FEASIBILITY STUDY

2600 Mill Ave.
Millworks Co-housing Development

Prepared by, Aiki Homes, Inc.

April, 2008
# FEASIBILITY STUDY

## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.0</strong> <strong>INTRODUCTION</strong></td>
<td>1-1</td>
</tr>
<tr>
<td>1.1 Purpose</td>
<td>1-1</td>
</tr>
<tr>
<td>1.2 Scope</td>
<td>1-1</td>
</tr>
<tr>
<td>1.3 Project Contacts</td>
<td>1-2</td>
</tr>
<tr>
<td><strong>2.0</strong> <strong>PROPERTY DESCRIPTION</strong></td>
<td>2-1</td>
</tr>
<tr>
<td>2.1 Parcel Description</td>
<td>2-1</td>
</tr>
<tr>
<td>2.2 Zoning &amp; Neighborhood Plan</td>
<td>2-1</td>
</tr>
<tr>
<td>2.3 Maps</td>
<td>2-2</td>
</tr>
<tr>
<td><strong>3.0</strong> <strong>DEVELOPMENT FEASIBILITY</strong></td>
<td>3-1</td>
</tr>
<tr>
<td>3.1 Description of Proposed Development Plan</td>
<td>3-1</td>
</tr>
<tr>
<td>3.2 Development Code</td>
<td>3-1</td>
</tr>
<tr>
<td>BMC 20.10.048 – Co-Housing</td>
<td>3-1</td>
</tr>
<tr>
<td>BMC 20.25 – Design Review</td>
<td>3-1</td>
</tr>
<tr>
<td>3.3 Process &amp; Timeline</td>
<td>3-1</td>
</tr>
<tr>
<td>3.4 Development Constraints</td>
<td>3-2</td>
</tr>
<tr>
<td>3.4.1 Utilities</td>
<td>3-2</td>
</tr>
<tr>
<td>3.4.2 Fire Requirements</td>
<td>3-3</td>
</tr>
<tr>
<td>3.4.3 Critical Areas</td>
<td>3-3</td>
</tr>
<tr>
<td>3.4.4 Impact Fees</td>
<td>3-4</td>
</tr>
<tr>
<td>3.4.5 Public Facilities</td>
<td>3-4</td>
</tr>
<tr>
<td><strong>4.0</strong> <strong>PROPOSED CONCEPTS</strong></td>
<td>4-1</td>
</tr>
<tr>
<td>4.1 New Urbanism Design</td>
<td>4-1</td>
</tr>
<tr>
<td>The block, the street, and the building</td>
<td>4-1</td>
</tr>
<tr>
<td>4.2 Low Impact Development</td>
<td>4-2</td>
</tr>
<tr>
<td>4.3 Green Building</td>
<td>4-2</td>
</tr>
<tr>
<td><strong>5.0</strong> <strong>APPENDICES</strong></td>
<td>5-1</td>
</tr>
<tr>
<td>A. City of Bellingham Co-Housing Code</td>
<td>5-1</td>
</tr>
<tr>
<td>B. City of Bellingham TYPE IIIA PROCESS</td>
<td>5-4</td>
</tr>
<tr>
<td>C. Timeline</td>
<td>5-7</td>
</tr>
<tr>
<td>D. Impact fees</td>
<td>5-8</td>
</tr>
</tbody>
</table>
6.0  EXHIBITS....................................................................................................................... 6-2
A. Site Map with Set Backs and Proposed Wetland Mitigation................................. 6-2
B. Wetland Delineation.................................................................................................. 6-3
C. Road Improvement .................................................................................................... 6-4
1.0 INTRODUCTION
1.0 INTRODUCTION

1.1 Purpose

In November 2007, several members coordinating to create a new co-housing development in Bellingham, WA attended a green building seminar at which Aiki Homes was presenting on development and green residential construction. This co-housing group, Millworks, then initiated Aiki Homes to complete a feasibility study for a co-housing development at 2600 Mill Ave. The study was limited in scope to get initial understanding for potential development under the City of Bellingham Co-Housing Ordinance and related development policies.

1.2 Scope

Millworks owners engaged Aiki Homes, Inc. to study the feasibility of constructing a co-housing development on the property commonly known as 2600 Mill Ave. Aiki was contracted to:

A. Consult with Owner to ascertain the requirements of the project
B. Review overall site acceptability and application land use regulations, building codes and ordinances;
C. Analyze existing facilities and uses of the property;
D. Analyze anticipated project requirements and land needs;
E. Consult with Owners to develop preliminary site development and building and floor plan sketches sufficient to allow for preparation of a preliminary budget; and
F. Prepare a preliminary budget for the project.

During this process, Millworks has been further forming the group and making determinations of the number of units and members needed. This, with financial considerations, constrained the level of feasibility possible to a limited scope (A-D above). This study was prepared through Municipal Code research, low-impact development examination, site reconnaissance, and meetings and phone calls with City of Bellingham Planning and Public Works staff.
1.3 Project Contacts

Aiki Homes
1710 Grant St
Bellingham, WA 98225
p. 360-715-0700
www.aikihomes.com

2020 Engineering
P.O. Box 1621
Bellingham, WA 98227
p. 360-671-2020
www.2020engineering.com

NW Ecological Services
Vikki Jackson
1229 Cornwall Ave Suite 313
Bellingham, Wa 98225
p. 360-734-9484
www.nwecological.com

iBuild NW
Casey Curtis
p. 360-715-0700

Special Thanks to City of Bellingham Staff
  Kim Spens
  Jason Porter
  Kathy Bell
2.0 PROPERTY DESCRIPTION
2.0 PROPERTY DESCRIPTION

2.1 Parcel Description

The subject parcel is situated on a 1.77 acre site on the south side of Mill Ave. The property has a gentle slope approximately 10% toward the southwest. On the eastern side of the property sits a single family residence with large garage or shop. The house is a 1941, 2 bedroom, 1288 sq ft home. The structure of the home was never investigated by Aiki Homes. There is a buried oil tank on site as well as a potential septic drain field, although the location was never confirmed. The parcel has a few mature evergreen and deciduous trees, an old apple tree, and is mostly vegetated with a mixture of shrubs and low growing natives. There are two small wetlands along the southern portion of the site as determined during reconnaissance by NW Ecological Services. This site has been used in the past for livestock (horses) but seems to have been left fallow for several years.

2.2 Zoning & Neighborhood Plan

The property is currently zoned SGL FAM 7500. This zoning is defined in the Happy Valley Neighborhood Plan Area 9.

<table>
<thead>
<tr>
<th>Area</th>
<th>Zoning</th>
<th>Use Qualifier</th>
<th>Density</th>
<th>Special Conditions</th>
<th>Prerequisite Considerations</th>
<th>Special Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Residential</td>
<td>Detached, cluster</td>
<td>7,500 sq.ft. min. detached lot size; 1 lot/7,500 sq.ft. average overall cluster density; 5,000 sq.ft. min. cluster lot size</td>
<td>Shoreline; floodplain; stream setbacks; clearing; buffer along Padden and Connelly Creeks and I-5</td>
<td>Sanitary sewer for subdivision</td>
<td></td>
</tr>
</tbody>
</table>
2.3 Maps

2600 Mill Ave. Project Site Location
2600 Mill Ave, Happy Valley Neighborhood Plan Area 9
3.0 DEVELOPMENT FEASIBILITY
3.0 DEVELOPMENT FEASIBILITY

3.1 Description of Proposed Development Plan

Based on the model proposed by the Millworks group, a development concept was envisioned for a 7-10 unit co-housing development. In general terms the group was looking for single family detached units and some shared amenities such as garden space, a common house, and various facilities.

3.2 Development Code

BMC 20.10.048 – Co-Housing

Critical to the development of this parcel for the proposed plan is the Bellingham Municipal Code’s Co-Housing Ordinance 20.10.048 (Appendix A). Within this ordinance, the project density shall not exceed the allowed density in the neighborhood plan. In Happy Valley Area 9, an overall 7500 sq ft lot size is allowable. This equates to 10 maximum units for the co-housing 1.77 acre site. Also of importance to note from this ordinance in relation to the feasibility of development is that there is a 15’ setback from all property lines (see Exhibit A).

The co-housing ordinance allows for single family units without individual lots. For a conventional developer, this property would have to have an overall density of 7500 sq ft and could have minimum clustered lot sizes at 5000 sq. ft. In analysis of the property for conventional plat development, the site could likely support 4-7 units due to site constraints. By utilizing the co-housing ordinance, this site can support 10 single family homes. Also within the ordinance are requirements for open space and play areas.

BMC 20.25 – Design Review

The project will be required to undergo a Type II design review by City staff. For this review the City will require detailed building elevations, contextual street elevations, perspective drawings, and dimensioned floor plans. During the planning & design phase of the project it will be important to address these design elements to allow for a prompt review.

3.3 Process & Timeline

BMC 21.10.120 - TYPE III A AND III B PROCESSES

A Co-housing development will require a Type III A application process. The Type III A review process is a quasi-judicial review and decision made by the Hearing Examiner that has no administrative appeal (See Appendix B). All co-housing developments require a mandatory pre-
application meeting with City of Bellingham staff to discuss preliminary plans. It has been indicated by City staff that the more information you have available at this meeting, the more productive it will be. The cost of this meeting is currently $638.00. It is our recommendation to have a “design charrette” and prepare a design with the group based on all the codes, ordinances, goals and objectives. There will also need to be a neighborhood meeting after the pre-application meeting. The most logical location would be the Happy Valley Elementary School located on 24th St.

After a design has been approved by Millworks, an application will be prepared. Within 28 days of the application submittal, notice will be given of a complete application and a SEPA (State Environmental Policy Act) notice. At this time the City begins its review of the project. They technically have 120 days to complete this review and have a SEPA determination. This timeline however, can be stalled if there is a request for additional information. A timeline is available in Appendix C.

Once the project has received preliminary approval from the Hearings Examiner, the project will move to the “final plat phase.” During this time the concepts from the preliminary design will be specified for engineering and the public facilities will be built. Then the project will be submitted for final plat approval. Depending on the complexity of the designs this process could take several months. Building permits may only be applied for once final plat approval is accepted. The City of Bellingham has recently implemented a 20 working day review for building permits.

### 3.4 Development Constraints

#### 3.4.1 Utilities

**Stormwater**

There is a stormwater line and catch basin leading to a drainage ditch that runs along the east side of the property to a retention pond at Varsity Village on McKenzie Ave. On the north side of Mill Ave is a drainage ditch to handle stormwater from Mill Ave.

For stormwater on site, any site with over 5000 sq ft of impervious surface or 1 acre of land disturbance will need to have a full Stormwater Management Report as required by the Department of Ecology as well as a NPDES permit. This could then require extensive stormwater facilities on site that would be costly and consume large amounts of land. It would be in the best interest of the development group to save on money and space to limit the amount of impervious surface to 5000 sq ft and employ low impact development techniques. Additionally, completing some land disturbance and replanting, such as removal of blackberries and wetland mitigation, prior to commencing the development land disturbance will help in staying under the 1 acre. For more information of low impact development, see Section 4 Proposed Concepts.

City of Bellingham Stormwater Regulations:
**Water**
A water main will need to be extended on site to serve all the proposed residences. Water lines will need to be connected to each home. There is currently a late-comers fee for this site and has been assessed at $2096.69. This will need to be paid in additional to any other water extension and hook up fees.

**Sewer**
A sewer main will need to be extended on site to serve all the proposed residences. Due to the topography on site, there will need to be a lift station to serve at minimum the southern units. There is a variety of lift station options and capacities. Further evaluation will be needed to determine the most practical technology.

### 3.4.2 Fire Requirements

**Access**
A 20’ paved road with turn around will be required to serve within a 150’ from the furthest point of construction. In the event that there are 1-2 homes outside of this, a 12’ private drive maybe approved for up to 150’. There may be a requirement to sprinkler these homes.

**Hydrant**
The Fire Marshall prefers to have a hydrant approx. every 350’. There are two hydrants east and west of the property, each approximately 450’ from the property. It is probable that a fire hydrant will be necessary in the right-of-way fronting the property. From initial examination the water main currently located in the street will be sufficient to provide the water quantity for this hydrant.

### 3.4.3 Critical Areas

In December 2007, Northwest Ecological Services performed a wetlands reconnaissance. The site was found to contain two small wetlands along the southern portion of the site (See Exhibit B). The review of these wetlands based on preliminary data indicated they are Category III wetlands with low wildlife scores. The wetland buffer is based on this scoring overlaid with proposed land use. The use would most likely be determined to be a high impact use. The combined wetland categorization and land use would indicate 80’ standard buffers.

There are mitigation strategies to move/modify buffers and wetlands within the BMC 16.55 Critical Areas Code. In January 2008, NW Ecological Services, Aiki, 2020 Engineering, Perry Fizzano and City of Bellingham staff (Kim Spens) met to discuss the potential for mitigations to give the site more developable space. Based on the information from the reconnaissance, Kim indicated that this was a very feasible option.
3.4.4 Impact Fees

An impact fee is a fee that is implemented by a local government on a new or proposed development to help assist or pay for a portion of the costs that the new development may cause public services. They are considered to be a charge on new development to help fund and pay for the construction or needed expansion of offsite capital improvements. These fees are usually implemented to help reduce the economic burden on local jurisdictions that are trying to deal with population growth within the area.

The City of Bellingham has impact fees for; schools, parks, water and sewer, stormwater, and transportation. A list of the impact fees is available in Appendix D. The school impact fee will be revised in 2010.

3.4.5 Public Facilities

As mentioned in the Co-housing ordinance, the street fronting the property will need to be improved to a ¾ standard (see Exhibit C for full road standard). A ¾ standard will require only sidewalk with a curb and gutter on one side. In order to obtain a building permit for a single-family residence, the property being built upon must abut a street at least 18' in width, paved, and located within a public right-of-way of at least 60' in width. In the case of this project, the Millworks must construct a 20' minimum-standard street into the development. The street shall be constructed or bonded for prior to the issuance of a building permit. A variance may be applied for 1-2 homes to abate this requirement. It is our recommendation to apply for a Low Impact Development street design for both the fronting road and the internal road system.

See BMC 13.04.070 - RESIDENTIAL ACCESS STREETS for more information.
4.0 PROPOSED CONCEPTS
4.0 PROPOSED CONCEPTS

4.1 New Urbanism Design

New urbanism is an American urban design movement that arose in the early 1980s. Its goal is to reform many aspects of development and urban planning, from urban retrofits to suburban infill. New urbanist neighborhoods are designed to contain a diverse range of housing and jobs, and to be walkable. New Urbanism can include (neo) traditional neighborhood design and transit-oriented development.

In the case of the Millworks Co-housing project, the nature of the site location applies many of the New Urbanism principles. Of importance to the plan are the traditional neighborhood design objectives. The principles for this level of New Urbanism are listed below.

The block, the street, and the building

1. A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use.

2. Individual architectural projects should be seamlessly linked to their surroundings. This issue transcends style.

3. The revitalization of urban places depends on safety and security. The design of streets and buildings should reinforce safe environments, but not at the expense of accessibility and openness.

4. In the contemporary metropolis, development must adequately accommodate automobiles. It should do so in ways that respect the pedestrian and the form of public space.

5. Streets and squares should be safe, comfortable, and interesting to the pedestrian. Properly configured, they encourage walking and enable neighbors to know each other and protect their communities.

6. Architecture and landscape design should grow from local climate, topography, history, and building practice.

7. Civic buildings and public gathering places require important sites to reinforce community identity and the culture of democracy. They deserve distinctive form, because their role is different from that of other buildings and places that constitute the fabric of the city.

8. All buildings should provide their inhabitants with a clear sense of location, weather and time. Natural methods of heating and cooling can be more resource-efficient than mechanical systems.

9. Preservation and renewal of historic buildings, districts, and landscapes affirm the continuity and evolution of urban society.
4.2 Low Impact Development

Low Impact Development (LID) is an innovative stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source using uniformly distributed decentralized micro-scale controls. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Techniques are based on the premise that stormwater management should not be seen as stormwater disposal. Instead of conveying and managing / treating stormwater in large, costly end-of-pipe facilities located at the bottom of drainage areas, LID addresses stormwater through small, cost-effective landscape features located at the lot level. These landscape features, known as Integrated Management Practices (IMPs), are the building blocks of LID. Almost all components of the urban environment have the potential to serve as an IMP. This includes not only open space, but also rooftops, streetscapes, parking lots, sidewalks, and medians. LID is a versatile approach that can be applied equally well to new development, urban retrofits, and redevelopment / revitalization projects.

For the co-housing development it will be essential for the economic feasibility to employ a variety of low impact development techniques.


4.3 Green Building

Green building is the practice of increasing the efficiency with which buildings use resources — energy, water, and materials — while reducing building impacts on human health and the environment, through better siting, design, construction, operation, maintenance, and removal — the complete building life cycle.

There is a huge variety in what green buildings contain and the process by which they are built. Aiki Homes has been implementing green building design and techniques since 1992. We have a thorough background in most green building concepts including:

- Energy Efficiency & Renewable Energy Resources
- Conservation of Natural Resources
- Indoor Air Quality
- Water Quality
- Resource Conservation
- Social and Community Issues

More information is available at our website www.aikihomes.com.
5.0 APPENDICES

A. City of Bellingham Co-Housing Code

Title 20 LAND USE DEVELOPMENT

20.10.048 - CO-HOUSING

A. Co-housing developments may be allowed in use districts where listed as a permitted use if they comply with the following requirements listed in this subsection. Co-housing projects that comply with the standard residential development regulations within a use district are exempt from this subsection.

B. Approval Process. Co-housing projects opting to develop under this subsection and located in the Residential Single, Residential Multi Duplex or Residential Multi Multiple use district shall be processed following the procedures in BMC 21.10.

C. Special requirements. The Hearing Examiner may approve an application for a co-housing project if it is found to comply with the following criteria:

1. The project applicant must be a legal entity created for the purpose of developing a co-housing project. The organization shall be transformed into a residential owners' association upon completion of the development and subsequent occupation of the dwelling units. Membership of the association shall be open only to owners of the dwelling units in the development. It is intended that co-housing projects be primarily owner occupied. Commercially owned rental projects are not permitted.

2. The housing type may consist of any housing type (e.g., townhouses, flats, etc.). Individual lots are not required for each unit. The project density shall not exceed the allowed density, regardless of the type of housing, specified in the applicable Neighborhood Plan sub-area based on the number of proposed dwelling units. For example, in Residential Single zones that specify an overall cluster density, or in Residential Multi zones that require different amounts of land area per unit for single family versus multi-family development, the highest listed density for any housing type in the subject sub-area shall be considered the maximum potential density for co-housing. The maximum number of units which may be approved for a particular project may be less than the maximum potential if the site is within an environmentally sensitive area of the Lake Whatcom watershed or if it cannot meet the criteria for approval at the proposed density. Any proposal for division of the property shall comply with City codes regarding subdivision.

3. Uses within the co-housing project shall be limited to those permitted uses listed in the Residential Single use district and those allowed under the provisions of this subsection. Any request for a conditional use on the co-housing site may be considered through the appropriate permit review procedures for conditional uses as prescribed by City code. The co-housing contract shall specify the uses approved for the specific site.

4. Height. The height limit of the underlying zone shall apply. Common buildings may be considered main buildings for the purposes of determining height limits.

5. Usable Space. At a minimum, usable space in an amount equal to that required for a proposal of the same number of units under Section 20.32.040 F of the Residential Multi chapter shall be required.

6. Yards. In Residential Single zones, the minimum setback from the perimeter of the site shall be 15' from all property lines except from arterial streets. The setback from arterial street sides shall be as provided in Chapter 20.30.050 F. (1) (a) and (b); provided the minimum required setback under this provision shall not be greater than 20' from the edge of the right-of-way.

7. Parking. Co-housing developments shall satisfy all parking regulations contained in Chapter 20.12, provided that the Hearing Examiner may increase or decrease the required number in order to mitigate expected impacts based on the
proposed development design and/or occupancy or based on proposed use and occupancy restrictions. Open parking areas shall not be located within 15’ of any property line unless the Hearing Examiner determines that a reduced setback will provide adequate buffering to protect adjacent properties and uses. In no case shall the setback be reduced below 5’ without variance approval.

8. Landscaping. Co-housing developments shall satisfy all landscaping requirements for similar uses contained in Section 20.12.030. Additionally, open parking areas shall be screened from adjacent property lines by a minimum 3’ to 4’ high hedge or fence. Refuse and recycling bins shall be screened from view of adjacent properties by fencing and landscaping.

9. Open space. In Residential Single zones, at least 15% of the project site area shall be maintained as common open space. For the purposes of this provision, common open space shall be any undeveloped area designated, dedicated or otherwise reserved for public and/or private use and benefit as a natural area, greenway corridor or for recreational purposes as may be specified on the approved site plan.

In other zones, the open space requirements of the underlying use district shall apply.

10. Common buildings for uses consistent with the definition of co-housing may be permitted provided no common building shall exceed 5,000 square feet in floor area.

11. A sidewalk shall be constructed within all abutting City street rights of way. A local improvement district commitment or other method of obtaining a financial contribution to sidewalk construction may be accepted in place of construction if the City does not desire immediate construction.

12. Walkways shall be required to link building entrances, streets, recreational areas and parking.

13. Streets and utilities shall be designed to fulfill reasonably anticipated future need and be located to enable the continued orderly and reasonable use of adjacent property. Streets and utilities shall be extended across the full width of the property unless it is clearly demonstrated that the extension will not be needed for development of adjacent property.

14. Abutting streets shall be improved to a three-quarter standard, based on the specified street standard in BMC 13.04 or the street standard specified in the Neighborhood Plan.

15. Activities that are part of a home occupation may take place in a portion of a common building if specifically approved through a home occupation permit. All other rules and limitations regarding home occupations shall apply. Common buildings shall not be designed for commercial uses. Common buildings or groups of residences are not to be used to conduct business activities that exceed the magnitude of activity normally associated with home occupations that are conducted within single family residence. Business activities shall not be the primary function of a common building and in no case shall more than 50% of the area of a common building be used for home occupations. The number of home occupations and the area used for each may be regulated in order to limit cumulative impacts. The co-housing contract may provide for additional home occupation limitations.

16. Design guidelines:

a. The development, from the viewpoint of the public street, shall present a view that is residential in nature and similar to, or compatible with, other residential uses on that street. For example, views of residences and landscaping rather than views of blank walls or parking lots.

b. Large parking lots shall be avoided. Parking areas shall be broken up with landscaping and placed along the sides and rear of the site whenever possible.

c. Existing wetlands, streams, significant trees, topographical features and other natural features shall be saved, preserved and enhanced to the greatest extent possible consistent with reasonable and appropriate use of the subject site. Links between open spaces and pedestrian routes shall be facilitated whenever possible.

d. The design shall provide outdoor play area for children in individual yard and/or common areas unless occupancy of the project is limited to adults.

e. Group play areas, recreational areas or other areas intended for concentrated outdoor activity for group functions should
be located away from project boundaries and adequately screened to minimize impacts on adjacent properties.

f. In single family residential districts, the project should encourage a diversity of construction styles in order to maintain a character more in keeping with that of single family residential developments in contrast to that of multi-family developments.

17. The proposed development must also be found to:

a. Address any special conditions, prerequisite considerations or significant environmental elements identified in the Neighborhood Plan.

b. Be consistent with the goals and policies of the Comprehensive Plan.

c. Make adequate provisions for drainage, vehicular and pedestrian access (including emergency vehicle access), water, sewer, recreational areas and any other relevant features necessary to serve the public interest, and

d. Be designed to promote the residential quality of the neighborhood and to avoid detrimental impacts on adjacent properties.

18. The standards herein are minimum standards and may be increased for a particular co-housing proposal where more stringent standards are necessary to protect neighboring properties, conform with existing development in the area, preserve natural resources or sensitive environments, provide for orderly development or conform with the Comprehensive Plan.

D. Any exceptions to the standards in Section 20.10.048 (D) must be approved by the Hearing Examiner only after written submittal by the applicant detailing the reasons why the standards cannot be met. Grounds for exceptions shall be limited to those justifications for variances contained within Chapter 20.18. Exceptions to allowed uses or density may not be granted.

[Ord. 2004-09-065; Ord. 2002-10-069 §44; Ord. 1998-08-062 §5]
B. City of Bellingham TYPE IIIA PROCESS

Title 21 ADMINISTRATION OF DEVELOPMENT REGULATIONS

21.10.120 - TYPE III A AND III B PROCESSES

A. Pre-Application Conference. A pre-application conference as described in BMC 21.10.170 is required for co-housing and preliminary plat applications.

B. Pre-Application Neighborhood Meeting. A pre-application neighborhood meeting as described in Section 21.10.180 shall be conducted for co-housing, conditional use, nonconforming building and nonconforming use decisions and Type IIIB decisions. Upon request by the applicant, the Planning Director may waive this requirement if the project does not abut or have significant impacts on residential areas; does not, in the discretion of the Planning Director, involve significant land use issues; and consists of one of the following:

1. Applications for minor amendments;

2. Proposals associated with a single family residence; or

3. Industrial or commercial projects.

C. Application. An application shall be reviewed to determine whether it is complete under the procedures of Section 21.10.190.

D. Notice of Application. The procedures in Section 21.10.200 apply to a Type IIIA or Type IIIB process.

E. Additional notification requirements for preliminary plats.

1. Notice of application and hearing for a subdivision preliminary plat adjacent to or within one mile of the municipal boundaries of a city or town, or which contemplates the use of any city or town utilities, shall be given to the appropriate city or town authorities.

2. Notice of application and hearing for a subdivision preliminary plat adjoining the municipal boundaries of the city shall be given to the appropriate County officials.

3. Notice of application and hearing for a subdivision preliminary plat located adjacent to the right-of-way of a State highway or within two miles of the boundary of a State or municipal airport shall be given to the Secretary of Transportation.

F. Minimum comment period. The procedures in Section 21.10.210 apply to a Type IIIA or IIIB process.

G. Environmental review. When a threshold decision is required under BMC 16.20, the procedures in Section 21.10.220 apply to a Type IIIA or IIIB process.

H. Notice of Public Hearing.

1. The public hearing shall be scheduled for a date no sooner than 15 days after the notice of application and no sooner than 15 days after the issuance of a SEPA determination of nonsignificance. Staff recommendations and the SEPA decision shall not be issued until after the close of the minimum public comment period, provided that the optional DNS process in BMC16.20.070 and 16.20.080 may be used.

2. Notice of the public hearing for the application shall be published in a newspaper of general circulation at least 10 days prior to the hearing date.

3. Notice of the hearing shall be mailed at least 10 days prior to the hearing in the same manner as provided in BMC 21.10.200.D.

4. The notices shall contain a brief description and the general location of the proposal, the time, date and location of the hearing and information about the availability of the staff report.
I. Hearing.

1. The Hearing Examiner shall conduct an open record public hearing on the proposal. Any person may participate in the hearing by submitting written comments to the Planning and Community Development Department prior to the hearing or by submitting written comments or making oral comments at the hearing.

2. The Planning and Community Development Department shall transmit to the Hearing Examiner a copy of the department file on the application including all written comments received prior to the hearing. The file shall also include the SEPA threshold decision and records regarding public notice of the application.

3. The Hearing Examiner shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.

J. Hearing Examiner Decision.

1. The Hearing Examiner shall approve a project or approve with conditions if the applicant has demonstrated that the proposal complies with the applicable decision criteria in the Bellingham Municipal Code. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with conditions. In all other cases, the Hearing Examiner shall deny the application.

2. Following the close of the record, the Hearing Examiner shall distribute a written report supporting the decision. The report shall contain:
   a. The decision of the Hearing Examiner;
   b. Any conditions included as part of the decision; and
   c. Findings of fact upon which the decision, including any conditions, was based and the conclusions derived from those facts.

K. Notice of Decision. The procedures in Section 21.10.230 apply to a Type IIIA or IIIB process.

L. Reconsideration.

1. Any person who participated in the hearing may file a written motion for reconsideration of the Hearing Examiner’s decision.

2. Reconsideration of a Hearing Examiner decision may be granted by the Hearing Examiner on a showing of one or more of the following:
   a. Irregularity in the proceedings by which the moving party was prevented from having a fair hearing;
   b. Newly discovered evidence of a material nature which could not, with reasonable diligence, have been produced at hearing;
   c. Error in the computation or any monetary element of the decision;
   d. Clear mistake as to a material fact; or
   e. Clear error as to the law, which should be corrected in the interests of justice.

3. Motions for reconsideration must be filed and served on other parties within 10 days of the date of the Hearing Examiner’s decision. The filing of a motion for reconsideration shall not stop or alter the running of the period provided to appeal the Hearing Examiner’s decision. A motion for reconsideration that is not scheduled for consideration or otherwise acted upon by the Examiner within 10 days of filing of the motion shall be deemed denied.

M. Appeal of Type IIIA Decision. A Type IIIA decision by the Hearing Examiner, with the exception of a shoreline conditional use, may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW 36.70C.040. Requirements for fully exhausting City administrative appeal opportunities must be fulfilled.
N. Appeal of a Shoreline Conditional Use. A shoreline conditional use decision must also be approved by the Dept. of Ecology. A decision of the Dept. of Ecology may be appealed to the State Shoreline Hearings Board. Any appeal shall be filed within 21 days of the “date of filing” the Dept. of Ecology decision with the City, as set forth in RCW 90.58.180 and defined in RCW 90.58.140 (6).

O. Appeal of a Type IIIB Decision to the City Council. A Type IIIB decision may be appealed to the City Council under the procedures in BMC 1.26 and as follows:

1. Who may appeal: Any aggrieved party or City Department.

2. Form of appeal: A person appealing the decision must submit a completed appeal form to the Planning and Community Development Department which sets forth:
   a. The action or decision appealed, including the date thereof;
   b. Facts demonstrating that the person is adversely affected by the decision;
   c. A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
   d. The specific relief requested; and
   e. Any other information reasonably necessary to make a decision on the appeal.

3. Time to appeal: The written appeal and the appeal fee, if any, must be received by the Planning and Community Development Department office as specified on the appeal form no later than 5:00 PM on the fourteenth day following the date the notice of decision was issued.

4. Notice of appeal: A City Council closed record hearing date shall be set. The City shall provide written notice of the hearing to the appellant, applicant, Hearing Examiner, Director and City Attorney. Notice shall be mailed or sent no less than 10 days prior to the appeal hearing.

5. City Council closed record hearing: The City Council shall conduct a closed record hearing on the appeal consistent with the procedures in BMC 1.26. The appellant, the applicant, and the City shall be designated parties to the appeal.

6. City Council Decision on Appeal. The City Council shall prepare findings and conclusions and issue a written decision to grant, grant with modifications, or deny the appeal within 60 days from the date the original appeal period closed. The City Council may take any action provided in BMC 1.26.020.

P. Appeal of City Council Decision. A final decision by the City Council on appeal may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW 36.70C.040. Requirements for fully exhausting City administrative appeal opportunities must be fulfilled.

[Ord. 2004-09-065]
C. Timeline

**TYPE III PROCESS**
(Hearing Examiner Decision)

Optional or mandatory pre-application conference with staff

Pre-application neighborhood meeting (for some permits)

Application

28 days maximum

Determination of complete application, Notice of Application, and Optional SEPA Notice (if used)

SEPA Decision (and 14 day comment period, if applicable)

14-30 days min.

Open Record Hearing, including any appeal of MDNS

Hearing Examiner Decision, including any appeal of MDNS

10 days max.

Notice of Decision

21 days max.

Type III-A Judicial Appeal, including any SEPA appeal

Type III-B Appeal to Council, including any condition or denial on the basis of SEPA

Closed Record Appeal Hearing and Council Decision

12/08 Update

IF DS, prepare EIS or appeal DS to Hearing Examiner by separate hearing

120 days max. with exceptions
D Impact fees

### WATER, SEWER, STORM AND TRANSPORTATION IMPACT FEES

**EFFECTIVE 1/1/2008**

#### TYPICAL WATER SERVICE AND METER FEES

*All water services shall be metered effective 1/1/2005 per BMC 15.04.040(F)*

<table>
<thead>
<tr>
<th>WATER SERVICE SIZE</th>
<th>Service</th>
<th>Meter</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot;</td>
<td>N/A</td>
<td>$255.00</td>
</tr>
<tr>
<td>3/4&quot;</td>
<td>$635.00</td>
<td>$285.00</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$665.00</td>
<td>$375.00</td>
</tr>
</tbody>
</table>

**Voluntary Metering Program (VMP)**

<table>
<thead>
<tr>
<th>Service &amp; Meter</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

#### WATER SERVICE AND METER FEES (DEPOSIT ONLY)

*Applies to services larger than 1" and is charged based on time and materials required*

<table>
<thead>
<tr>
<th>WATER SERVICE SIZE</th>
<th>Service &amp; Meter</th>
<th>Meter Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 1/2&quot;</td>
<td>$2,400.00</td>
<td>$1,490.00</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$2,900.00</td>
<td>$1,730.00</td>
</tr>
<tr>
<td>3&quot;</td>
<td>$8,200.00</td>
<td>$5,500.00</td>
</tr>
<tr>
<td>4&quot;</td>
<td>$9,600.00</td>
<td>$8,500.00</td>
</tr>
<tr>
<td>Fireline (Long Run) T&amp;M</td>
<td>$6,000.00</td>
<td>N/A</td>
</tr>
<tr>
<td>Fireline (Short Run) T&amp;M</td>
<td>$3,500.00</td>
<td>N/A</td>
</tr>
</tbody>
</table>

#### WATER & SEWER SYSTEM DEVELOPMENT CHARGES (INSIDE CITY LIMITS)

*For all water & sewer services outside the city limits, multiply the charges below by 1.5*

<table>
<thead>
<tr>
<th>TYPE OF SERVICE</th>
<th>CURRENT RATES AS OF JANUARY 01, 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>WATER</td>
</tr>
<tr>
<td>5/8&quot; x 3/4&quot; Meter</td>
<td>$2,911.00</td>
</tr>
<tr>
<td>3/4&quot; x 3/4&quot; Meter</td>
<td>$4,367.00</td>
</tr>
<tr>
<td>1&quot; Meter</td>
<td>$7,278.00</td>
</tr>
<tr>
<td>1 1/2&quot; Meter</td>
<td>$14,557.00</td>
</tr>
<tr>
<td>2&quot; Meter</td>
<td>$23,291.00</td>
</tr>
<tr>
<td>3&quot; Meter</td>
<td>$46,502.00</td>
</tr>
<tr>
<td>4&quot; Meter</td>
<td>$72,784.00</td>
</tr>
<tr>
<td>5&quot; Meter</td>
<td>$145,558.00</td>
</tr>
<tr>
<td>8&quot; Meter</td>
<td>$232,906.00</td>
</tr>
<tr>
<td>10&quot; Meter</td>
<td>$363,919.00</td>
</tr>
</tbody>
</table>

#### STORMWATER SYSTEM DEVELOPMENT CHARGE

**EFFECTIVE 08/01/05 PER ORD. 2005-06-051**

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residence (SFR)</td>
<td>$678.00 per SFR</td>
</tr>
<tr>
<td>All other types</td>
<td>$0.226 per square foot of impervious</td>
</tr>
</tbody>
</table>

2600 Mill Ave Feasibility Study Page 5-8
## STORMWATER PERMIT FEES

**EFFECTIVE 08/01/05 PER ORD. 2005-06-05**

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Amount of Impervious (SF)</th>
<th>Amount of Clearing &amp; Grading (SF)</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level One Permit (fee per site)</td>
<td>300 to 1000</td>
<td>500 to 5000</td>
<td>$1,134.00</td>
</tr>
<tr>
<td>Level Two Permit (fee per site)</td>
<td>1000 to 5000</td>
<td>5,000 to 30,000</td>
<td>$315.00</td>
</tr>
<tr>
<td>Level Three Permit (fee per site)</td>
<td>5000 to 1 Acre</td>
<td>more than 30,000</td>
<td>$633.00</td>
</tr>
<tr>
<td>Level Four Permit (fee per acre)</td>
<td>More than 1 Acre</td>
<td>n/a</td>
<td>$844.00</td>
</tr>
</tbody>
</table>

## WATER & SEWER PERMIT FEES

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>WATER PERMIT</td>
<td>$35.00</td>
</tr>
<tr>
<td>SEWER PERMIT</td>
<td>$35.00</td>
</tr>
<tr>
<td>WATER/SEWER PERMIT (COMBINED)</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

## TEMPORARY RIGHT-OF-WAY USE PERMIT FEES

<table>
<thead>
<tr>
<th>NUMBER OF DAYS PERMIT IS VALID</th>
<th>AREA OCCUPIED</th>
<th>APARTMENT</th>
<th>LOW-RISE CONDO</th>
<th>TOWNHOUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>LESS THAN 5 DAYS</td>
<td>&gt;1000 SF</td>
<td>$35.00</td>
<td>$25.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&lt;1000 SF</td>
<td>$25.00</td>
<td>$10.00</td>
<td></td>
</tr>
<tr>
<td>5 DAYS TO 90 DAYS</td>
<td>&gt;1000 SF</td>
<td>$50.00</td>
<td>$40.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&lt;1000 SF</td>
<td>$40.00</td>
<td>$15.00</td>
<td></td>
</tr>
<tr>
<td>MORE THAN 90 DAYS (no maximum time)</td>
<td>&gt;1000 SF</td>
<td>$300.00</td>
<td>$150.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&lt;1000 SF</td>
<td>$150.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## WATER TURN-ON CHARGE

$25.00 FOR EACH NEW WATER SERVICE DURING NORMAL BUSINESS HOURS. THEREAFTER, $75.00.

## INSPECTION PERMIT CHARGE

RANGE BETWEEN $50.00 AND $100.00

## STREET OBSTRUCTION PERMIT FEES

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>AWNING</td>
<td>$35.00</td>
</tr>
<tr>
<td>CULVERT/STORM</td>
<td>$50.00</td>
</tr>
<tr>
<td>SANITARY SEWER SERVICE</td>
<td>$50.00</td>
</tr>
<tr>
<td>UTILITY SERVICE</td>
<td>$35.00</td>
</tr>
<tr>
<td>UTILITY MAIN</td>
<td>$85.00 PER 350'</td>
</tr>
<tr>
<td>OTHER*</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

*OTHER PERMITS IN RIGHT OF WAY MAY INCLUDE:

- FENCE
- SIDEWALK CAFÉ
- WALLS
- RAMPS
- PARKING PADS
- SIDEWALKS
- TEST HOLES
- SPECIAL MOTOR VEHICLE PERMIT
School Impact Fees
All building permit applications for new single and multi-family dwelling units declared complete on or after May 24, 2004 will be subject to the following new school impact fee rates:

1) $1,211.00 per each new single family unit. For purposes of this program, the School District classifies detached and attached single family dwelling units and each duplex unit as single family.

2) $721.00 per each new multi-family unit. This includes buildings with three or more dwelling units.

The fees must be paid prior to the issuance of a building permit.
6.0 EXHIBITS

A. Site Map with Set Backs and Proposed Wetland Mitigation

![Site Map with Set Backs and Proposed Wetland Mitigation](image-url)
B. Wetland Delineation

This map is the result of a reconnaissance review for the presence of wetlands. A formal wetland delineation was not conducted on this site. The map is for planning purposes only. A formal delineation and professional survey of wetland boundaries would be required for exact wetland determinations.

Prepared by: (December 24, 2007)
Northwest Ecological Services, LLC
1229 Cornwall Avenue, Suite 313
Bellingham, WA 98225
360-734-9484
C. Road Improvement

NOTE:
1. All material and workmanship shall conform to the provisions of AWWA "Standard Specifications" and shall conform to the requirements of the City Engineer.
2. An equivalent asphalt treated base may be substituted for the gravel base and crushed rock upon approval of the City Engineer.
3. On cul-de-sacs of less than 60', 8% may be reduced to 5%.
4. Rolled curb may be substituted for vertical curb upon approval of the City Engineer.
5. Setback sidewalk may not be used in conjunction with setback sidewalks.

APPROVED

City Engineer

CITY OF BELLINGHAM

STANDARD A.C.C. SECTION
RESIDENTIAL ACCESS STREET

DRAWING

ST-120