintenance of bio-swales.**

10
11 **The areas between the building and the creek will be left intact with the exception of the**
12 **vegetated stormwater wetland / pond, the rain gardens and the bio-swale / flow spreader**
13 **and trail. Areas of existing pavement near the existing bridge at the southwest corner of**
14 **the building will be removed. (The bridge and a narrow driveway will remain for**
15 **emergency access purposes.)**

16
17 **Freight loading and trash pick-up stations are proposed between the building and the**
18 **creek. These areas will be screened by vegetation abutting the trail. The Land Use Code**
19 **also requires that these areas shall be screened. Material storage and incinerators are**
20 **not proposed.**

21
22 **Squalicum Creek is listed by the Department of Ecology as an impaired water-body in**
23 **regards to temperature, zinc, fecal coliform, and dissolved oxygen under Section 303 (d)**
24 **of the Clean Water Act.**

25
26 **Stormwater management facilities for treatment of parking lot areas are proposed to be a**
27 **combination of filtration through pervious concrete, under-parking detention and**
28 **infiltration, vegetated rain gardens with full infiltration, stormwater wetland / pond,**
29 **amended soils, vegetated bio-swale and a vegetated green roof. These systems employ**
30 **biologic / organic measures that are currently the most effective measures for pollution**
31 **uptake and breakdown of point source pollution generated by vehicles with the**
32 **exception of not using vehicles at all. The combination of these systems is the most**
33 **effective method for stormwater treatment. It is also effective for the more frequent less**
34 **severe storm event because as stormwater moves through these systems it is filtered**
35 **and also cools itself off before reentering the groundwater table.**

36
37 **NOTE: Department of Ecology Stormwater Manual for Western Washington (2005):**
38 **Stormwater that is discharged directly to freshwater creek includes a requirement to**
39 **detain its water and release it slowly so that it does not cause downstream erosion and**
40 **scouring. Discharge to freshwater systems also requires 'enhanced' treatment.**
41 **Enhanced treatment requires at least two mechanisms from a treatment train. Examples**
42 **include providing TWO of; bio-swale, filter strip, linear sand filter, basic wet pond, wet**
43 **vault, combined wet pond / wet vault, sand filter, media filter.**

44
45 Definitions, Section 4: Landfill – The creation of dry upland areas by the filling or depositing of
46 sand, soil or gravel into a water body or wetland area.
47

1 J. LANDFILL: The following regulations shall apply to all landfill operations on the
2 shorelines of the City.

- 3
- 4 1. Landfills, which result in water surface reduction, shall only be permitted
5 to accommodate water dependent and/or public uses.
 - 6
 - 7 2. All landfills shall be provided with vegetation, retaining walls and/or other
8 mechanisms as are necessary for erosion prevention. Retaining walls or
9 bank protection shall conform to regulations pertaining to bulkheads.
 - 10
 - 11 3. Fill materials shall be used which do not pose a potential threat to water
12 quality. When dredge spoils are used for fill materials, the fill must be
13 placed behind an impermeable dike or bulkhead.
 - 14
 - 15 4. Landfills shall blend with existing topography in order to not interfere with
16 the visual and/or physical shoreline access of the public or adjacent
17 residents.
 - 18
 - 19 5. Landfill within 200 feet of the point of entrance of a freshwater stream into
20 marine waters shall not interfere with or endanger the migration of
21 anadromous fish species nor reduce the area of estuarine mudflats which
22 are exposed at mean low tide.
 - 23

24 **STAFF RESPONSE: The proposed fill on which a portion of the development sits**
25 **(parking area) creates usable land for infill on property zoned for institutional uses**
26 **including medical offices.**

27

28 **Flood flows in this location – most notably upstream – are complex because of the**
29 **various channels that carry floodwaters in various storm events. Please see EXHIBIT D.**

30

31 **There proposed fill does not result in water-surface reduction.**

32

33 **The applicant proposes to elevate the development footprint by 2-feet so that the surface**
34 **of the parking area is one-foot above the elevation of the 100-year flood event. (A 100-**
35 **year flood event occurs when there is approximately 3.8-inches of rainfall within a 24-**
36 **hour period.) Bear in mind that the fill area (besides used as parking) is also used for**
37 **stormwater treatment and detention as mentioned above in Section 27; F; Commercial**
38 **Development.**

39

40 **The final hydraulic study and analysis of potential flood impacts that was submitted to**
41 **the city in April 2008 demonstrates that at the downstream property line the WSEL of the**
42 **100-year flood is not increased as a result of this proposal. This analysis was based**
43 **upon refined and updated data for existing conditions.**

44

45 **The applicant proposes to stabilize the fill side slopes with a bulkhead. Please see**
46 **EXHIBIT F.**

1 The material used for the fill will be monitored to be sure that it will not pose a threat to
2 water quality in the future. Verification of the source of the material will be necessary
3 prior to any site work occurring on the site. This material must also be appropriate for
4 providing stormwater treatment and detention as mentioned above.
5

6 The fill elevation is proposed to be 2-feet above the existing grade. With associated
7 landscaping, proposed trail and the size of the development footprint relative to the size
8 of the parcel, a 2-foot elevation increase is consistent with the existing topography and
9 does not interfere with shoreline visual or physical access. (Access is not presently
10 available and residences are not within close proximity.) Landscaping is intended in
11 certain locations within rain gardens which will screen fill slopes and any associated
12 bulkheads.
13

14 The proposed fill is not anticipated to interfere with migration of anadromous fish
15 because it is not located within the water-body or floodway. The stabilization of the fill
16 slopes and the prohibition of earth work within the wet season between October 1st and
17 May 1st is intended to minimize and eliminate the potential for downstream sedimentation
18 which can negatively impact spawning areas.
19

20 R. ROAD AND RAILROAD DEVELOPMENT: The following regulations shall
21 conform to all road and railroad construction on the shorelines of the City.
22

- 23 1. Road and railroad development shall be located as far from the
24 land/water interface as feasible and shall not interfere with other
25 appropriate shoreline uses.
26
- 27 2. Road construction or reconstruction shall be designed to accommodate
28 varied modes of transportation and, where feasible, be utilized as a
29 means of increasing public access to the shorelines.
30
- 31 3. The placement of rip-rap or other materials for the purpose of erosion
32 prevention shall be done on the bank of the road or railroad bed. No
33 broken concrete, asphalt, or scrap metal materials shall be used on the
34 surface of any bank protection materials. Bank protection materials shall
35 be placed from the bank. There shall be no dumping of bank protection
36 material directly from a truck bed onto the bank face.
37
- 38 4. Bridges and trestles shall be designed to cause minimum interference
39 with the natural function of the water body.
40

41 **STAFF RESPONSE: The proposed sidewalk improvements to Squalicum Parkway**
42 **abutting the project will not expand the existing road / shoulder prism. New bridges over**
43 **Squalicum Creek and the south fork are not proposed.**
44

45 Definitions, Section 4: Dike – An embankment usually placed within or near the edge of a
46 floodplain to protect adjacent lowlands from flooding.
47

48 S. SHORELINE PROTECTION:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46
- 47
1. Diking for the purpose of protection from flooding shall not be permitted within any required setback.
2. Dikes shall be planted with suitable vegetation to prevent erosion.
3. Bank stabilization for the purpose of protecting property from erosion shall conform to the regulations contained herein relating to bulkheads.

STAFF RESPONSE: The dike (bulkhead) is at the outer edge of the development footprint and is not located within the required 50-foot setback. Please see Section 27; E; BULKHEADS.

U. UTILITIES: The following regulations shall apply to the installation of electrical, gas, oil, telephone, television, sanitary and storm sewer and water utilities on the shorelines of the City.

1. All utilities shall be placed underground where feasible. Following installation/maintenance projects, project areas shall be returned to pre-project configuration and shall be planted with shrubs, grasses and trees of similar types and concentration as exists in the general vicinity of the project, PROVIDED, the requirement for vegetative installation may be waived or altered if, in the opinion of the Planning and Economic Development Department the utility easement may be utilized for public access and such access is consistent with the protection of private property.
2. Electrical, television and telephone lines may be permitted to cross a water body by overhead suspension. However, when gas, oil, water, sanitary or storm sewer lines must necessarily cross a water body, such crossing shall be done underground or shall be integrated with road or railway bridges or dams. Undergrounding of utilities across a water body must gain the approval of the State of Washington Departments of Fisheries and Wildlife.
3. Where feasible, storm water drainage facilities for shoreline development shall be connected to existing storm water facilities. New storm drainage outfalls shall be designed to be aesthetically compatible with the shoreline area (i.e., placement of rock rip-rap as an energy dissipater and streambed armor, designed and constructed to resemble a natural drainage stream.)

STAFF RESPONSE: Utilities (water and sewer mains) that are necessary for the project are abutting in Squalicum Parkway and therefore new utilities will not be required to cross or need to bore under any water-body. Any additional 'private' utilities will be undergrounded.

1 The proposed stormwater management system as described above will include the
2 installation of native vegetation and augment the existing aesthetic of the area. The
3 proposed vegetation is a combination of emergents (sedges and bulrush), shrubs
4 (salmonberry and vine maple), mid-canopy species (willow and ash) and trees (hemlock,
5 cedar, maple).
6

7 **USE ACTIVITY POLICIES:**
8

9 Bulkheads or seawalls are structures erected parallel to and near the high water mark for the
10 purpose of protecting adjacent uplands from the action of waves or currents. While bulkheads
11 protect adjacent upland areas from erosion, if improperly placed they may increase erosion
12 damage to banks and uplands downstream due to changes in sediment transport, reflective and
13 refractive action.
14

15 Policy: Prior to the granting of a permit for bulkhead construction, the effect of the
16 bulkhead on downstream or adjacent properties should be determined by the
17 Planning and Economic Development Department and the disposition of the
18 permit should reflect such determination.
19

20 Policy: Construction of bulkheads for the indirect purpose of creating land by filling
21 behind the bulkhead should be prohibited unless such landfill is permitted by the
22 Master Program.
23

24 Policy: Bulkheads should be prohibited which adversely affect public access to publicly
25 owned shorelines.
26

27 Policy: Bulkheads should be designed so as not to detract from the aesthetic qualities of
28 the shoreline.
29

30 Commercial developments are those uses, which are involved in manufacturing, production,
31 construction, wholesale and retail trade or business activities.
32

33 Policy: Where navigability is a viable asset, and in appropriate environments,
34 commercial development on the shorelines of the City should be water surface
35 dependent or should provide an opportunity for a substantial number of general
36 public to enjoy the shorelines.
37

38 Policy: Where navigability is not a viable asset, and in appropriate environments,
39 commercial development on the shorelines of the City should not interfere with
40 the natural function of the shoreline and water body and shall provide open
41 space along the shoreline adequate for potential public access.
42

43 Policy: Future appropriate commercial development on the shorelines of the City should
44 be compatible with existing appropriate uses.
45

46 Landfill is the creation of dry upland area by the filling or depositing of sand, soil, gravel or other
47 material into a water body or upland shoreline. Bellingham has a long history of shoreline filling.
48 Nearly the entire shoreline of Bellingham Bay from Post Point to the northern city limits is

1 composed of various fill materials. The adverse effects of landfill vary from the direct destruction
2 of wetland habitat to the degradation of water quality caused by leaching of toxic substances
3 from the fill material. Additionally, landfills, because they need bulkheads to remain in place,
4 usually inhibit access to the water.

5
6 If properly constructed, however, landfills can create usable shoreline lands where none are
7 currently available, with minimum adverse effect on the environment.

8
9 Increasing concern for water quality control has increased the usage of landfill for dredge spoil
10 areas. The construction of an impermeable bulkhead is very important in such operations.

11
12 Landfilling is also an important issue along Bellingham's creeks where it is used to increase
13 buildable land or provide flood protection. Such land filling can be detrimental to stream ecology,
14 fish runs, wildlife habitat, environmental quality and storm water management objectives.

15
16 Policy: Landfill on the shorelines of the City should contribute to the attainment of Master
17 Program goals.

18
19 Policy: All landfills should be provided with vegetation, retaining walls, and/or other
20 mechanisms as are necessary for erosion prevention.

21
22 Policy: Landfills, which result in water surface reduction, should only be permitted to
23 accommodate water surface dependent and/or public uses.

24
25 Policy: Fill materials should be used which do not pose a potential threat to water
26 quality.

27
28 Policy: Landfills should blend with existing topography in order to not interfere with the
29 visual and/or physical shoreline access of the public or adjacent residents.

30
31 Road and railroad construction on the shorelines can inhibit or preclude the use of those
32 shorelines for other activities. Transportation is, however, a necessary prerequisite to many
33 appropriate shoreline uses and if properly planned and constructed can contribute to the access
34 to the shorelines by the general public.

35
36 Policy: Road and railroad development should be located as far from the land/water
37 interface as feasible and should not interfere with other appropriate shoreline
38 uses.

39
40 Policy: Road and railroad development should not be undertaken unless necessary to
41 accommodate appropriate shoreline uses, provided that development necessary
42 to span the shorelines to facilitate the circulation of the City should be permitted.

43
44 Policy: Road construction or reconstruction should be designed to accommodate varied
45 modes of transportation and, where feasible, be utilized as a means of increasing
46 public enjoyment of the shorelines.

47
48 Flood protection and streamway modifications are those activities occurring within the

1 streamway and upland areas which are designed to reduce overbank flow of high waters and
2 stabilize eroding stream banks. It is recognized that improper flood control upstream results in
3 increased flood damage downstream. Flood plain management as a means of flood control has
4 advantages of maintaining the natural characteristics of the shoreline while protecting adjacent
5 property without amplifying potential flood damage downstream.

6
7 Policy: Where protection from flooding is necessary it should be obtained by means of
8 flood plain management including the prohibition of construction of incompatible
9 structures and fills.

10
11 Policy: Bank stabilization for the purposes of protecting property from erosion should
12 conform to the policies contained herein relating to bulkheads.

13
14 Utilities are necessary to serve shoreline uses with electricity, gas, sewer, water and
15 communications and, if properly installed, protect the shoreline and water from contamination.

16
17 Policy: Provisions should be made for the protection of the shoreline during utility
18 installation. Following installation/maintenance projects, project areas must be
19 returned to pre-project configuration and adequate vegetation installed to prevent
20 erosion.

21
22 Policy: Utilities on the shorelines should be installed underground.

23
24 Policy: Utility corridors should be utilized as pedestrian access ways where practical.

25
26 Policy: Undergrounding of existing facilities should be encouraged.

27 28 **SHORELINE ELEMENT GOALS AND OBJECTIVES**

29 30 **Shoreline Use Element:**

31
32 **Goal:** Coordinate the regulation of shoreline uses so as to insure uses which result in
33 long-term over short-term benefit, protect the resources and ecology of the
34 shorelines, increase both visual and physical public access to the shorelines, and
35 accommodate water dependent uses.

36
37 **Objective:** Identify and reserve shoreline and water areas with unique attributes for
38 particular long-term uses, including commercial, industrial, residential,
39 recreational and conservational uses.

40
41 **Objective:** All uses should be developed in a manner which will result in the least
42 modification of the shoreline unless such modification contributes to the
43 attainment of Master Program goals.

44
45 **Objective:** Uses which will provide an opportunity for a substantial number of people to
46 enjoy the shorelines should be permitted.

1 Objective: Inappropriate shoreline uses should be identified and established as
2 nonconforming uses.
3

4 **STAFF RESPONSE: Staff has determined that the proposal protects the long term**
5 **shoreline ecological function of Squalicum Creek in this location and up**
6 **and downstream. The proposal results in no modification to the creek itself**
7 **and retains all wetland and floodplain functions. (With the exception of**
8 **Wetland F described in the proposal summary.)**
9

10 **Conservation Element:**

11
12 Goal: Preserve, protect, and restore shoreline areas to optimize the support of wild,
13 botanic, and aquatic life.
14

15 Objective: Identify those areas of unique geological or biological significance and prohibit or
16 severely restrict development in those areas.
17

18 Objective: Conservation efforts should be aimed at preserving the natural function of the
19 watercourse as well as the aesthetics and ecological qualities of the shoreline.
20

21 Objective: Some areas, because of unique and/or fragile geological or biological
22 characteristics should be protected from public access.
23

24 Objective: Standards should be developed for shoreline use which will insure the optimal
25 harmonious integration of human use of the shorelines with the shoreline's' natural
26 system.
27

28 **STAFF RESPONSE: This proposal has been reviewed and revised extensively over**
29 **several years and is anticipated to result in no net loss to shoreline ecological function.**
30 **Furthermore, the combination of proposed Low Impact Development mechanisms for**
31 **management of stormwater is the most helpful in terms of preserving shoreline areas in**
32 **order to support shoreline ecological function.**
33

34 **Public Access Element:**

35
36 Goal: Increase public access to the shorelines of the City and preserve and enhance
37 views of the shoreline and water.
38

39 Objective: Identify public properties adjacent to shorelines as well as public rights-of-way
40 which offer physical and/or visual access to the shoreline.
41

42 Objective: Access to shorelines should be pedestrian access from upland parking areas
43 (where necessary) and bicycle access.
44

45 Objective: Public agencies should be required to provide public access opportunities at new
46 shoreline facilities and encouraged to provide similar opportunities at existing
47 facilities.
48

1 **STAFF RESPONSE: This proposal provides a public access element to a floodplain area.**
2 **This is a unique opportunity in terms of public access. This proposal also affords the**
3 **opportunity to provide a linkage between two existing key public access amenities in**
4 **Cornwall Park and Bug Lake.**

5
6 **Economic Development Element:**

7
8 **Goal:** Provide for economic activity and development of water dependent uses and
9 permit water enjoyment uses in appropriate locations, consistent with
10 environmental goals.

11
12 **Goal:** Recognize the finite quantity of waterfront land and the limits of funds for public
13 acquisition, direct development towards a multi-use concept to provide public
14 access to the shorelines and protect the habitat while enhancing and maintaining
15 the economic viability of the use.

16
17 **Objective:** Economic activity on the shorelines of the City, where navigability is not a viable
18 asset, and in appropriate environments, should not interfere with the natural
19 function of the shoreline and water body and should provide open space along
20 the shoreline adequate for potential public access.

21 **STAFF RESPONSE: This proposal provides an opportunity for medical offices within**
22 **very close proximity to the hospital without further encroachment on residential areas to**
23 **the south.**

24
25 **VII. LAND USE CODE COMPLIANCE:**

26
27 **COMPREHENSIVE PLAN DESIGNATION - Cornwall Park Neighborhood - Area 4**

28
29 This is the lowland area east of Cornwall Park and west of Squalicum Parkway. Present use is
30 agricultural. This area has severe limitations for development in the northern half due to the
31 presence of wetlands, potential flooding impacts, the need to preserve a designated floodway,
32 unstable soils, and desirable use as fish and wildlife habitat along Squalicum Creek. The
33 southern portion slopes upward from the floodplain and is not constrained by environmental
34 limitations.

35
36 Individual properties may need to be combined with adjacent properties in order to avoid
37 floodplain impacts, provide required open space and maximize the buildable area. Clustering
38 multiple family development on property not impacted by wetlands or flood hazards allowed
39 shall be encouraged. Future floodplain and floodway management should incorporate a natural
40 greenway and pedestrian corridor along Squalicum Creek from Cornwall Park to Bug Lake.

41
42 The City of Bellingham and St. Joseph Hospital are studying, on an area-wide basis, traffic
43 impacts, possible circulation routes and traffic mitigation measures. Any development in Area 4
44 shall be coordinated with the City approved traffic and circulation study for the Cornwall Park
45 Neighborhood, if such a study has been adopted and implemented by the City at the time of
46 development.

1
2 AREA 4 LAND USE DESIGNATION: INSTITUTIONAL/MULTIFAMILY RESIDENTIAL, HIGH DENSITY
3

4 **STAFF RESPONSE: The original application included a combination of private and public**
5 **properties for development and public open space. When negotiations failed the goal of**
6 **centralizing development opportunities was defeated. In fact, the original application had**
7 **significantly more development within the floodplain area but also had more set aside**
8 **area as open space. This project has been reviewed extensively by the Planning, Parks**
9 **and Public Works Departments and is viewed as the best possible development scenario**
10 **short of purchasing the subject property.**

11
12 **VIII. STAFF ANALYSIS SUMMARY OF THE PROPOSAL:**
13

- 14 ✓ The proposal is consistent with goals, objectives and regulations within the City's SMP.
- 15 ✓ The proposal is not anticipated to result in a net loss of shoreline ecological function.
- 16 ✓ Utilizes a combination of proven Low Impact Development stormwater management
- 17 systems including infiltration.
- 18 ✓ Does not increase WSEL for downstream properties as a result of a 100-year storm
- 19 event.
- 20 ✓ No additional crossings of Squalicum Creek or the south fork are proposed.
- 21 ✓ Does not require channelization or stabilization of Squalicum Creek – retains natural
- 22 processes.
- 23 ✓ Removes existing structures and existing pavement within the shoreline jurisdiction.
- 24 ✓ Expansion of the Squalicum Parkway road-bed for pedestrian improvements is not
- 25 necessary.
- 26 ✓ Provides perimeter trail that could possibly be linked with the Bay to Baker trail in future.
- 27 ✓ Provides opportunity for infill west of Interstate-5 and within proximity of the hospital.
- 28

29 **IX. RECOMMENDATION - APPROVAL – with the following conditions:**
30

- 31 1. There shall be no earthwork in the floodplain between October 1 and May 1. Between
32 these dates the site shall be stabilized per Public Works – Engineering stormwater and
33 erosion control standards. (Building construction may occur during this period provided
34 soil disturbance does not occur.)
- 35 2. The final site proposal shall not increase WSEL (water surface elevation level) of flood
36 flows moving into or leaving the building parcel beyond 1.0-feet.
- 37 3. The on-site stormwater treatment shall be sized to include the stormwater runoff from
38 the associated street improvements along Squalicum Parkway or separate stormwater
39 facilities shall be provided for new or replaced surface within that right-of-way.
- 40 4. A Conservation and Public Access easement with allowances for future connections to
41 the Bay to Baker Trail and wayside open space areas shall be granted to the Parks
42 Department prior to the issuance of any Certificate of Occupancy.
- 43 5. Construction of a public access trail from the northern terminus of Cornwall Avenue
44 north then east to link to the proposed perimeter trail. Said trail shall be constructed to
45 Parks Department standards prior to issuance of any Certificate of Occupancy.
- 46 6. Signage indicating public's right to access including gating, hours of use allowed and
47 any other safety / security measures shall be specified.

- 1 7. A maintenance and monitoring program for 5-years on both stormwater systems shall be
2 submitted to the Planning Department. This program shall demonstrate that stormwater
3 leaving the site in both instances complies with water quality standards. A report
4 demonstrating same shall be submitted twice each year at a time and for specific
5 parameters to be determined by the Public Works Department. If one or both of the
6 systems do not comply with the standards, revisions or maintenance to those systems
7 shall be required and processed accordingly per City regulations.
- 8 8. Implementation of the "Buffer Restoration Plan," June 26, 2007, complete with the
9 monitoring and maintenance schedule included therein as proposed by Cantrell &
10 Associates shall be commenced prior to receiving any Certificate of Occupancy.

11
12
13 **Prepared by**

14 
15 _____
16 **Steven Sundin, Planner**

17
18
19
20