

**APPENDIX D:**  
**PUBLIC COMMENT RECEIVED AND**  
**JOINT CITY-COUNTY RESPONSE**

**OVERVIEW**

During the 30-day comment period (March 26 through April 26, 2004), the City and County received comments and questions in letters, faxes, emails, and verbal testimony at the public hearing from individual citizens regarding information presented in the March 26, 2004 City-County Draft Environmental Impact Statement (DEIS) for the City of Bellingham, Bellingham Urban Growth Area (UGA), Five-Year Review Areas, and the Whatcom County Urban Fringe Subarea Plan.

Each response is numbered with the letter "L" indicating a letter, the letter "F" indicating a Fax, the letter "E" indicating an email and the letter "H" indicating a comment received at the DEIS public hearing on April 21, 2004. Each communication received has been excerpted to reflect comments and questions that specifically relate to the substance and adequacy of the DEIS document. The Joint City-County response is presented in bold below each relevant comment.

**COMMENTS FROM INDIVIDUAL CITIZENS**

(E-3/H-1)	Harold and Donna Macomber
(L11/H-11)	Bill Henshaw
(L-12/H-3)	Cheryl Lovato Niles
(L-13)	Judith and Philip Shantz
(E-4)	Joan L. Humen
(L-14)	Teresa and Gina LaFreniere
(E-5)	Judy Shantz
(L-15)	Jack T. Mowat
(L-16)	Dermot O. Cunningham
(L-17)	Barbara Rodak
(L-18)	Ross Osborne & Keron T. Marie
(L-19/H7)	Robin Hitz
(L-20)	Patricia Traut
(E-7)	Hany El Diwany
(L-21)	Paul E. Isaacson
(F-3)	Susan Templeton
(E-8)	Kenni B. Merritt
(E-9)	Lu Anne Alton
(H-2)	Joel Tarrida
(H-5)	Mary Dickinson
(H-6)	Bill Davis
(H-12)	Gary Reid
(H-8)	Roger Almskaar
(H-10)	Bill Geyer
(E-10)	Carla Hanson
(E-11)	Eric Moe
(E-12)	Rod Burton
(E-13)	Steve Hoffman
(L-23)	Peter Border
(L-24)	Noel Collamer
(F-4)	Harvey Schwartz

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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### **RECORD OF PROCEEDINGS OF THE JOINT CITY / COUNTY DRAFT ENVIRONMENTAL IMPACT STATEMENT PUBLIC HEARING**

**7:00 P.M., WEDNESDAY, APRIL 21, 2004  
BELLINGHAM MUNICIPAL COURT, ROOM 1  
CITY OF BELLINGHAM, WASHINGTON**

Planning Staff Members Present	Jorge Vega, City Planning Director Greg Aucutt, City Senior Planner Chris Spens, City Senior Planner Chris Comeau, City Planner II Pat Carman, City Planner II Cheri Moniz, City Recording Secretary Carl Batchelor, County Senior Planner John Guenther, County SEPA Official
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#### **PUBLIC HEARING:**

**Staff conducted a public hearing** to receive public comments on the Draft Environmental Impact Statement (DEIS). The DEIS contains extensive information and analysis regarding four different 20-year population and employment growth scenarios. The DEIS will be used by the City, the County and the public to determine where and how growth and development will occur in the greater Bellingham area.

#### **STAFF PRESENTATION**

Chris Comeau gave a presentation regarding the Draft Environmental Impact Statement. The DEIS will be used to update the 1995 City of Bellingham Comprehensive Plan and the 1997 Whatcom County Urban Fringe Subarea Plan. The purpose of tonight's meeting is to gather public comment on the DEIS. The comments will be addressed individually in the Final EIS. Staff will accept written comments through April 26, 2004. The intent is to publish the FEIS in June. The FEIS will be used for Comprehensive Plan updates and should help to inform the community growth forum this summer.

The DEIS is a joint City / County declaration that future growth is expected to impact the natural and built environment of the greater Bellingham area. It's a measure of existing trends and conditions, services and facilities, and a projection of future needs and conditions. It projects future environmental conditions, public facilities, and services based on existing and historical trends and various factors that influence and constrain growth. It is a joint planning effort to analyze potential impacts that could reasonably be expected to occur under four alternatives for accommodating the projected growth. It is not a recommendation for any one of the four alternatives. The City and County have reviewed a number of population growth forecasts and determined that the Bellingham area is likely to grow by 31,600 people over the next 20 years. The current population for the City is approximately 70,000 and the population of the Urban Growth Area is approximately 12,000 for a combined population of approximately 82,000. The average persons per household is 2.24 and the average residential density is 5 units per acre. The total population for Bellingham is projected to be just over 113,000 by the year 2022. Whatcom County is projecting a total countywide population of 235,000 residents by 2022.

Along with the projected population growth, the need for residential housing units is expected to rise. Dividing the projection of 31,600 new residents by 2.24 persons per household, there will be a need for 14,100 new housing units over the next 20 years. The lower the residential density, the more land needed for residential development. If density is increased less land will be needed for housing units. At 4 units per acre the City and the UGA will need 3,525 acres to accommodate the forecasted growth. Increasing the number of units to 18, the land needed drops to 783 acres. It should be noted that the

land Bellingham has to work with is constrained by environmental factors. We should be mindful of what constitutes truly buildable land.

Growth is coming from national, regional, county and local focus. On the national level; Bellingham and Whatcom County have been recognized as a great place to live, work and retire. Regionally, Whatcom County is centered between Vancouver, Seattle, the San Juan Islands, and the North Cascades. Locally, Bellingham is surrounded by salt water, mountains, sensitive watersheds, wildlife habitat, commercial forestry, lakes and streams, steep slopes, abandoned coal mines and valuable wetlands, which influence growth, but create land based constraints. Commercial based development is primarily situated along or near the I-5 corridor. Whatcom County and Bellingham are magnificent places to live. The County is very large, but there is a small amount of buildable land. The rural parcelization in the County has created a large number of 1-5 acre building lots outside of the City and the UGA. Approximately 7.5 percent of the total County land base is available for development. The County has designated agricultural and forestry land. Looking at the parcelization, there are a huge number of lots that are buildable.

Locally, growth is influenced by Western Washington University actively recruiting students. Whatcom Community College also attracts students to the area. There are diverse economic and employment opportunities. Bellingham has a small city atmosphere within commuting distance of larger cities and major employment markets. There are numerous public greenways, parks, trails, and access to lakes and salt water.

Geographic constraints to growth include Bellingham Bay and the Georgia Straight to the west, Chuckanut Mountains and Lake Samish to the south, Lake Whatcom to the east, the Port of Bellingham International Airport, the Lummi Nation and the City of Ferndale to the north. There is varied topography including cliffs, steep slopes, hills, abandoned coal mines and seismic hazards. Geological hazards include the Nooksack River delta and flood plain, and Galbraith Mountain. There are critical areas and endangered species that require protection. There are multi-jurisdictional planning and development standards in the UGA. Within the City and UGA there has been neighborhood resistance to growth and change.

The question addressed by the DEIS is how Bellingham should accommodate the projected growth. Staff has proposed four alternatives.

1. No Action: This alternative uses the existing zoning and development regulations. It assumes that the 20-year forecasted population and employment growth would be accommodated within the existing City and UGA boundaries under current zoning and development regulations.
2. Infill: Under this alternative, the forecasted 20-year growth would be accommodated by revising zoning and development regulations to increase potential housing and employment opportunities with the current City and UGA boundaries.
3. Adjusted UGA: This alternative looks at accommodating the forecasted growth primarily by adding additional developable land (including some or all off the "five-year review" areas) to Bellingham's UGA and rezoning this land to allow urban levels of development. This alternative assumed that no zoning changes would occur within the City or existing UGA and also considers removing lands unsuited for urban development from the UGA.
4. Infill and Adjusted UGA: This alternative examines accommodating projected growth through a combination of infill as described in Alternative 2 and inclusion of additional land area in Bellingham's UGA per Alternative 3.

The maps of the four alternatives outline the ability to accommodate the projected population. Alternative 1, no change or no action, cannot accommodate the projected growth. The map of Alternative 2 shows the capacity for infill. The areas to be added to the UGA for Alternative 3 were identified in 1997. Alternative 4 shows the capacity and areas of potential changes in zoning. The purpose of tonight's meeting is to gather public comment regarding the potential impacts of accommodating the projected population and what greater Bellingham might look like.

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### **PUBLIC HEARING OPENED**

**(H-1) Donna Macomber, 159 Larson Road,** commented that on page 2.9 in regard to the population and land supply, Alternative 3 has a ridiculous statement "*if existing UGA zoning allowing 4 dwelling units per acre were applied to land added to the UGA, then approximately 1,250 acres of undeveloped or redevelopable land would need to be added to the UGA.*" She said that 4 units per acre is against the Growth Management Act. She suggested updating the population forecast as it is foolish to prepare for growth that won't happen. If too much land is added to the UGA now, it will cause less dense development in the City and the UGA. Then on page 4-41, Alternative 2C "*increases densities in appropriate areas of the UGA to 12-18 units per acre, and rezones portions of Old Town and the Bellingham Waterfront, increases the infill capacity enough to meet the forecasted 20-year demand.*" That statement makes the rest of the DEIS inconsequential. Alternative 2C has the least impact on air quality, water resources, plants, animals, natural resources, urban design, historic and archaeological resources, transportation, police, fire, water, storm water, electricity and natural gas. This will ultimately save the City and the taxpayers. She expressed concern that the choice staff is presenting is to protect the environment versus protecting views. Meridian School District will be greatly impacted if Area A2 were included in the Urban Growth Area. She pointed out that in the April 18, 2004 Bellingham Herald there was an article that suggested that Bellingham could accommodate the projected growth without expanding. She wonders why staff is suggesting using the vacant land to the north when it is against the GMA and the land owners have expressed their desire to remain rural. She recommends adopting alternative 2C.

**(H-2) Joel Tarrida, 4409 E. Oregon,** stated that he understands that the City wants to infill and increase density, but commented that there is no vehicle to do that. He asked how infill and increased density can be accomplished if Alternatives 3 or 4 are adopted. He cited the examples of Old Town and the Georgia Pacific site. He expressed concern that there are no proper ordinances in place.

**(H-3) Cheryl Lovato Niles, 2631 Sunset Drive,** explained that she is coming from an environmental sciences perspective with a focus on stream ecology. She understands that the challenge to development is impacts on the environment. She stated that a compact mixed use development is the best choice. As more agricultural land is displaced, farmers have to use more intensive fertilizers, which impact the rivers and streams. She suggested keeping the majority of the impervious surfaces to the City and the UGA. Sprawl will contribute to erosion along the creeks which will impact the Salmon. Automobiles are the number one environmental impact. Dense, walkable neighborhoods will reduce our dependency on vehicles and go a long way to improving our overall health. The reduction in infrastructure cost could be passed on to the schools. She pointed out that the Bellingham School District is one of the best around. She cautioned that if the school district deteriorates, people will move to the County. In her opinion the real wealth of Bellingham is productive agricultural lands, clean air, and a well educated populace.

**(H-4) Bill Quehrn, Representative of the Building Industry of America Whatcom County,** submitted a letter in to the record. The reliance on increasing density in the urban center of Bellingham with multi-family development to meet the GMA requirements is at the expense of other housing options. The BIA felt that two of the larger costs of a building lot are the impact fees and the inadequate supply of land. Until the land supply increases, housing costs and availability will continue to negatively impact the middle and lower income families. Currently local families are being priced out of the housing market. Proper use of the UGA could alleviate this. As housing prices continue to soar, higher property tax assessments will follow. This inescapable result will hurt the low income families. The DEIS will bring in a privileged class at the expense of the middle class families. This could be viewed as an economic and cultural discrimination housing plan. Alternative 4 would at least provide an opportunity for the City and the County to address a broader range of housing options.

**(H-5) Mary Dickinson, 4100 Legoe Bay Road,** clarified that she is not speaking as a representative of the BIA tonight. Under the DEIS, land supply would be so restricted. In her opinion Alternatives 1, 3, and 4 are not true options due to existing City regulations that preclude them. These options force

many to live in apartments, possibly for the rest of their lives. She said that a Whatcom County Council member told her that dreaming of a home with a front yard is selfish. She was horrified by the median income of \$32,540 per year. She pointed out that the average rent is \$600, which means that a majority of families spend over a third of their income on rent. She does not agree with the Boulder, Colorado model and hopes that Bellingham does not employ it. She felt that there were inconsistencies in the DEIS. She wondered why Transfer of Development Rights were hardly mentioned in the DEIS. She stated that for Alternatives 1, 3, or 4 to be viable, the City must lift the water moratorium. A variety of housing must be available, including single family detached development.

**(H-6) Bill Davis, 1149 Toledo Street,** stated that he is in favor of the adjusted UGA as we need more land available for building. He does not like infill on expensive and hard to build on lots. He is not in favor of jamming people together. He commented that there will come a time when Bellingham will need to build more arterials. He suggested more development to the north where there is better land to build on.

**(H-7) Robin Hitz, 4243 Hannegan Road,** commented that even if we don't plan for growth, it will still happen. In her opinion, Alternative 2 is great but only if rezones and an increase in density can be achieved. Many of the neighborhoods within the City oppose densification. Currently there is not enough land to meet the future residential demand. She asked what the environmental impacts are in the 5-year review areas if they are considered but not fully developed. The land owners in those areas are looking to the City for guidance. She pointed out that there have been a record number of applications in the county for single family residential development. If the City needs the 5-year review areas, they need to let the owners know so they can hold off on the development. She suggested keeping the density near the city.

**(H-8) Roger Almskaar, 3610 Meridian,** stated that the DEIS should explain why the cost of a lot has dramatically increased given the extreme shortage of buildable lots. In his opinion, the UGA can be expanded without the negative impacts cited in Alternative 3. Owners know that they have a semi-monopoly on raw land. The DEIS should point out the negative effects when the UGA boundaries are too tight. Land owners outside of the UGA are chopping land into 5-acre parcels. This needs to stop. Alternative 3 could include more land toward the Kelly and Hannegan Roads as these are logical areas for growth. He suggested creating Alternative 5, which would incorporate Alternative 3 and expand the UGA on the north side of Bellingham both east and west of the Guide Meridian. He suggested a minimum density of 6 houses per acre and creating open space. In regard to land supply, 14% market factor is too low. The EIS should measure land supply based on what is real at one point in time. He estimated 25-30% of the land is not available. Lot supply should be 3-4 times the absorption rate. In his opinion, there are too many regulations on infill and the rules are inflexible. He felt that 20,000 square foot lots within the City are sprawl zones.

**(H-9) Rick Nicholson, 2408 Mill Avenue, Whatcom Transit Authority representative,** stated that WTA supports any scenario that includes infill for the following reasons: (1) public transportation is viable where the density is higher, (2) public transportation is viable where there are mixed use developments so residents can access residential, commercial, educational, recreational areas, and (3) pedestrian and bicycle amenities need to be up to the standard. Alternatives 1 and 3 are inconvenient for transit. They add to the transit travel time, which is inconvenient for the passenger. Those alternatives increase the number of automobile trips. This in turn, leaves more traffic for transit to have to deal with. WTA would like to work with the City and the County from a Transportation Demand Management perspective. They propose:

1. Traffic signal preemption, at least at key intersections.
2. Transit priority rights of way.
3. Incentives for developers if they use Transit Oriented Development principals when designing new projects.

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4. They want the support of the City to site and improve transit hubs, especially in the northern portion of Bellingham and the Downtown station. The northern hub is currently at the Bellis Fair Mall and there will be twice the number of buses coming there soon.
5. They would like to work with the City to maximize street connectivity.
6. Pedestrian and bicycle facilities need to be a priority.

**(H-10) Bill Geyer, 1008 16<sup>th</sup> Street**, commented that the DEIS documents the long term trend of home ownership decreasing and rentership increasing. Today only 40% of the residences are home owner occupied. The DEIS limits the choices for housing, provides a less stable community, and concentrates wealth in fewer hands. Implementing the strategies for infill in the DEIS without substantive changes will make the situation worse. Condominiums are a good market response; however they haven't been made available to the middle class in our community. This will further exacerbate the decrease in home ownership. He suggested considering redevelopment of some single family neighborhoods, such as Samish, Edgemoor, South, and Whatcom Falls. These would be good areas for infill. He further suggested adding more land in the UGA. In regard to Alternative 4, staff should look at the quantity of land that is available. He expressed concern that the land use element of the UGA boundary is lacking in water, sewer and storm drains. Staff should address what amount of development the water system in the UGA can support.

**(H-11) Bill Henshaw, 2653 N. Park Drive**, stated that the real estate community is interested in (1) insuring economic vitality, (2), preserving housing opportunities (3), preserving the environment and (4) protecting the property owner's rights. In his opinion the suggested alternatives are not enough. He pointed out that there are 164 listings in the Multiple Book today, which translates to one month's supply of homes. This is the reason that prices are so high. The median cost of a home in Bellingham is \$235,000. This does not provide housing to all the citizens, which lends to the percentage of home ownership. Providing adequate land in the UGA will help, but political will is needed to make them accept density. We need a livable city while protecting the environment. The City has transportation problems as arterials are not defined and not getting built. The citizens should be taxed in order to pay for the necessary improvements, instead of requiring the developer to pay for the entire improvement.

**(H-12) Gary Reid, 5651 Mission Road**, pointed out that it is impossible to find lots in Bellingham under \$250,000. Infill takes months to get through the regulations. This forces buyers to sprawl to the county on 1-5 acre lots. He felt that this was a result of the City of Bellingham policies. Staff needs to figure out how to provide housing for the people that are in the community. Currently we are not providing for those who are here. The policies must change.

### **PUBLIC HEARING CLOSED**

Chris Comeau stated that staff will accept public comment through April 26, 2004. The comments raised will be addressed individually.

**ADJOURNED: 8:45 p.m.**

Minutes prepared by: Cheri Moniz, Recording Secretary

Minutes edited by various Planning Staff

**JOINT CITY-COUNTY RESPONSE TO PUBLIC HEARING TESTIMONY**

**(H-1) Response to Donna Macomber**

Comments addressed as (E-3) in section titled "Written Comments Received From Individual Citizens."

**(H-2) Joel Tarrida**

Not a comment on the adequacy of the DEIS, but rather an expression of a preference for a particular planning outcome.

**(H-3) Cheryl Lovato Niles**

Comments addressed as (L-12) in section titled "Written Comments Received From Individual Citizens."

**(H-4) Bill Querhn, Executive Officer of Building Industry Association of Whatcom County**

Comments addressed as (L-1) in section titled "Comments Received From Individuals Representing Organizations and Agencies."

**(H-5) Response to Mary Dickinson**

Not a comment on the adequacy of the DEIS, but rather an expression of a preference for a particular planning outcome.

**(H-6) Response to Bill Davis**

Not a comment on the adequacy of the DEIS, but rather an expression of a preference for a particular planning outcome.

**(H-7) Robin Hitz**

Comments addressed as (L-19) in section titled "Written Comments Received From Individual Citizens."

**(H-8) Response to Roger Almskaar**

1. SEPA does not require economic impact analysis. This analysis may be done independently as part of the planning process if so desired by the City and County.
2. The DEIS covers this in Chapter 4 in the discussion of the impacts of the alternatives. Specifically, refer to page 4-35, paragraph 3, bullets 1 - 7 and page 4-42, paragraph 1.
3. The DEIS examines the impacts of a range of alternatives within which the final plan is anticipated to fall. If the final plan falls significantly outside this range, a supplement may be required. The choice of alternatives was part of the SEPA Scoping process and comments should have been submitted at that time. In addition, the portions of the Urban Fringe Subarea being studied for possible inclusion in the UGA were identified and designated as "5-Year Review Areas" by the City and County in 1997. The remainder of the Urban Fringe Subarea has yet to be designated as appropriate to study for possible inclusion in the UGA.

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4. The land supply methodology is extensively explained in Attachment #3. This information is also available on the City of Bellingham web site at:

[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

### **(H-9) Rick Nicholson, Whatcom Transportation Authority**

Comments addressed as (L-23) in section titled "Comments Received From Individuals Representing Organizations and Agencies."

### **(H-10) Response to Bill Geyer**

1. The land supply methodology is extensively explained in Attachment #3. This information is also available on the City of Bellingham web site at:

[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

2. Providing water supply for residential development depends on the ability of the utility to expand its system in an orderly manner that allows for no diminished level of service to any existing customer at the expense of new growth. The ability for a utility to serve a potential customer base is predicated on the fact that there is enough capacity in the system and that the system can accommodate the demands put on it by its customer base at any given time. Any time a utility begins to expand its service area, the impacts that are of most immediate concern are water quality, fire suppression and maintenance and operational issues. Expansion outward creates additional infrastructure, which is more expensive to service and maintain than existing infrastructure. Refer to Chapter 4 of the DEIS, pages 4-143 – 4-145 where water supply impacts and mitigating measures are discussed in detail.

### **(H-11) Response to Bill Henshaw**

Comments addressed as (L-11) in section titled "Written Comments Received From Individual Citizens."

### **(H-12) Response to Gary Reid**

Although Mr. Reid's comments do not address the adequacy of the DEIS, he raises concerns for affordable housing and permit processing time frames

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### WRITTEN COMMENTS RECEIVED FROM INDIVIDUAL CITIZENS

(E-3/H-1)      Harold and Donna Macomber

#### DEIS COMMENTS

Regarding the DEIS:

##### (2.9) Population and Land Supply Demand

Alternative 3 has the ridiculous statement "If existing UGA zoning allowing 4 dwelling units per acre were applied to land added to the UGA, approximately 1250 acres of undeveloped land would be needed." 4 units per acre would be totally against GMA mandates. Bellingham would get known as Urban Sprawl City. It would be totally unacceptable to the Growth Management Board.

The population forecast should be updated. The Bellingham Herald recently reported that population growth for Whatcom County was down to 1.4%. It would be foolish to prepare for growth that will not happen. If too much land was added to the UGA now, it would cause less dense development in City and UGA

(4-41) This page has statements that make the rest of the Draft inconsequential. It states that Alternative 2C, which increases densities in appropriate areas of the UGA to 12 to 18 units per acre and rezones portions of Old Town and the Bellingham Waterfront, increases the infill capacity enough to meet the forecasted 20-year demand, with an actual surplus. This is exactly what Growth Management is about.

Alternative 2C has the least impact on air quality, water resources, plant and animals, natural resources, light and glare, aesthetics and urban design, historic and archaeological resources, transportation and circulation, police, fire, EMS cost savings, water, maximize efficiency, storm water would minimize the cost, sewer, solid waste and recycling, communication services and electricity and natural gas. This would ultimately save tax payers money. If the UGA is expanded the city's taxpayers will be subsidizing the services.

The main fault that I could find with alternative 2C seems to be "scenic". You must decide which is more important, protecting someone's view or protecting the environment and following GMA mandates of preventing urban sprawl.

The April 18<sup>th</sup> Bellingham Herald states "City officials say Bellingham could accommodate expected growth without tearing up existing neighborhoods, even if the city doesn't expand farther outward." That states it very well. Why should we use up more vacant

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land to the north when it is against the GMA, Visioning for Bellingham and the County Comprehensive Plan.

We have lived on Larson Road for 37 years. When we moved here, it was rural & is still rural. We want it to stay that way. We refuse to be plunked in with Caitac's vision of what our neighborhood should be. We will resist every effort to be annexed to the City of Bellingham.

Harold and Donna Macomber  
159 Larson Road  
Bellingham, WA 98226

### **(E-3/H-1) Response to Harold and Donna Macomber**

1. With the exception of Alternative 1, the DEIS alternatives present various ways the projected population may be accommodated. The GMA does not dictate what urban densities should be, but leaves that decision up to local jurisdictions. There are cases in which the Western Washington Growth Management Hearings Board has approved of densities of 4 dwelling units per acre in urban areas.
2. The Growth Management Act (GMA) requires that Counties and Cities adopt population projections within a range provided by the Washington State Office of Financial Management. The County and City must then plan for and adopt Comprehensive Plans to accommodate the adopted population projected over the next 20 years. In 2002, ECONorthwest produced a Countywide study titled *Whatcom County Population and Economic Forecasts*, which examined historic and current population and employment trends. The study presented low, medium, and high projections and in January 2004, the Whatcom County Council adopted a population projection of approximately 62,000 new residents in Whatcom County by 2022. Approximately 31,600 of these new residents are projected to live in Bellingham and its UGA. The medium projection was also recommended by the Whatcom County Planning Commission, the Bellingham Planning Commission, and the Bellingham City Council. Population forecasts will be updated when the Plan is updated at 7-year intervals.
3. The DEIS is required to examine the impacts of a range of alternatives and serves as a source of information to decision makers. The ability of one alternative or another to accommodate projected growth does not render the analysis of other alternatives inconsequential.

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(L-11/H-11) Bill Henshaw

APR 28 2004

April 26, 2004

Mr. Chris Comeau  
210 Lottie St.  
Bellingham, WA 98225

Re: Draft Environment Impact Statement

Dear Chris,

I have reviewed the draft environmental impact statement and would offer the following comments. None of the alternatives adequately address the growth surge that Bellingham has experienced in the past several years. As I testified last Thursday evening, land prices for single family and multifamily projects have gone through the roof. Housing prices have increased from \$56,000 in 1980 to \$235,000 in 2004 an increase of 400%. Further, there does not appear to be any relief in sight since currently the inventory of homes for sale is approximately one months supply and continues to put upward pressure on prices.

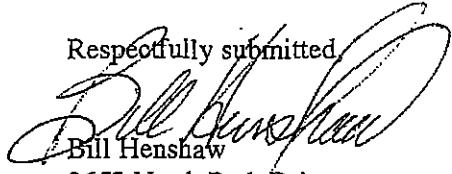
When the 1995 Comprehensive Plan was implemented, Bellingham was to take approximately 42% of the growth in the County. The figures indicate that Bellingham fell short of that figure significantly and is the reason that Birch Bay and Lynden have seen such significant growth. The problem with those bedroom areas growing so fast is that it exacerbates the traffic problems on all of our major arterials that are already at capacity.

It is incumbent upon us to continue to infill however it is politically unattractive to neighborhoods and until the issue is framed in a manner of the greater good addressing the problem on a County-wide basis, we will continue to provide lip service to a problem that will only get worse. I recommend that a minimum density be established throughout the City and a goal for increasing density throughout. Neighborhoods that refuse to take their fair share of increased density should pay additional impact fees. That reflect the additional burden on road and infrastructure extensions to the outlying areas.

Additionally, the City should take the lead in establishing arterial corridors and providing infrastructure in areas where they wish to encourage growth. This type of planning will greatly enhance the quality of life if we can develop adequate arterials rather than leaving that to developers that have to add that into the cost of a project and in many instances end up delaying the completion of many projects of this type. A prime example of this is the Deemer Road extension to Kellogg that has been talked about for 25 years that I know of and is just now being installed by a developer.

The environmental impact statement raises issues but does not attempt to relate the issues of proper transportation planning, infrastructure planning with the various alternatives given.

Respectfully submitted,



Bill Henshaw  
2653 North Park Drive  
Bellingham, WA 98225

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### **(L-11/H-11) Response to Bill Henshaw**

1. The Growth Management Act (GMA) requires that Counties and Cities adopt population projections within a range provided by the Washington State Office of Financial Management. The County and City must then plan for and adopt Comprehensive Plans to accommodate the adopted population projected over the next 20 years. In 2002, ECONorthwest produced a Countywide study titled *Whatcom County Population and Economic Forecasts*, which examined historic and current population and employment trends. The study presented low, medium, and high projections and in January 2004, the Whatcom County Council adopted a population projection of approximately 62,000 new residents in Whatcom County by 2022. Approximately 31,600 of these new residents are projected to live in Bellingham and its UGA. The medium projection was also recommended by the Whatcom County Planning Commission, the Bellingham Planning Commission, and the Bellingham City Council. Population forecasts will be updated when the Plan is updated at 7-year intervals.
2. According to Table 3-1 (p 3-3) of the 2002 ECONorthwest study titled *Whatcom County Population and Economic Forecasts*, which examined historic and current population and employment trends, from 1995 to 2000, Bellingham received approximately 51% of the countywide population growth in Whatcom County. In contrast, Lynden received 9.4% of the countywide population growth and the unincorporated portions of the County, which includes the Birch Bay UGA, received approximately 24%.
3. The DEIS, Section 4.7.3. Transportation and Circulation – Mitigating Measures, lists transportation arterials and improvements that would be needed to move people and goods as the planning area develops at urban densities.

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(L-12/H-3) Cheryl Lovato Niles

2631 Sunset Drive  
Bellingham WA 98225

APR 28 2004

PLANNING DEPARTMENT

April 21, 2004

Chris Comeau  
Bellingham Planning and Community Development Department  
Bellingham WA 98225

Dear Mr. Comeau

I have examined the draft Environmental Impact Statement and offer my comments from an environmental standpoint as well as that of a concerned citizen. My background is in environmental science – I have a master's degree in environmental science with a focus on stream ecology and watershed process, and before my daughter was born in 2000, I worked for the National Fish and Wildlife Foundation.

Today our biggest environmental challenges arise from non-point source pollutants – the large cumulative impacts of our countless small individual decisions. How we build a city sets the stage for these myriad individual choices and therefore has major long-term consequences which are difficult or impossible to mitigate once the roads are built and the houses are put in place.

Infill development, which the draft EIS identifies as option 2, will do the best job of reducing environmental impacts and protecting the amenities we treasure – agricultural and wild land, healthy salmon streams, and clean air. I encourage the city and county to strongly consider option 2 or option 4. Below, I'll briefly provide my comments on how some of our natural resources are impacted by development.

Agricultural Land - All of the richest and most productive agricultural land in this country is currently under cultivation. When residential development displaces agriculture from this most suitable land then the amount of irrigation, chemical fertilizer, and pesticides used to produce the same crop on marginal land goes up. This has major negative impacts on our rivers and streams. Also, each farm that goes out of business puts an additional strain on the farming economy. Farming support businesses find it increasingly difficult to stay business with fewer and fewer customers. This has been and will be a recurring issue simply because this best agricultural is almost always flat, which makes it very attractive for residential development.

Impervious Surfaces – Minimizing the amount of impervious surface makes a huge difference to the overall function of the watershed which then determines the health of the river system. When land is paved over, it keeps the rainwater from seeping into the soil and recharging groundwater, which is what helps keep the streams going during the summer. Also, when the land is covered with impervious surfaces the stormwater rushes to the creeks very quickly. It creates a "flashier" system (think "flash flood"). And these flashier conditions can then scour smaller gravels out of the river channels, or accelerate

## APPENDIX D: PUBLIC COMMENT AND RESPONSE

erosion along the banks. Salmon are particular about their spawning gravels, they need river bed materials small enough to dig out a redd yet large enough to provide good oxygenation for their eggs. Minimizing the length of roads by building more densely makes a big difference. Also I would encourage the council and the planning department to consider reducing standard road widths. Modern road widths are ridiculously large. Our older neighborhoods function well with much narrower roads than the modern norm. A systems of narrower interconnected roads like what we have in our older neighborhoods would reduce impervious surfaces, calm traffic, and encourage bicycling and walking as legitimate ways to get around. Bicycle lanes are important but not the sole answer. Even if Lakeway had a bike lane, I would never ride on it with my two kids in the bike trailer. But living in one of the older neighborhoods allows me to bike safely on the residential streets to get to the library, kids museum, the post office, etc. Cul-de-sacs and collector streets are anathema to non-motorized transport, but I'm getting ahead of myself.

2

Automotive Transit – According the Union of Concerned Scientists, Automotive transit is the number one consumer-driven environmental impact. Minimizing dependence on cars will go a long way towards reducing air pollution, and reducing the amount of auto generated pollutants flowing into our creeks (I'm talking about the oils and antifreezes dripping from cars that you can see on any parking lot, especially when it just starts to rain). Denser development with the walkable/bikeable access to Town and Neighborhood Centers that the Infill scenario describes would be ideal. People should not have to bring two tons of steel with them for *every* errand - to buy milk, mail a letter, go to a park, get a cup of coffee.

3

Making it possible and desirable for people to walk or bike to many of their destinations would also go a long way towards improving our overall health. We're constantly hearing that obesity is becoming epidemic. We have engineered physical activity out of our daily lives. But who has time to go to the gym? I have two kids, I don't have time to go to the gym. I do have time to walk to the supermarket though, or ride with my kids to the park. Our city style affects our collective waistline and given that we spend more of our GDP on health care than any other western nation, I think this bears on the health of our economy. Small businesses are particularly hard hit by health insurance costs. I know Bellingham will not single-handedly fix the nation's obesity problems, but I won't be surprised if insurance companies start asking how many miles you drive or where you live when determining your rates, just as they now ask whether you smoke.

4

Focusing on infill development will also mean less infrastructure cost to the city which then can hopefully translate to the things we really value – good schools being chief among them. If the city's schools are not maintained at their high quality, we will lose families to the county. Families will bend over backwards for good schools. If the schools remain high quality, the city will continue to exert a gravitational pull for families.

I think we should focus on creating great, walkable (and bikeable) neighborhoods with good design guidelines, a mixture of uses, and a variety of housing types - condos,

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townhouses, apartments and detached single family homes - as described in the Infill development scenario, and annex land to the city only to the extent that we can't fit everything into the existing footprint. With that said, as the draft EIS points out – if we don't create places that are attractive to families, we will lose them to the county. I think high density neighborhoods like the lettered streets can be very family friendly provided they have nice pocket parks and community gardens, but I leave it to the professionals and hopefully another public process to determine just how dense we can make the new neighborhoods without scaring people off.

When we're considering the merits of these different strategies I know you will very responsibly consider the costs both to the city and the individual. And I know that affordable housing is an important consideration. I think that we can create a variety of housing options as described in the Infill scenario which will serve people of different economic means well. I would also point out that car ownership is not cheap. According the Bureau of Labor Statistics Consumer Expenditures Survey for 2001 car ownership costs hit the poorest families hardest, accounting for as much as 40% of household spending. For the poorest American families the high costs of owning and maintaining a car may put home ownership completely out of reach. Most importantly I think that we must not get confused by looking only at the dollars signs. It's always difficult but so important to remember what is real wealth – clean air, healthy salmon streams, productive agricultural land, a well-educated populace, good health. These are things that individuals cannot buy for themselves no matter how much they save on a house. These are public amenities which only a public decision can protect. Thank you for your attention.

Sincerely,



Cheryl Lovato Niles

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### **(L-12/H-3) Response to Cheryl Lovato Niles**

1. Add the following to the DEIS page 3-10, Section 3.2.2 Agricultural Crops – Impacts, at the end of the first paragraph. “Continued loss of farming operations in the Rural zone may result in increased pressure to intensively farm the remaining agricultural land in Whatcom County with concomitant potential impacts on surface and ground waters.”
2. Chapter 3 of the DEIS covers impacts and mitigating measures related to runoff, impervious surface, urban runoff, stormwater, and non-point pollution in numerous places. 3. The DEIS on page 3-5, paragraph 5 notes “The removal of vegetation may decrease habitat value, reduce wind buffering, alter light and glare, increase surface temperature fluctuations, diminish rainwater storage, change hydrologic characteristics, require burning or other disposal, reduce oxygen production, affect soil stability and structure and generally accelerate erosional processes.” The DEIS also states on page 3-6, paragraph 1: “The removal of vegetation may decrease habitat value, reduce wind buffering, alter light and glare, increase surface temperature fluctuations, diminish rainwater storage, change hydrologic characteristics, require burning or other disposal, reduce oxygen production, affect soil stability and structure and generally accelerate erosional processes.” Erosion impacts are also mentioned in several other places in the DEIS. Also, Chapter 4 of the DEIS in section 4.8.7, Stormwater, provides additional discussion from a public facilities perspective.
3. Chapter 4, Section 4.7 of the DEIS addresses Transportation in relation to transit, bicycle, and pedestrian facilities. Mitigating measures to reduce impact from auto-orientation and reliance on single occupancy vehicles are listed under alternatives.
4. Chapter 4, Section 4.8 of the DEIS addresses Public Schools and lists mitigating measures under each alternative.

## APPENDIX D: PUBLIC COMMENT AND RESPONSE

### (L-13) Judith and Philip Shantz

Comments to the Draft Environmental Impact Statement (DEIS) for the City of Bellingham and its Urban Growth Area (UGA) and Sub-areas

Judith and Philip Shantz  
1921 Rainier Avenue  
Bellingham, WA 98229  
April 24, 2004

PLANNING DEPARTMENT

We are deeply disappointed that Bellingham has chosen to adopt a 20-year growth estimate of 39%, or more than 31,000 new residents. Though we understand that the Growth Management Act mandates growth estimates within specific parameters, the City has chosen a relatively high estimate within those constraints, thereby perpetuating the belief that substantial growth is inevitable.

The City and County both have sustained a great deal of damage at the hands of planners and developers over the last 20 years. With the adoption of such high growth estimates, they stand the risk of a substantial amount of further sprawl and degradation.

We believe that growth must be managed and that a community with the collective will to do so will set limits that reflect the capacity of natural and human resources to accommodate expansion without degrading the quality of life and will then create the regulations and zoning to enforce keeping within those confines. While it is physically possible to squeeze 31,000 more residents into Bellingham, it is certainly not desirable.

The real estate companies, building developers, and contractors would have us believe that the high cost of housing is directly related to the scarcity of available land for single-family units, with the implication that if more land were available to them that factor alone would lower housing costs. There are myriad factors in housing costs, not only the cost of land; but raw materials, location, and household size and type of dwelling. Builders also fail to mention that they prefer building single family dwellings because that is where the greatest profit is – which results in "if you build it, they will come" scenario. (We should cite here that a significant portion of our own household income is dependent on the remodeling and new construction that occurs in Bellingham, so we have both a personal knowledge of the building industry in Whatcom County and a stake in its measured success.)

However, we are pleased to see the direction the City has taken on revitalizing the downtown core. Although we fear that some of the plans threaten to "prettify" or "gentrify" public space (without great care to retain the current slightly funky character of Fairhaven it is in danger of becoming a "charming theme park"), we are delighted to know that there are sophisticated, urban dwellers who like the hustle, convenience and excitement of living in a vital city center.

Planning our urban environment must be largely concerned with maintaining livability for the current population – not solely about creating space for possible future immigrants. Obviously, if we create a highly desirable place to live, people will want to come. The extent to which we accommodate them should be dictated by the strictures we place on development and not simple acquiescence to their desire to move here.

While a resident who pays extremely close attention to civic affairs might remain fairly well informed on these growth issues, there was not adequate publicity early in the process to increase general public knowledge of them. Consequently, a large portion of Whatcom county residents have not been made aware of these potentially drastic changes or given sufficient time to investigate and comment on them.

Therefore, we must strongly request that the City, along with the other members of the Whatcom County Growth Management Oversight Committee, return to the planning stage and reconsider growth management.

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We would also like to take this opportunity to make two recommendations to the Bellingham Planning and Community Development Department:

1) We recommend that a cap of 1.5% growth per year for the next 18 years be considered. This would more than meet the requirements of the GMA and reduce the number of expected new residents in Bellingham to approximately 25,000. (We would expect a correspondingly lower number in the County as well.)

1

This projection would mean that Alternative 2A on page 4-40 would provide sufficient capacity for expected growth, thereby mitigating the infill requirements and eliminating a need to expand or rezone the UGA.

2) We recommend that the City greatly expand the possible mitigating measures for Transportation and add a complete section on Public Health. Although we will address them separately, we believe they are inexorably linked.

### Transportation

The transportation infrastructure in Bellingham, and parts of Whatcom County, is already woefully inadequate to meet the needs of the current population. Widening a few arterials and working with the DOT to increase capacity on I-5, will do nothing to alleviate the situation. We have already seen how little good the new interchange at Sunset Drive and I-5 has done.

We need to be thinking way outside the proverbial box and we need to be doing it now. When we arrive at the year 2022, what kind of infrastructure do we need to have planned or have in place in order to plan for the following 20 years? Will we have done the planning necessary for creating a subway, an elevated or other light rail? Will we have commercial corridors and hubs? Will we have taken advantage of our current right-of-ways to run pipelines, cables, transmission lines and fiber-optics down the same corridors?

Most important, will our public transit system have flourished and will a new generation of Bellingham residents take for granted that the way to get around is to ride the bus? The EIS should present various scenarios that examine the ways in which public transit of all types might be developed to mitigate the problems inherent in the four identified alternatives.

The EIS should also present various scenarios that examine the ways in which the City and County can work with State, Federal and Canadian authorities to create a coordinated regional public transportation system.

### Public Health

Human beings are social animals who band together in communities for a variety of reasons – among them services, convenience, employment opportunities and companionship. When we allow our communities to be created by those who stand to profit from them rather than by those who will live in them, those advantages can quickly disappear. Streets laid out on grids of long blocks with no services easily available and with little or no accessible open space make people reliant on personal transportation choices for every need.

Healthy communities make accommodation for all their residents, not just the relatively well-off who can afford private, single-family homes and personal automobiles. As the City lets growth take place with the developers making the decisions, the poor, the elderly, the disabled and all others marginally disadvantaged, are forced farther out into the County and farther from the goods and services they need.

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

Today we are seeing some small communities becoming ghettoized as low-income, mentally ill and limited-English speaking residents create their own small clusters outside the City.

The DEIS does make mention of the concept of clustered developments within the UGA, but we believe that it should develop this concept more thoroughly in a separate section addressing growth as a Public Health impact. Mitigating measures would be the inclusion of housing types of all varieties, including assisted living complexes, units managed by the Bellingham Housing Authority and transitional housing or shelters for the homeless. This should be mixed with light commercial, preferably locally-owned.

All planning should be around healthful living styles. The City has done a good job in recent years in creating bicycle lanes through some of the high-traffic areas. This needs expansion to all parts of the City and County. No development should be permitted that does not encourage and enable its residents to walk to services. That planning must include crosswalks and signals that keep the limitations of the elderly and disabled in mind, along with pathways and open space.

Neither should any development be permitted that does not create its model in conjunction with public transit. Whatcom Transportation Authority (WTA) should be encouraged to look at creating shuttle services that can more easily negotiate the streets of small neighborhoods and alleviate the need for the use of personal automobiles for every daily need.

We believe that these critical issues must be addressed, and that this is our best and perhaps last opportunity to achieve and maintain the delicate balance between managing growth and maintaining our own sense of well being and the continued enjoyment of the natural beauty which surrounds us.

*Philip & Judy Shantz*

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### **(L-13) Response to Judith and Philip Shantz**

1. The Growth Management Act (GMA) requires that Counties and Cities adopt population projections within a range provided by the Washington State Office of Financial Management. The County and City must then plan for and adopt Comprehensive Plans to accommodate the adopted population projected over the next 20 years. In 2002, ECONorthwest produced a Countywide study titled *Whatcom County Population and Economic Forecasts*, which examined historic and current population and employment trends. The study presented low, medium, and high projections and in January 2004, the Whatcom County Council adopted a population projection of approximately 62,000 new residents in Whatcom County by 2022. Approximately 31,600 of these new residents are projected to live in Bellingham and its UGA. The medium projection was also recommended by the Whatcom County Planning Commission, the Bellingham Planning Commission, and the Bellingham City Council. Population forecasts will be updated when the Plan is updated at 7-year intervals.
2. The commenters generally provide opinions and preferences regarding Bellingham's future growth. The comment regarding public health impact is outside the scope of the DEIS and social impact analysis is not a SEPA requirement. Public health issues may warrant consideration as part of the adoption of the plan and implementing measures.

**(E-4) Joan L. Humen**

Please accept my brief comments on the proposed changes to the DEIS. I live on Galbraith Lane, and I wish to submit specific commentary regarding John Templeton's proposed development on Samish Way.

Before I submit my specific comments, I'd like to compliment the Planning Commission on a job well done over the years. I've reviewed the DEIS on line, and I realize the need to address population growth in Whatcom County. It looks as if you're leaning toward option 4, combination of infill and expanded UGA boundaries, and that seems reasonable to me.

Regarding the rezoning proposed by Mr. Templeton of his 60 acres on Samish Way: please do not allow this land to be subdivided into 1/4 acre lots and developed at that level. It is inappropriate in many ways. I'll attempt to address the most critical issues.

Water is an issue out here. The water in the ground is not that plentiful, and the quality is less than desireable. Most of us had dry wells for a period of time last summer, and Bear Creek routinely goes dry. Many of us have arsenic in our well water, and I know no neighbors who are drinking their water straight out of the ground without substantial filtering, etc. There is not enough water in the ground to support 240 new houses.

Mr. Templeton proposes to solve the water supply problem by piping city water out past Lake Padden park and into the development. I just don't see this as a good use of limited resources, and I cannot support it. I realize that the Sandstone property owners have been promised city water, and I'm not sure how I feel about that. I'm living with it, because I can't stop it, and the Sandstone lots are of a reasonable size.

More about water: it doesn't move too well out here. The majority of my land is very boggy during the wet season, and I've managed runoff only through a series of ditches that fill a pond at the bottom of my property. Last winter during a particularly rainy season, we had a minor flood on the newly logged hill across the road from me. It ran down the hill, through three neighbor's yards, then across my property, covering my well, and then into the creek. When it is rainy out here, the water moves rapidly down the hills, taking quite a lot of soil, etc., with it. I cannot begin to imagine the potential for flooding and devestation if the Templeton property is logged and developed into 240 new houses.

Enough about water, I'd like to comment on support services in this area, specifically law enforcement, ambulance, and fire services. The Whatcom County Sheriff's office is not staffed to support a large development in this area, nor is the local volunteer fire department. Increasing population will lead to a concomitant increase in the need for these services, and they are inadequate right now. I could give specific personal examples that validate these statements, but I'm trying to stay as brief as possible.

My last comment is regarding wild life in this area. This area is a signifigant wild life corridor. We are routinely visited by deer and

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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coyotes, as well as racoons, possums, and the rest of our small neighbors. I have heard bear in my pasture at night, and found validating tracks in the morning, and cougar sightings are fairly routine in this neighborhood. These animals are entitled to live here, and we coexist peacefully. A suburban development in the location proposed by Mr. Templeton will disrupt the corridor beyond repair and displace these animals from their home. We value our wild life in Whatcom County, recognizing the value and quality they bring to our human lives, even though it cannot be measured in dollars.

I'm not opposed to Mr. Templeton developing his property in reasonable pieces, such as the current 5 acre lots that we are zoned for. I could even live with 3 acre lots, or 20 houses. I cannot support development at the level Mr. Templeton proposes, for the reasons listed above and many others I won't address in this mail. There are things in life that are more important than a profit, and preserving this piece of Whatcom County by limiting uncontrolled growth is a great example of one.

Thank you for receiving my comments this evening.

Joan L Humen  
1610 Galbraith Lane  
Bellingham, Wa 98229  
734-0838

### **(E-4) Response to Joan L. Humen**

The email is not a question or comment on the adequacy of the DEIS. It expresses preferences regarding the outcome of the plan. The writer's comments about water, public services and wildlife are thoroughly examined in the DEIS.

## APPENDIX D: PUBLIC COMMENT AND RESPONSE

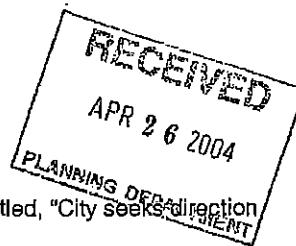
### (L-14) Teresa and Gina LaFreniere

3309 Cherrywood Avenue  
Bellingham, WA 98225  
734-3029 or 319-3252  
[teresalafreniere@comcast.net](mailto:teresalafreniere@comcast.net)

April 26, 2004

Mr. Chris Comeau, Planner  
Planning and Community Development Office  
210 Lottie Street  
Bellingham, WA 98225

Dear Mr. Comeau:



I am responding to a recent item in the Bellingham Herald entitled, "City seeks direction on plans for growth, and comments requested by today.

I attended the April 21, 2004 public hearing and heard a number of interesting comments on the four proposals submitted. As you will note from this letter and attachments, in accommodating the expected 31,600 new residents in the next 20 years, we are interested in the Option 2 mentioned at the meeting and in the article – and that is "handle growth by increasing the density of homes" or infill.

We have property on Birchwood Avenue, which we are interested in utilizing for community housing/increased density of quality homes in that area. In the meeting I heard at least two positive comments regarding the Birchwood area as being one of a few areas of potential growth. Another comment from the meeting was from an environmentalist, who also favored Option 2 and said that this option would have the least detrimental effects on the environment.

We are interested in pursuing the concepts on growth presented by the City of Bellingham and would be interested in anything further we might do—or any comments, which you might wish to share. Thank you for your time and efforts.

Sincerely,

Teresa LaFreniere

C: Chris Spens

Attached letters:

Chris Spens & Greg Aucutt, 3/5/04 & 2/11/04  
Bob Ryan & Louise Bjornson, 12/29/03  
Barbara Ryan, 11/15/03

### (L-14) Response to Teresa and Gina LaFreniere

The letter does not address the adequacy of the DEIS but rather expresses a preference for a certain type of development alternative.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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### **(E-5) Judy Shantz (email forwarded by Susan Gribbin)**

Chris, FYI two notes from Judy Schantz that she asked me to forward to you, Susan Gribbin

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We had such a short window to work in, and narrowing the material down to one important issue and concentrating on being succinct certainly presented challenges. When I read Chris's comments, I wonder if we were a bit too succinct - that issue might have needed it bit of expansion.  
Judy

-----Original Message-----

From: Shantz, Judy [mailto:[ShantJE@dshs.wa.gov](mailto:ShantJE@dshs.wa.gov)]  
Sent: Tuesday, April 27, 2004 11:19 AM  
To: 'Susan Gribbin'  
Subject: RE: EIS Comments from WCOG CTAG

Thanks for Chris Comeau's input, Susan. One of the difficulties of addressing just the impact statement is that it only covers Bellingham and the urban fringe. Some of that of course is under both City and County jurisdiction and we fully understand that the City and County are working together very closely on planning for these areas. But part of our concern is what is happening in the rest of the County - whether it is the division of farmland into 5-acre parcels or immigrants living in little trailer park communities far from commerce and other services. If the County and the City do not share a vision of what Whatcom county will look like as a whole, then planning for Bellingham (and its urban fringe) is being done in a vacuum.

>From the point of view of public health - if we have people who need access to medical care or consumer goods available in the City, but who are compelled to live in Deming or Maple Falls or Sumas because housing costs are lower, we have a population that is at risk of becoming isolated. Some of these isolated populations will choose to remain where they are, as long as agricultural jobs are available to them. No matter what, most of them will have transportation problems of one sort or another. So it comes full circle. We need to work with WTA to expand services to all the underserved corners of the County and to expand service options within the City. That takes collaboration and a common vision.

So, I have now rambled on and on to explain why that bullet point was included in the list. Hope that makes sense to you.

Judy

### **(E-5) Response to Judy Shantz (email forwarded by Susan Gribben)**

The email does not address the adequacy of the DEIS but rather expresses concerns about the planning process and broader countywide public health and services issues.

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**(L-15) Jack T. Mowat**

Jack T. Mowat  
506 - 4th Street  
Mukilteo, WA 98275  
April 23, 2004

APR 23 2004

Chris Comeau, Planner II  
Planning and Community Development  
210 Lottie Street  
Bellingham WA 98226

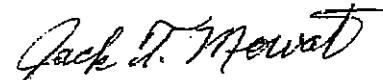
RE: Comments of DEIS

Dear Mr. Comeau:

As a property owner in the City of Bellingham, I am in support of Option #4, which is to increase the cities UGA and to infill and rezone lands within the city limits to accommodate higher density residential in order to stay in compliance with state growth management objectives.

It seems to me that the City of Bellingham is not fully providing for the need for housing if it only plans for supplying exactly the number of new units required by new population projections for the planning period.

Sincerely,



Jack T. Mowat  
(425) 355-2552

**(L-15) Response to Jack T. Mowat**

Not a comment on the adequacy of the DEIS, but rather an expression of a preference for one of the alternatives.

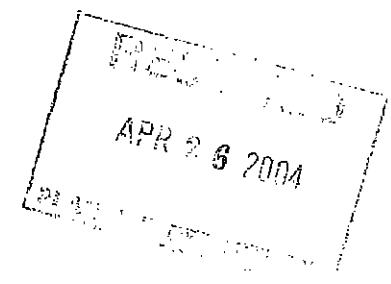
## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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### **(L-16) Dermot O. Cunningham**

Dermot O. Cunningham  
5010 Samish Way  
Bellingham, WA 98229

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Chris Comeau, Planner II  
Planning & Community Development Department  
210 Lottie Street  
Bellingham, WA 98225

April 22, 2004

Dear Mr. Comeau:

I am strongly against any rezoning that is for the benefit of the *Templeton Project* on Samish Way. One dwelling per five acres ought to remain in effect. The R-5-A zoning requirement is one of the main reasons that people such as myself and my neighbors choose to make our homes here. Please retain the R-5-A zoning code on Samish Way, in and around the Templeton Project.

Sincerely,

Dermot O. Cunningham  
360 / 733-1309

### **(L-16) Response to Dermot O. Cunningham**

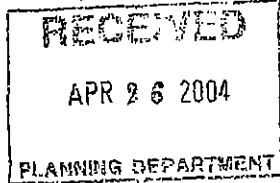
Not a comment on the adequacy of the DEIS, but rather an expression of a preference for a particular planning outcome.

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### (L-17) Barbara Rodak

April 22, 2004  
4456 Aldrich Road  
Bellingham, WA 98226

Chris Comeau  
Planning & Community Dev. Dept.  
210 Lottie Street  
Bellingham, WA 98226



Dear Mr. Comeau:

Please include my comments in the DEIS Public Review process currently being gathered by your staff and Whatcom county staff.

After skimming the entire (!) document, I think we should have more time to more carefully review the document. It is quite lengthy, extremely technical and I only became aware of its existence when I received a notice of the public hearing on April 15, 2004. This is not enough time to do a careful review of the issues.

Having said that, I will try to articulate my concerns about the four choices available to this city/county growth process. Perhaps the most important pages within the document are the maps. These maps of the county reveal which areas of the county are projected to grow. I see that my area (Northwest/Aldrich) seems to be a target of choice! This did not come as a shock, but it does show where the thinking/planning process is headed. Northwest, no doubt. Environmentally speaking, I feel this is not good news for me or my four-legged neighbors, the deer, bunnies, etc. who now enjoy their natural habitat relatively unscathed by growing traffic and pollution in the area. My two-legged neighbors also do not wish to grow like this.

No surprise to anyone, I vote for the, "No action" alternative (#1). If this one cannot be agreed upon, I am counting on everyone down there in city/county government land to make sure the UGA does not grow any larger. Preserve our rural environment.

Thanks for your solicitation of our comments.

Best Regards,

Barbara Rodak

### (L-17) Response to Barbara Rodak

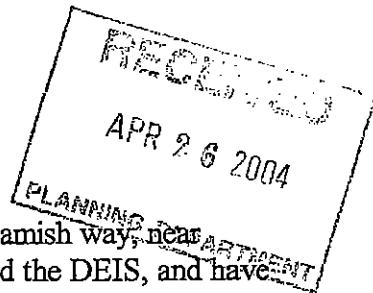
Not a comment on the adequacy of the DEIS, but rather an expression of a preference for a particular planning outcome.

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### (L-18) Ross Osborne & Keron T. Marie

Chris Comeau  
Planner II, Planning and Community Development Dept.  
210 Lottie St.  
Bellingham, WA 98225

Dear Mr. Comeau,



We would like to comment on the 2004 DEIS. We live at 4991 Samish way, near Galbraith Lane, and have lived here since 1987. We have reviewed the DEIS, and have found it to be quite thorough. While we would like to see all the expected growth to be accommodated with infill (Alternative 2), we realize that this is probably impossible.

We think that a combination of infill and revised UGA'S to the north seems most likely to actually work (Alternative 4), given the expected population increase.

We object strongly to Alternative 3, adding more land with no infill. While loss of farmland is unfortunate, it is probably inevitable given the economic realities of farming and our county's growth rate, and is preferable to loss of forest land.

Again, we greatly prefer Alternatives 2 and 4 to 3, and we thank you for this opportunity to express our views.

Sincerely,

  
Ross Osborne and Keron T. Marie  
4991 Samish Way  
Bellingham, WA 98229  
(360) 671-1302

### (L-18) Response to Ross Osborne & Keron T. Marie

Not a comment on the adequacy of the DEIS, but rather an expression of a preference for a particular planning outcome.

## APPENDIX D: PUBLIC COMMENT AND RESPONSE

(L-19/H7) Robin Hitz

Eric & Robin Hitz  
4243 Hannegan Rd.  
Bellingham, WA 98226  
360-676-9569

April 19, 2004

APR 22 2004

Chris Comeau, Planner II  
Planning & Community Development  
210 Lottie St.  
Bellingham, WA 98226

Re: DEIS Comments

Dear Mr. Comeau:

The following are our comments on the four options described in the City of Bellingham's DEIS with regard to managing and planning for population growth in Bellingham.

Option 1: We do not believe this option is realistic or even possible under the state's Growth Management Act. If we do not plan for growth, growth will still occur; but not in a positive, well-planned way. Already, there has been a huge increase in the number of permits being applied for in the county for single family residences. If additional land area is not provided, people will be forced to look outside of Bellingham for housing and employment.

Option 2: This is a good option for Bellingham, but only if the densities and rezones necessary can be achieved. Many of the neighborhoods in the City oppose densification within "their" neighborhoods. Even if the densities can be achieved, this option alone is not enough to meet the future residential demand.

Option 3: It is vital for the City to pursue this option in order to meet future residential demand and comply with the Growth Management Act. The big question that comes to my mind is the following: **If the areas considered for rezone under option 2 cannot be successfully rezoned and fully developed and land has not been brought into the UGA, what are the environmental impacts on the City and county if the lands considered in the 5 year review areas are developed at very low densities in accordance with county regulations?**

For example, my husband and I own 40 acres adjacent to the Mt. Baker Neighborhood that is currently in the county and in the 5 year review area for the UGA. We are looking to the City to make a determination on how this property should be developed. Currently, we could put 8 homes on this R5A property. Is this the highest and best use for a piece of property that currently has City services right up to its property

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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line, is surrounded on three sides by the City and UGA, and has topography suitable for residential?

Option 4: The need for residential, developable land within the City is currently very high. A combination of options 2 and 3 is definitely the best alternative. We believe that the City needs to attempt to infill, rezone, and increase density within the current boundaries of the City, while also expanding the City's UGA. Expansion of the UGA will allow for land to be "banked" for the future use of the City; and give those property owners in the 5 year review areas a reason to put off low-density development in the county until higher-density development can be achieved in the City.

Thank you for your consideration,



Robin Hitz

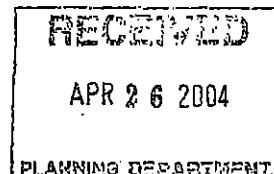
(L-19/H7)      **Response Robin Hitz**

Not a comment on the adequacy of the DEIS, but rather an expression of a preference for a particular planning outcome.

## APPENDIX D: PUBLIC COMMENT AND RESPONSE

### (L-20) Patricia Traut

City of Bellingham  
Planning Division  
Attention: Chris Comeau  
210 Lottie Street  
Bellingham, WA 98225



Dear Mr. Comeau:

My name is Patricia Traut and I currently reside in Rapid City, South Dakota. I attended Wednesday evening's meeting and I was also here for the Planning Commission meeting last October regarding the project at 10<sup>th</sup> and Harris in Fairhaven.

I would like to present two perspectives. First of all, I used to migrate back and forth to Alaska, taking the ferry. That's how I 'discovered' Bellingham. In a land with vast amount of wilderness, it's amazing that over half the population congregates in one place. Anchorage has similar barriers of water and mountains, plus two military bases. But that didn't stop people from building right to the water's edge and halfway up the Chugach Mountains. One day, I woke up and there were over 300,000 people in Anchorage. Overcrowding breeds anti-social behavior - crime, drugs, traffic, pollution.

I have now been living for the past five years in Rapid City. There is no UGA and not much idea is given to planning. Two years ago, a developer built some fancy houses on the edge of town. Not close enough, though, to tie-in to public utilities, he dug a private well and septic system. Now, South Dakota is going through the third year of drought. So, here's someone in a \$350,000 house that can't flush! It really happened last year and I heard Bellingham had the driest summer in 100 years last year.

Water is a finite resource. I wonder what the quality and quantity of Lake Whatcom water will be like with all this expected growth. Having worked in the Public Works Department and Wastewater Treatment Plant of a Chicago suburb, I know firsthand what residents come to expect for services.

It's been over ten years since I first came to Bellingham and there have been a lot of changes. I've studied various aspects to moving here and nothing seems to come together. I am glad that people take an interest in these growth issues, though it seems like mostly builders and developers.

In conclusion, without getting too emotional, I love this place! This is like a little piece of paradise right here. Thank you for taking the time to read this and much success with all your efforts.

Sincerely,

*Patricia Traut*  
Patricia Traut  
P.O. Box 1533  
Rapid City, SD 57709

### (L-20) Response to Patricia Traut

Water resources impacts are thoroughly discussed in Chapter 3 of the DEIS.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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### **(E-7) Hany El Diwany**

Chris,

I have learned of the meeting which is to take place regarding the growth management of our area over the next twenty years. I feel very compelled to attend this meeting. However, I will not be able to as I am out of town on business. In lieu of my attendance, I am writing to you to share my thoughts on the options that have been presented.

The options that were presented were :

- 1) do nothing
- 2) increase density
- 3) adjust growth boundary
- 4) increase density AND adjust growth boundary

I would need a little more information on options 1 and 2 in order to make an informed decision. But I feel VERY strongly that options 3 and 4 are against the best interest of our endangered town.

The question is : Do we want to remain a spectacular place or do we want to step down to a mediocre one or worse ?

I feel pretty certain that most people that call Bellingham their home take pride in the natural beauty of the area, AND the fact that much of that natural beauty remains unravaged by the hands of the developers. It brings me great joy to know that a short distance from my home off of Lakeway, I can be riding my bike up to the serene area of Toad Lake. This proximity to paradise is what I believe attracts many people to live in our town. When I saw that Toad Lake was even being considered for development, I was shocked, disappointed and compelled to make my voice (and the voice of many others) heard.

When one drives through that soulless monstrosity of an area around Meridian and Bakerview, it can easily be forgotten that one is in beautiful Bellingham and not some outspread of Los Angeles County, or any one of America's poorly planned metropolises. I suppose all 4 scenarios will lead to further development of this parkless, bike-laneless, community centerless area. But PLEASE, Let's not make it even bigger !!!

I have a job which takes me all over the country. I get to see many different places in my travels and I can tell you that without exception - coming home to Bellingham always puts a big smile on my face. I hope I'll be able to say that for many years to come. Perhaps when one is living full time in Bellingham, one doesn't realize the degradation of many of the communities across America, and this place is taken for granted. Take it from me. This place is awesome !

Lastly, the developers will use the argument that there needs to be affordable housing, and that comes with more housing availability. I have two words for you - LOS ANGELES. That sad place adds about two Bellingshams

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

worth of people every year, and its housing prices are among the highest in the nation. Incidentally, their quality of life is not. I might get labeled an extremist for making such a comparison, but lets remember that little tiny changes do add up over time. It is not out of the realm of possibility that the entire Puget Sound gets developed from the water to the mountains, just like what has happened to once-beautiful Southern California. Let's not let that happen.

Vote NO to expanding the urban growth area !!!

Hany El Diwany  
General Electric Power Systems  
West Region Field Engineer  
phone 360 319 1365  
email: hany.eldiwany@ps.ge.com

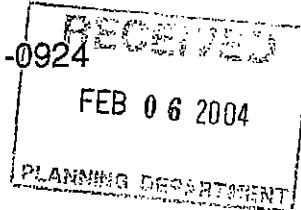
### **(E-7) Response to Hany El Diwany**

Not a comment on the adequacy of the DEIS, but rather an expression of concern for various issues and a preference for a particular planning outcome.

## APPENDIX D: PUBLIC COMMENT AND RESPONSE

(L-21) Paul E. Isaacson

FROM THE DESK OF PAUL E. ISAACSON  
204 SHALLOW SHORES RD  
BELLINGHAM, WASH 98229  
OF (360)671-5300 FAX (360)671-0924



February 2, 2004

To:  
City of Bellingham  
Mr. Chris Spens  
210 Lottie Street  
Bellingham, Wash 98225

I am receipt of the attached EIS, from your office addressed to NW Mobile Park 204 Shallow Shores Rd Bellingham, Wash 98229 ( mailing address) I am the owner of this park and would like to know how this may effect my park and or park use specifically. I await your answer and hereby reserve my right to public or written testimony as this notice does not explain how one may be affected or **aggrieved** and appears to be drafted to meet notification requirements and not hold the substance that may explain the intent of the notification.

Thank you and awaiting your written reply,

Paul Isaacson

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**



*Attachment  
to Isaacson letter*

SEPA File: SEP2004-00007

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division  
210 Lottie Street, Bellingham, WA 98225  
Telephone: (360) 676-6982 Fax: (360) 738-7306 TTY: (360) 676-6883

### **STATE ENVIRONMENTAL POLICY ACT NOTICE OF DETERMINATION OF SIGNIFICANCE AND SCOPING FOR PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT**

Description of proposal: The proposed action is a non-project action consisting of updating the Bellingham Comprehensive Plan and the Whatcom County Urban Fringe Subarea Plan in accordance with the Washington State Growth Management Act. The Urban Fringe Subarea Plan will include all of the land area inside of the Bellingham Urban Growth Area boundary and will be adopted by both the City of Bellingham and Whatcom County Councils.

Proponent: City of Bellingham and Whatcom County.

Location of proposal: Bellingham city limits, Bellingham Urban Growth Area, 5-year Review Areas, Whatcom County Urban Fringe Subarea, all within Whatcom County, WA.

Lead agency: City of Bellingham Planning Department.

The lead agency for this proposal has determined that this proposal is likely to have significant adverse impacts on the environment. An environmental impact statement (EIS) is required under RCW 43.21C.030(2)(c) and will be prepared. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

The lead agency has identified the following elements of the environment to be evaluated in the EIS: Earth, Air, Water, Plants and Animals, Energy and Natural Resources, Environmental Health, Land and Shoreline Use, Housing, Transportation, Public Services and Facilities, and Utilities.

Agencies, affected tribes, and members of the public are invited to comment on the scope of the EIS. You may comment on alternatives, mitigation, probable significant adverse environmental impacts, and licenses or approvals that may be required. Comments must be received by 5:00pm on February 11, 2004 and should be submitted to:

Responsible official: Chris Spens, AICP  
Title: Senior Planner  
Address: 210 Lottie Street, Bellingham, WA 98225  
Phone: (360) 676-6982

Signature: Chris Spens Date 1/26/04

Any aggrieved person or agency may appeal this determination to the City of Bellingham Hearing Examiner. Application for appeal must be filed in writing on a form provided by the City of Bellingham Planning and Community Development Department, 210 Lottie Street, Bellingham WA 98225. An appeal of this determination must be submitted within 10 days from the date of issuance or no later than 5:00pm on February 6, 2004. You should be prepared to make specific factual objection. Please contact the City of Bellingham Planning and Community Development Department for information regarding procedures for SEPA appeals.

#### **(L-21) Response to Paul E. Isaacson**

Not a comment on the adequacy of the DEIS.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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(F-3) Susan Templeton



**susan templeton**

430 sudden valley  
bellingham, washington 98229  
cell 360 220 2987  
phone 360 647 8822  
fax 360 647 1711

**to:** Chris Comeau, Planner  
Bellingham City Hall  
210 Lottie St.  
Bellingham, WA 98225  
phone: 676-6982  
via fax: 738 7306                  **2 pages**

**re:** Growth Study Submission

February 5, 2004

**I support: Increased density in the city and its growth area.**

Identify key areas for sustainable growth within the city that may currently be zoned for industrial, semi commercial: for example, waterfront and derelict areas near current residential zones.

Allow larger lots within older neighborhoods (Birchwood for example) to be subdivided for multi housing, along strict guidelines: for example, those lots nearer major transportation arteries could sustain denser units per acre.

Require green areas as buffer zones between multi unit and single family zones.

Reclaim green areas around watersheds and vacant lots as inner city parks.

Encourage commercial areas to clean up by giving: GREEN POINTS tax breaks for their clean up and donation of vacant lots for parkland use.

Encourage commercial polluters to raise their standards by giving GREEN POINTS for exceeding air and water standards. Create an award each year for these achievers!!

Raise architectural and building standards for multi unit housing to prevent inner city ghettos from arising.

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

Require all building permits for multi unit housing or commercial use to submit traffic impact studies and require solutions for road or traffic control as part of the permit to be borne by the developer.

Tax multi-unit and commercial developments the 'actual cost' of their impact upon city and county facilities.

Upgrade the standards for residential areas to include reduced signage and street improvements that encourage pedestrian use, for example:

Improved sidewalks on all city streets

Strictly regulated bike lanes on all city and access roads

Better bus and transit stops (covered stands, etc)

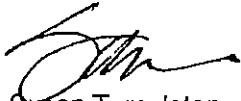
Dramatically improve transportation and access to services within the density areas; some of this cost to be paid for by increased 'user' taxes paid for by developers.

Encourage and support outlying communities like Sudden Valley to become Urban Growth Areas and manage their own density and revenues in a more self sustaining way—thereby placing less burden on the City.

Identify industrial and commercial areas that would have the least impact upon air and water quality and transportation impact for increased density.

Create financial incentives within industrial community to 'clean up their acts' and improve street friendliness and safe co-existence with residential neighbors.

Kind regards,

  
Susan Templeton

### **(F-3) Response to Susan Templeton**

Not a comment on the adequacy of the DEIS, but rather an expression of a preference for a particular planning outcome.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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### **(E-8) Kenni B. Merritt**

To: Chris Spens, COB Planning Department  
CC: Chris Comeau, COB Planning Department

From: Kenni B. Merritt

Date: February 9, 2004

Re: Draft Growth Study

I am writing with respect to the growth study being drafted by the Planning Department. The issue of how to accommodate growth is generating substantial debate in our community. What is at stake here is nothing less than the basic values of the citizens to preserve (i) our rural character, farmland and open space, (ii) the vitality and character of our established neighborhoods and (iii) our sense of place, our natural resources and the appearance and livability of our community.

Among the four options being considered by the Planning Department, I support the alternative "make no changes to the City's density or its growth area," to the maximum extent that we can legally do so. In the event we must increase density, I believe that this should be done where it will not adversely affect established neighborhoods. For example, there are opportunities to increase density in the City Center so long as it does not adversely affect surrounding neighborhoods and so long as parking and traffic problems are adequately and realistically addressed in advance. Also, there are large tracts of undeveloped land in the northern part of the City where infrastructure is already in place. These areas could be planned at higher densities to accommodate growth, and people purchasing homes there would know in advance the housing situation and nature of the neighborhood into which they would be moving.

I, for one, do not believe that we must sacrifice our established neighborhoods and the appearance and livability of our community in order to save our rural areas and farmlands, or conversely, that we must give up our rural areas and farmland in order to preserve the vitality and character of our neighborhoods. However, many of us fear that we are in danger of losing both our neighborhood character and our rural character.

The implications and impacts of these fundamental public policy decisions on our community go far beyond land use matters. They will include access to health care, public works, municipal finance, economic development, education and many other areas. For this reason, I believe that it is very important that the growth planning process involve a broad spectrum of individuals in these other areas in the early stages and throughout the process, in addition to the City and County Planning staffs.

So that our planning will reflect meaningful consideration of the values and visions of the citizens, I believe that the City and County should engage a broad cross-section of citizens in this process. Many people do not feel comfortable testifying at public hearings or even submitting written comments. Nonetheless, these people have very deep concerns and strong feelings about growth. I strongly believe that the growth planning process needs to reach out and provide different kinds of opportunities for input from all of our citizens, i.e., through less formal town hall or neighborhood meetings and perhaps through a mail-in survey.

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

I recognize that these are enormously complex issues that will involve a challenging and difficult balancing of various competing interests. However, I continue to believe that it is possible to preserve rural character, farmland and open space, to preserve the character of our established neighborhoods and to preserve our livability, our natural resources and the special qualities that are so highly valued in our community, including our scenic beauty and the appearance and ambiance of our community.

I appreciate the opportunity to provide input on these important public policy matters.

Kenni Merritt  
[merrittk@crowedunlevy.com](mailto:merrittk@crowedunlevy.com)  
1304 39th Street  
Bellingham, WA 98229  
(360) 714-9710

### **(E-8) Response to Kenni B. Merritt**

Not a comment on the adequacy of the DEIS, but rather an expression of concern for the planning process, various issues and a preference for a particular planning outcome.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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### **(E-9) Lu Anne Alton**

Chris;

Pete Kremen's office receive this comment regarding the DEIS.

----- Message from LAltonR@cs.com on Thu, 22 Apr 2004 17:32:51 EDT -----

**To:** PKremen@co.whatcom.wa.us,

ccomeau@cobb.org

**Subject:** Meeting of 21 April 2004

:

I was not able to attend the meeting of the 21st of April as I had prior commitments, but I would like it on record that my choice out of the four scenarios is #1, No Action or changes to the existing zoning or boundries as it now stands. That means the urban fringe areas also.

I do realize this is a mandatory thing, all these meetings but I feel like I or my neighbors won't be missed if we don't come to the meeting as I feel that by the time we get the notification of the meeting it has already been decided upon anyway.

I know you all don't want us to think this is so BUT it always seems to go the way of the planning committees and any others of the big shots who have control of the figures and the strings. I don't really know how dumb you think we all are as to believe the garbage you dish out to us. My main argument is that someone in this county had better do something about getting employment for these so called people you seem to think are coming here so they will have jobs to pay for all this new housing. Retirement people won't be coming here forever you know. Just seems to me you are doing things backwards, and I just can't swallow the story that all this needs to be done BEFORE people will come. Traffic situation right now is a nightmare and there are plenty of older homes folks can still live in so in my estimation there is really NO need for more housing, what will we do when no one can buy or pay rent, put them all up for resale?

Thanks for listening, which I don't think you do but it looks better if I say so.

Lu Anne Alton  
4790 Aldrich Rd  
Bellingham, Wa  
98226

### **(E-9) Response to Lu Anne Alton**

Not a comment on the adequacy of the DEIS, but rather an expression of a preference for a particular planning outcome.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

### **(E-10) Carla Hanson**

Someday before I'm too old to enjoy things, I plan to move to the Bellingham area, to work as long as I am able and then to retire. During the time it will take me to save up a down payment and pad my 401(k) a bit more, I keep in touch by reading the Bellingham Herald online.

Phoenix, where I presently live, is so sprawled out that a car, or a friend with a car, is a necessity. I commute 25 miles round trip daily; some of my co-workers commute twice that distance, since most of the larger law firms are downtown where the courts are. There isn't much within an hour's drive that would qualify as "quality of life" enhancers.

Bellingham, however, is much smaller, and you seem interested in using existing land within your city limits rather than sprawling out into farmland and forest. I hope I can afford to live downtown, not have a car, and walk or bus to stores and work, when I finally move North. I accept that higher taxes to support government and infrastructure will be necessary, but the payoff is cleaner air and a smaller, more tight-knit community.

Will I go to the mom-and-pop stores downtown rather than the mall chain stores? Yes, if I can get what I need in some form at the little stores. Will I take the train or shuttle south if I need to visit friends in Snohomish County? Sure.

So for whatever it is worth, I vote:

\* Handle growth as much as possible within the current city and growth area by increasing the density of homes (more affordable townhouse-type residences for child-free folks or older folks), and, within reason, \* Combine some increase in density with some expansion.

Carla Hanson  
Legal Secretary  
[cjhanson@swlaw.com](mailto:cjhanson@swlaw.com)

### **(E-10) Response to Carla Hanson**

The letter does not address the adequacy of the DEIS but rather expresses a preference for a certain type of development alternative.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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### **(E-11) Eric Moe**

Dear Chris, Thank you for taking e-mails on this issue. I'll make my comment short. Please consider keeping growth within the current city guidelines for the growth area by increasing density of homes. Lets save the farmland, the ecosystem and us from the same fate as other "sprawled" communities. Thank you again, Eric A. Moe

### **(E-11) Response to Eric Moe**

The letter does not address the adequacy of the DEIS but rather expresses a preference for a certain type of development alternative.

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

### **(E-12) Rod Burton**

Chris Comeau  
Planning Department

Bellingham, and other cities in Whatcom County, should maintain their existing Urban Growth Area boundaries. Growth should be accommodated by increasing density within those boundaries. The corollary to this is that Whatcom County should act to restrict housing development outside of UGA zones. Impact fees and zoning rules are tools that could be used to direct growth.

Density increases shouldn't happen solely by greatly increasing building heights. Building heights should, in general, be limited to four or five stories. This will create urban areas that have a human scale.

More compact construction, with smaller lot sizes and smaller housing units should be another component of density management. Two good sources of ideas on this way of handling increased density are those given during the "Honey I Shrunk the Lots" presentation, and the projects shown on March 31 by the representative from the Kirkland Planning Department at the "Planning Short Course."

As density is increased, it must be done in a way that gives a higher priority to public transit, walking and biking than to the automobile. Parking requirements will need to be reduced or eliminated. Traffic movement for automobiles may have to "fail" existing traffic standards if people and quality of life are to be given more importance than driving and parking convenience.

Of course parks, greenways, and view areas/corridors will need to be maintained and developed as we create a more urban environment within our cities. Issues of retention and mitigation of wetlands in the UGA might be dealt with via the creation of water feature parks surrounded by townhouse residences or multi-use development.

Rod Burton

Roderick C. Burton - Art & Design  
238 N. Forest Street  
Bellingham, WA 98225  
e-mail: rod@rcburton.com  
phone/fax: 360-671-0156  
website: rcburton.com

### **(E-12) Response to Rod Burton**

The letter does not address the adequacy of the DEIS but rather expresses a preference for a certain type of development alternative.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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(E-13) Steve Hoffman

Dear Chris --

A Bellingham Herald article this morning listed you as the contact person for written comments about how Bellingham should grow, and mentioned that comments are being welcomed until Wednesday.

I should mention that I appreciated your "performance" in the video about the pipeline disaster ... and, as an environmental specialist myself, I had been meaning to contact you anyway. I am very interested in helping Bellingham and Whatcom County move in the direction of "sustainability", particularly as it relates to energy.

Here are my comments on that score, and in general:

Questions to make sure you've tackled: How will Bellingham "fuel" its growth? Will hydroelectric and other current power sources be enough to carry Bellingham to 2020? 2040? Beyond?

More urgently, what are the implications of a serious oil depletion problem (so-called "peak oil", which could occur in this decade)? What sorts of transportation options exist in the event of a serious oil price spike (eventually to \$5 a gallon, \$10 a gallon, and up)?

Increasing density, public transportation options, and mixed residential-commercial development appear to be wise choices for emphasis given the latter. Renewed emphasis on energy efficiency and local energy self-reliance are also very much in order. I would also suggest that Bellingham become a "City for Climate Protection", as have quite a number of cities around the globe.

Also, the question of "capping growth" deserves serious consideration, , as does the notion of a "green belt" around town. Planning needs to be comprehensive, including energy issues if possible; zoning needs to be done very carefully, to minimize sprawl, and to not overtax city resources and services.

I would err on the side of caution --perhaps cap growth until we know that city services, ecosystem resources, and energy resources can support an increased population; I would not zone to make \$ if short-term monetary gain will adversely affect long-term resources.

Those are general comments. Please let me know how I can learn more about the specifics of the process.

Best Regards,

Steve Hoffman

\*\*\*\*\*

\*

Steven M. Hoffman, Ph.D.  
3730 Canterbury Lane, Apt. 68  
Bellingham, WA 98225  
USA  
Tel: (360) 715-3388  
Fax: (810) 729-6109  
E-mail: [shoffman@hoffman-and-associates.com](mailto:shoffman@hoffman-and-associates.com)  
Web URL: <http://www.hoffman-and-associates.com>

**(E-13) Response to Steve Hoffman**

The letter does not address the adequacy of the DEIS but rather expresses a preference for a certain type of development alternative.

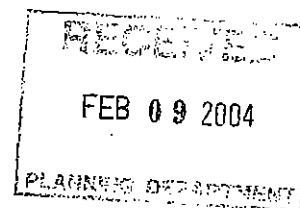
## APPENDIX D: PUBLIC COMMENT AND RESPONSE

(L-23) Peter Border

Mr. Chris Spens  
Planning Dept., City Hall  
210 Lottie St.  
Bellingham, WA 98225

February 6, 2004

re: Growth in Bellingham



Dear Mr. Spens:

As you seem to be the lead person on the growth discussions for the City of Bellingham, I would like to make a few passing comments. As I was unsuccessful in convincing anyone of my concerns over the smaller residential lots being proposed in my backyard, I would hope that reason may overcome rhetoric at some point in this process. Smaller residential lots (5000) feet may be fine in very compact urban communities, but I doubt that this is the answer to our growth problems in this area.

One point that was not mentioned in your speech to Council several weeks ago in reference to small lot neighborhoods ( Lettered streets & Roosevelt) was the attendant high crime rate in these areas. I am sure that you were aware of this fact, but neglected to point out that fact to Council. Hopefully, the new neighborhoods where you are allowing builders to pack in the houses with little or no space, will be more successful in terms of quality of life. Some hunk of open swamp land does not substitute for a private yard for either recreation or privacy.

Why not use this compact lot idea in infill situations where you have existing properties with gaps, older derelict neighborhood, or lots that are irregular and don't meet zoning requirements. Or set aside small areas on a street- say five lots that can be consolidated and replatted like a PUD development to upgrade some of the older neighborhoods. Making sure that all parking is on site and not on the street. Many examples of this concept are possible here now.

A better approach would be to take a larger piece of undeveloped property, many which are in City limits now, and come up with a Comprehensive Plan for the development of these areas- with attendant higher density forms of housing and the necessary commercial area for the corner store (as seen in Fairhaven).

By the way, why aren't there more large lot subdivisions in this area when there are so many 5 acre lots using so much agricultural land. Obviously, people want the privacy and space a 5 acre parcel gives them or they wouldn't be so high in demand. Probably because the County doesn't want the higher density and costs from more services, I assume. So I guess what this whole growth issue is about is those that want the space better MOVE to the County and contribute to more sprawl, impacting more ag land, or else stay in crowded residential subdivisions in Bellingham, taking their taxes with them.

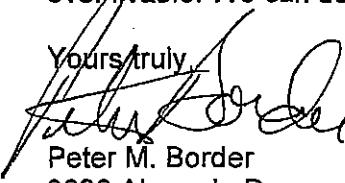
The recent statistics provided by the police department on neighborhood crime and published in the Herald are what triggered this latest attempt to bring some balance to this overconcern for packing people into smaller spaces. Notice that the larger-lot older neighborhoods have much lower crime! Interesting.

Many of us who now CHOOSE to live in Bellingham are here because of its' rural character and lack of urban conflict with crime, traffic and overpeopled spaces. Why is this fact ignored or disregarded by the planners? Is this a case of "wanna-be" like the large cities? If so, please let us all know that we can expect more crowding in the future, if that is what you call "planning for growth". There are many other options.

I for one would like to see more thought given to balancing these demands and desires rather than offering only one solution. What works in old downtown areas may not be appropriate for more suburban/rural residential areas of the City.

Just try that 5000 sf lot idea in Edgemoor and see how much howling you get from those folks who have the political schwack to get things done. Why can't we have more reasonable lot size (8-12,000sf) residential subdivisions in the outlying areas of the City? Otherwise you will just be forcing those who want to stay in this area to move to the County, which in fact happens in many cities and results in derelict cores. Better to give them a choice and keep them in the nest rather than fly the coop, controlling service expansion and maximizing infrastructure costs. It's all a matter of scale as you well know, choosing compact over livable. We can do much better and continue to remain a great place to live.

Yours truly,



Peter M. Border  
3030 Alvarado Dr.  
Bellingham, WA 98229

**(L-23) Response to Peter Border**

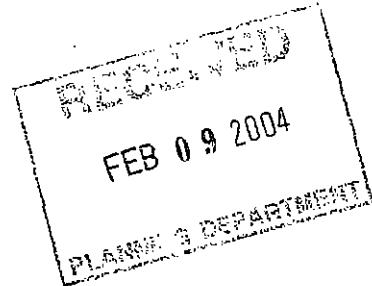
The letter does not address the adequacy of the DEIS but rather expresses a preference for a certain type of development alternative.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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(L-24) Noel Collamer

Noel Collamer  
1325 22<sup>nd</sup>. St.  
Bellingham, WA 98225  
360-714-8680  
[noel\\_collamer@hotmail.com](mailto:noel_collamer@hotmail.com)



2/6/04

Chris Spens  
Bellingham City Hall  
210 Lottie St.  
Bellingham, WA 98225

Regarding: No Growth in City

Dear Mr. Spens,

I've been a resident of Bellingham since 1989 and I would like it to remain small and beautiful. I do not think growth has to be inevitable. I know of one town in particular that is now very much as it was when I first visited nearly 50 years ago. Aspen, Colorado recognized early that its draw was its charm and its charm would be lost if it grew much beyond its current size. Because the city passed strict zoning regulations, growth was curtailed and its charm lives on. Some object that only the very rich can afford to live in Aspen while the "help" have to live down valley and they would be correct; Goldie Hawn and Kurt Russell, Martina Navratilova, and Jack Nicholson are among its resident celebrity. Such is the nature of capitalism.

Bellingham can follow this example and become Carmel North; maybe we'll have a celebrity mayor too! The "help" can live locally in very tight quarters or down in Mt. Vernon; maybe we'll subsidize a shuttle bus for them.

I have no idea how to keep the town lovely and have affordable housing. Maybe there is a way. I'd like to know what it is.

Yours truly,

Noel Collamer

(L-24) Response to Noel Collamer

Not a comment on the adequacy of the DEIS, but rather an expression of a preference for a particular planning outcome.

(F-4) Harvey Schwartz



**Southside  
Chiropractic**  
*of Fairhaven*

Chris,

Of the four choices - my  
clear choice is ②

Handle growth solely within the  
current city and growth areas  
by increased density  
(especially the downtown core)

This requires the least  
infrastructure and allows  
that money to be spent on  
public services, ...

Best wishes,  
Harvey

1050 Larrabee Ave. ♦ in Larrabee Square ♦ Bellingham, WA 98225 ♦ (360) 671-8000

(F-4) Response to Harvey Schwartz

Not a comment on the adequacy of the DEIS, but rather an expression of a preference for a particular planning outcome.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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### **COMMENTS FROM INDIVIDUALS REPRESENTING ORGANIZATIONS AND AGENCIES**

- (E-6) Susan Gribbin, Vice Chair, Community Transportation Advisory Group.  
(F-1) Susan Meyer, Washington Dept. of Ecology Shorelands and Environmental Assistance Programs.  
(E-1) William Hager, Director of Real Estate and Planning, Port of Bellingham  
(L-1/H-4) Bill Quehrn, Executive Officer of Building Industry Association of Whatcom County  
(L-2) Robert Tull, Langabeer, Tull & Lee, P.S cover letter on behalf of Caitac USA Corp, including comment letters/memos from:  
(L-3) Robert Tull, Langabeer, Tull & Lee, P.S.\*  
(L-4) Frances Jones, Jones Engineering\*  
(L-5) Bryan Jones, Jones Engineering\*  
(L-6) David King, Stewart & King Architects\*  
(L-7) Darcy Jones, Jones Engineering\*  
(L-8) Mitzi Baldwin, Jones Engineering\*  
(L-9) Thomas Walsh, Foster Pepper Shefelman PLLC\*  
*\*Several documents attached with the Caitac submittal are listed below.*  
(L-22) Paul Enfield, Cornwall Church Vice-Chair  
(E-2) Isaac Blum, Deputy Tribal Historic Preservation Officer, Lummi Nation Tribal Historic Preservation Office  
(H-9) Rick Nicholson, Whatcom Transit Authority (written copy of comments also submitted at hearing).  
(F-2) Jack Swanson, Law Offices of Belcher, Swanson, Lackey, Doran, Lewis & Robertson, P.L.L.C.  
(L-10) Jeff Kochman, President, The Barkley Company

**\*Documents attached with the Caitac submittal included the following:**

- Letter regarding transportation citing ITE Trip Generation Manual and WCOG Traffic Counts;
- Letter regarding waterfront development citing local, state, and federal studies and legislation;
- Dept of Ecology Washington State Wetlands Rating System, August 1993;

**Attached Exhibits:**

- A. Memo from City of Bellingham Planning and Community Development to Jones Engineers, Inc. regarding land supply methodology, October 21, 2003;
- B. Washington State Department of Ecology 2001 Stormwater Management Manual, Appendix 1-D Wetlands and Stormwater Management Guidelines;
- C. Puget Sound Water Quality Management Plan, 2000;
- D. Washington State Department of Community, Trade, & Economic Development Critical Areas Assistance Handbook, 2003;
- E. Washington State Department of Community, Trade, and Economic Development, Critical Areas Assistance Handbook, 2003, Appendix A, Example Code Provisions;
- F. Washington State Department of Ecology, Draft 2003 Freshwater Wetlands in Washington State, Volume 1: A Synthesis of the Science;
- G. City of Bellingham Municipal Code, Title 16.50, Wetland and Stream Regulations, 1991;
- H. Photographs of Wetland Categories at Specific Locations in Bellingham ;
- I. Washington State Department of Ecology Draft Washington State Wetlands Rating System, April 2004;
- J. Washington State Office of Community Development, Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas, March 2002.

*The attached documents and exhibits listed above are too lengthy to reproduce in the FEIS, but are available on request for public review at the City of Bellingham Planning and Community Development Department, 210 Lottie Street, Bellingham, Washington.*

**(E-6) Susan Gribbin, Community Transportation Advisory Group**

The Community Transportation Advisory Group (CTAG) Sub-committee, for the review of the City of Bellingham Draft Environmental Impact Statement (DEIS), recommends the following addition to:

**Environmental Impact Statement FOR: The City of Bellingham; Bellingham Urban Growth Area; Five-Year Review Areas; and Whatcom County Urban Fringe Subarea****INTRODUCTION**

Conventional transportation planning tends to overlook negative health impacts resulting from increased motor vehicle travel and potential health benefits from shifts to alternative modes. Raising the priority of health objectives supports planning reforms that result in a more balanced transportation system. Policy and planning reforms that correct transportation market distortions can provide health benefits, in addition to other economic, social, and environmental benefits.

The Action plan, "It Matters How We Get There" recommends removal of transportation planning biases that encourage automobile use and undervalue mobility management strategies. (Guiding Principle Three: Land Use, transportation, and economic development plans must demonstrate their value to the people of Whatcom County – their livelihoods, their health and their natural environment.)

Transportation decisions have major impacts on public health through crash risks, pollution emissions, and physical fitness. In addition, transportation planning favoring the automobile creates communities with significant obstacles to the independence of aging adults. Although specific mitigation strategies can reduce some negative health impacts, all else being equal, increased motor vehicle travel and reduced nonmotorized travel tends to harm public health.

A growth management strategy that would increase the size of the Bellingham Urban Growth Area (UGA) to accommodate low-density development in either the City or its UGA, encourages an increased dependence on personal automobile use. This strategy would adversely affect public health and add to the attendant social and economic costs related to an automobile-dependent system.

**RECOMMENDATION**

After review of the Draft EIS, this subcommittee of the CTAG: Judith Shantz, Chris Hatch and Carol Berry, recommends that a complete section on Public Health be added to the EIS, under CHAPTER 4. ELEMENTS OF THE BUILT ENVIRONMENT – EXISTING CONDITIONS, ENVIRONMENTAL IMPACTS and should follow either the section on Environmental Health or be included as a sub-set of the section on Transportation and Circulation.

This added section should contain notation and description of impacts on the public health that may be expected to follow from population growth and resulting development under the four alternative growth management strategies offered in the EIS.

It should also contain a list of mitigating measures, either as part of its own section or added to the list of Other Mitigating Measures in 4.7.3. (pages 4-90 to 4-95)

**IMPACTS AND MITIGATING MEASURES**

The members of the DEIS Review Sub-Committee were in general agreement on the following principles, while acknowledging that their findings might be more appropriate as public input to the Comprehensive Plan. However, they encourage the City to keep these findings in mind as they draft the section on Public Health.

- that any land-use planning must be accomplished in coordination with the County government and a County-wide plan should be in place before making further zoning or regulation changes
- that current land-use practices tend to drive low-income residents farther out into the County

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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- that current land-use practices tend to marginalize disadvantaged and elderly residents and add to their isolation from the larger community
- that current land-use patterns increase the need for single-occupant automobile transportation to meet most personal transportation needs
- that current land-use patterns decrease the ability to use alternative forms of transportation
- that physical, social and community health are all negatively impacted by communities heavily reliant on automobiles for most transportation needs
- that current land-use practices encourage the development of national chain box-stores which tend to drive local commercial enterprises out of the marketplace
- that national chain commercial enterprises tend to provide only minimum-wage jobs while sending community dollars out of the community
- that clustered development centers within the larger community, with mixed land-use for both housing and commercial interests and with design-elements that emphasize healthful living practices, are the land-use practices most likely to mitigate public health impacts

The DEIS Review Sub-committee recommends that several Clustered Developments within the larger Bellingham Community be considered as part of an in-fill pattern in appropriate neighborhoods. It also recommends the consideration of the following Clustered Development Center design elements as possible mitigating measures:

- single-family units using medium-density standards
- multiple-family units using high-density standards
- small clusters of multiple-family, low-income units meeting HUD standards
- "mother-in-law" units permitted on single-family lots
- clusters of "elder cottages" close to commerce and services
- retirement and/or assisted living centers
- medical facilities
- small commercial enterprises to meet everyday living needs (eg groceries, dry cleaners, veterinary services, hair salons, video rentals, etc.)
- incentives for local companies to provide goods and services through "Mom and Pop" stores or local chains
- use of village greens or central open space
- use of existing buildings and other infrastructure wherever possible
- use of public schools for community-related events
- creation of staffed shelters for homeless
- creation of bicycle lanes and pathways
- creation of pedestrian crosswalks, sidewalks, curb-cuts and paths
- focus on elder-friendly signage, crosswalk signal timing, audible signals
- low-glare public lighting
- noise abatement measures
- use of public transit shuttle service to move within or between clustered developments (also within and between our current malls)

The DEIS Review Sub-Committee believes that the following Public, Social and Community Health benefits would result from the creation of mixed land-use clustered communities:

- increased physical exercise when amenities are within easy walking and biking distance
- increased physical exercise when paths, trails, sidewalks, crosswalks and roadways are designed with the pedestrian and cyclist in mind
- security and safety of children at play or traveling to school
- increased sense of community and neighborhood pride
- increased generational, socio-economic and ethnic inclusiveness
- reduction in crime
- better use of available land
- reduction in paved surface area

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

- centralization of utilities and public services
- reduction in need to go beyond the clustered community for daily basic services
- reduction in automobile traffic both within clustered communities and to other portions of the larger community
- increased air quality

### **CLOSING**

The DEIS Review Sub-committee acknowledges that the preceding findings and recommendations are not intended as the only solution or as an exhaustive list of impacts and mitigating measures.

The sub-committee requests that the City use its staff and resources to address Public Health as an area of environmental impact in the final version of the EIS, and we respectfully submit this document for consideration in the process.

For questions or further clarifications please feel free to contact:

Susan Gribbin, Vice Chair  
Community Transportation Advisory Group  
c/o Whatcom Coalition for Healthy Communities  
PO Box 2297  
Bellingham WA 98227

360/715-1061 v  
360/733-8674 f  
[sgribbin@whatcomcoalition.org](mailto:sgribbin@whatcomcoalition.org)

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### **(E-6) Response to Susan Gribbin, Community Transportation Advisory Group**

1. SEPA does not require social and economic impact analysis in an Environmental Impact Statement. The writer correctly suggests that the findings of the CTAG might be more appropriate as public input to the Comprehensive Plan. This analysis may be done independently as part of the planning process if so desired by the City and County.
2. The email provides comments about transportation planning, current land use planning practices, and specific recommendations as to how infill might be accomplished. A long list of proposed mitigating measures is provided which are too specific to include in the DEIS, which is a broad overview of impacts and mitigation. Also listed are public, social and community health benefits of mixed-use clustered development. All of this is important to consider as part of adoption of the plan and implementing measures.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

(F-1) Susan Meyer, Washington Dept. of Ecology



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000*

April 26, 2004

Mr. Chris Spens, Senior Planner  
City of Bellingham  
Planning and Community Development Department  
210 Lottie Street  
Bellingham, Washington 98225

Dear Mr. Spens:

**RE: Comments on the Draft Environmental Impact Statement (DEIS) for the City of Bellingham's UGA; Five-Year Review Areas; & Whatcom County Urban Fringe Subarea**

Thank you for providing the Department of Ecology (Ecology) with the opportunity to comment on the DEIS for the City's Urban Growth Area. Ecology's Water Quality and Shorelands Programs have reviewed the DEIS and are impressed with the level of effort the City has taken to gather baseline data and integrate a thoughtful planning approach to the various urban growth areas. This type of planning process should result in more controlled development in areas that can accommodate it without sacrificing high quality natural lands. We would, however, like to point out a few items of concern for you to consider during the continuation of this process.

- It is a well-known and documented fact that the percentage of impervious surfaces in a watershed can be directly correlated to the degradation of water quality of streams and wetlands within that watershed (Schueler 1994; Azous and Horner 2001; Department of Ecology 2001). All of the alternatives suggested in the DEIS could seriously alter watershed processes and result in costly issues if the City does not carefully plan out the development scenarios for each watershed (as opposed to each planning unit or UGA). Applying an Alternative Futures type of approach to these watersheds could help the City to decide which development scenario is best for the health of each watershed. We are assuming that the City is in close coordination with Whatcom County, as they are also currently involved in their long-range planning process and may use the Alternative Futures approach if funding becomes available. We suggest incorporating the "Alternative Futures" scenarios into the EIS as an alternative or as a mitigation measure.
- On Page 4-29 of the DEIS, the process for identifying net buildable lands was summarized. In the process, it was noted that the land deducted for stormwater facilities shared some overlap with the land deducted for critical areas. Our interpretation of this notation is that stormwater facilities will be built in critical areas including wetlands and their buffers. The notation also indicated that the reason for this proposed overlap is that the land supply study of existing plats found that an overlap between stormwater facilities and critical areas already exists. Maintaining the "status quo" of allowing developments to use wetlands and buffers for stormwater will not improve conditions } 1

## APPENDIX D: PUBLIC COMMENT AND RESPONSE

Chris Spens, Senior Planner  
April 26, 2004  
Page 2

within the watersheds with impaired water quality or habitat and is likely to increase impacts to healthier watersheds. In addition, this practice is not consistent with Best Available Science (Azous and Horner 2001) unless the specific criteria spelled out in Ecology's 2001 Stormwater Management Manual (SWMM), Appendix 1-D is met. The FEIS should discuss and evaluate the cumulative effects of allowing wetlands to be used for stormwater management and evaluate mitigation for unavoidable impacts. Use of Ecology's "Landscape Tool" would be helpful in assessing cumulative effects at the watershed level. Please feel free to contact Stephen Stanley at Ecology's Northwest Regional Office (425-649-4210) for more information on the landscape planning tool he has developed.

Appendix 1-D of Ecology's 2001 stormwater manual defines a very narrow window of opportunity for the use of wetlands for stormwater management. The appendix should be followed by the City when evaluating projects that propose wetland use. Projects that fail to satisfy the appendix criteria will violate the anti-degradation policy in the State Water Pollution Control Act (RCW 90.48), requiring an Administrative Order from Ecology.

Ecology understands the pressures of balancing development with critical areas protection. One approach to consider is developing an overall, landscape-based management plan (as is being planned by Whatcom County) based on the existing conditions within each watershed (similar to what is contained in Chapter 3 of the DEIS) and determining which wetlands have the least importance to the health of the watershed, analyzing the risk to the watershed of losing those functions, and then possibly allowing the most degraded wetlands to be used for limited stormwater detention (stormwater must always be treated first). The remaining wetlands in the watershed would be hydrologically protected through stormwater management BMP's, consistent with and based on best available science. They would also be protected with adequate buffers.

As you are aware, the Growth Management Act (RCW 36.70A) has two requirements with respect to critical areas. The first is that the City must designate and protect critical areas. This is where the growth boards have opined that "the land speaks first." The second requirement is that the City must consider best available science when designating and protecting critical areas. The City cannot balance the goals of the GMA against these two requirements. The goals are the overriding principles of the GMA that the City is required to consider (though not necessarily meet). (See RCW 36.70A.020 "*the ... goals are not listed in order of priority and shall be used exclusively for purpose of guiding development of comprehensive plans and development regulations.*").

- Since the City of Bellingham has adopted the 2001 SWMM, it can *require* the use of Low Impact Development (LID) measures for development proposals. Currently, the City only *encourages* LID designs, which has not yet had the effect of altering developer's paradigms of development techniques within the City. As we understand the nature of the soils under the City, it is difficult to require infiltration of stormwater, but there are numerous other LID measures that can be employed to reduce the source of }

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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Chris Spens, Senior Planner

April 26, 2004

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stormwater such as reducing the footprint of large buildings such as Costco and Fred Meyer and increasing surface infiltration and evapotranspiration by retaining large trees and undevelopable native areas.

- Section 3.1.3.1 discusses zoning mechanisms as a possible mitigation measure for impacts related to development within the planning areas. Ecology strongly encourages the City to look at the planning units at a landscape scale and assign zoning designations that are appropriate for that area. For example, if a large wetland complex is present in an area that is currently undeveloped, preserving that area through proper zoning would provide greater protection than attempting to deal with it later during the development process through the critical areas regulations. Appropriately zoning critical areas in the Comprehensive Plan improves resource protection and reduces the time staff must spend implementing the critical areas regulations.

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Once again, we appreciate the opportunity to comment. We look forward to reviewing the associated development regulations in the near future. In particular, we look forward to the City developing ordinance language with respect to wetlands and stormwater management that pass the "best available science" test in the GMA. I am always available for your questions, comments or concerns and can be reached at 425-649-7168 or [sume461@ecy.wa.gov](mailto:sume461@ecy.wa.gov).

Sincerely,



Susan Meyer, Wetland Specialist  
Shorelands and Environmental Assistance Program

SM:rc

cc: Jeannie Summerhays, Ecology NWRO  
Barry Wenger, Ecology BFO  
Andrew Craig, Ecology BFO  
Stephen Stanley, Ecology NWRO  
Erik Stockdale, Ecology NWRO  
Douglas Peters, CTED

### Literature Cited

Azous, Amanda L. and Richard R. Horner. 2001. *Wetlands and urbanization: Implications for the future*. Lewis Publishers, NY, 337 pp.

Department of Ecology. 2001. Stormwater Management Manual for Western Washington. Vol. 1, Section 7.

Schueler, T.R. 1994. *The importance of imperviousness*. Watershed Protection Techniques, 1(3): 100-111.

**(F-1) Response to Susan Meyer, Washington Dept. of Ecology**

1. Regarding bullet statement #2, beginning at sentence #5: "Maintaining the "status quo" of allowing developments to use wetlands and buffers for stormwater will not improve conditions within watersheds with impaired water quality or habitat and is likely to increase impacts to healthier watersheds. In addition, this practice is not consistent with Best Available Science (Azous and Horner 2001) unless the specific criteria spelled out in Ecology's 2001 Stormwater Management Manual (SWMM), Appendix 1-D is met. The FEIS should discuss and evaluate the cumulative effects of allowing wetlands to be used for stormwater management and evaluate mitigation for unavoidable impacts."

The City of Bellingham has adopted the Department of Ecology's 2001 Stormwater Management Manual (SWMM) in its entirety. The author of the DOE letter acknowledges this in bullet statement #3 "Since the City of Bellingham has adopted the 2001 SWMM,....." Therefore, all future development proposals approved in the City of Bellingham will have to meet all of the DOE 2001 stormwater regulations, including the criteria referred to in Appendix 1-D, which complies with Best Available Science, as noted by DOE.

2. The DEIS and the FEIS are programmatic evaluations of four alternative growth scenarios. Actual stormwater impacts from individual projects are not, and cannot, be documented and measured in advance of site-specific development proposals. All future development proposals in the City of Bellingham will meet the DOE 2001 SWMM.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

### **(E-1) William Hager, Port of Bellingham**

April 23, 2004

Mr. Chris Comeau, Planner II  
Planning and Community Development Department  
Bellingham, WA 98225

### **Subject: Comments Submitted on DEIS for City of Bellingham, Bellingham UGA, Five-Year Review Areas and Whatcom County Urban Fringe Subarea**

Dear Mr. Comeau:

The Port has two general areas of comment. We would encourage that:

1. No alternative be taken which would encourage incompatible development adjacent to the Bellingham International Airport. (BLI). Generally light industrial uses which generate little or no light, glare and air emissions are preferable uses to increased residential densities.

Page 4-89, Re: all alternatives: Need to exclude, limit or specify development around and within a certain specified distance from airport and aircraft approach zones. Example: restriction or prohibition on residential development within a specific distance, while allowing commercial and industrial in the area, provided obstructions, light and glare, etc. are considered the development. As expanded operations occur due to growth or air travel frequency (frequency of flights, increase in larger aircraft, or capital improvements) the problems of residences around the airport will also grow, unless measures are taken.

2. An adequate supply of industrial land should be maintained for future job growth. It is noted that there is already appears to be a deficiency of some 200 acres for future needs. This deficiency may be further exacerbated if recommendations of the WFG to change heavy industrial zoning along the waterfront to mixed use zoning transpire. There does not appear to be any proposed suggestions to address this situation.

The following comments are specific to transportation and are offered in the order and page number of the DEIS.

#### Chapter 1:

1. General: Implementation of proper development standards, rather than guidelines, with builder-incentives associated with added levels of transportation features, could provide even greater transportation benefits.

#### Chapter 4:

1. Page 4-86, 4.7.1.6: Add to 2<sup>nd</sup> sentence...and large ship and boat construction, maintenance and repair facilities around Bellingham Bay, which require specialized facilities and locations.
2. Page 4-87, 4.7.1.7: Para. 2, 2<sup>nd</sup> sentence: re: "more than adequate". Revise to adequate. And add "currently using the airport".
3. Page 4-87, 4.7.1.7: Para. 2, 3rd sentence: re: add a third air carrier is being sought for increased connectivity, scheduling and destination access.
4. Page 4-91, 4.7.3: General: There is no financial analysis on traffic impacts costs and revenue sources to cover the costs. The projects listed are very expensive and there needs to be more consideration given to revenues to construct and maintain the listed improvements while maintaining the existing system. Options should include an in-depth look at all venues: general taxes, special taxes, developer contributions through impacts fees or project construction, outside funding, etc. New revenue sources should be listed and explored for viability. In addition, Trip Reduction, Transit, Leased Transit in peak periods, etc. should be addressed. Private transit carriers do not seem to be addressed in the "existing" section or mitigation section.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

5. Page 4-91, Mitigation Measures: 4.7.3.1, Existing. General notes: 1.) If parking is removed, how is replacement of parking addressed? 2). Are there opportunities for separate bike facilities vs. lanes or alternate routes, not on busy arterial streets, but on adjacent streets that would be more conducive to separating bikes from cars/ trucks? 3). If environmental obstacles cause fatal flaws to expansion of a transportation project (topography, geologic, wetlands, etc) the transportation problem will still be there and needs to be addressed.

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The projects listed below are numbered by project listing of the DEIS:

5. Add West Bakerview at overpass to I-5, Right turn lane onto NB on ramp at Maplewood, to reduce existing queue on red light. Add West Bakerview Maplewood to Bennett, widen to north to allow full length separate left turn refuge lanes.
15. Added item: Retro fits to existing routes: provide ped / Bike connectivity and /or street connectivity between long cul-de-sacs where vacant lots, utility easements exist and are available , to increase mobility and provide congestion relief at problem intersections.
6. Page 4-93, 4.7.3.3, Project 3: Include WSDOT access study discussed in TTAC 4/22.
7. Page 4-93, 4.7.3.3, Project 5. In a phased construction approach, consider a North Bound on Ramp on the east side of I-5.
8. Page 4-94, 4.7.3.4, General: 1). Look at alternatives for projects that may have restrictions due to physical constraints. Transportation problem will remain. What other options to the project may be there? 2). Look at off-system routes to keep bikes separate from cars / trucks.
9. Page 4-98, 4.7.3.6: Address alternative transportation mitigation measures: transit, private carriers, vanpools, people-mover systems (light rail, modular rubber tired systems, better busses, loop-routes with drop/add capability for peaks (private carriers?)
10. Page 4-98, 4.7.3.6: Develop new funding sources: taxes, special levies, outside federal/ state, TIF's, density incentives for added infrastructure improvements by developers, etc.
11. Page 4-96, 4.7.3.6: Look at transit mitigation options: investigate marine ferry, water taxi – around Bellingham Bay, private carrier as peak responder.
12. Page 4-96, 4.7.3.6: Set better standards, vs. guidelines for transportation trip reductions using Transit Oriented Design, Smart Growth, Incentives for builders/buyers, etc.

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Thank you for the opportunity to comment on this important document.

Sincerely,  
PORT OF BELLINGHAM

Bill Hager, Director  
Real Estate and Planning

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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### **(E-1) Response to William Hager, Port of Bellingham**

1. The Port of Bellingham expresses concerns about the outcome of the planning process. However, none of the four alternatives presented in the DEIS recommends significant additional residential development near the airport. Alternative 2 suggests some minor redevelopment opportunities in the Alderwood-Bennett Drive area, which is already substantially developed.
2. Pages 4-26 – 4-27 of the DEIS refer to a net deficit of 200 acres of *commercial and industrial* land. The City and the County will determine how land supply needs will be met through the Comprehensive Plan and Urban Fringe Subarea Plan update process.
3. This is not a comment or question on the adequacy of the DEIS. The City and County will adopt development regulations to implement the goals and policies of the Comprehensive Plans for the planning area.
4. The suggested text changes have been made in FEIS.
5. The DEIS is for a 20-year planning period, with updates scheduled at 7-year intervals. Costs and revenue sources are dependent upon political, economic and other conditions at the time that mitigating measures are implemented. SEPA does not require economic impact analysis. This analysis may be done independently as part of the planning process if so desired by the City and County. The Comprehensive Plans of both the City and the County must contain Capital Facilities Element including an examination of the financial resources and funding mechanisms available.
6. Trip reduction is addressed in Section 4.7.3 of the DEIS as "Transportation Demand Management mitigation methods." Transit is discussed extensively in section 4.7.1.5. preceding the discussion of Port Facilities and multiple times in section 4.7.3.6. Other Mitigating Measures. Private transit is not addressed in the DEIS.
7. The DEIS, in Section 4.7.3 states "In these cases, the use of TDM mitigation methods can increase effective capacity without road expansion." Therefore, the removal of on street parking would not be necessary.
8. The DEIS does not attempt an environmental review of all transportation alternatives and mitigating measures. Such detailed analysis may be considered as part of the annual updates of the City and County 6-year Transportation Improvement Plans and as individual transportation improvement projects are undertaken.
9. See response #8 above.

## APPENDIX D: PUBLIC COMMENT AND RESPONSE

(L-1/H-4) Bill Quehrn, Building Industry Association of Whatcom County



**Building Industry Association  
of Whatcom County**

### **Review of the Draft Environmental Impact Statement (DEIS) For: The City of Bellingham Urban Growth Area; Five Year Review Areas; and Whatcom County Urban Fringe Subarea**

To: City of Bellingham and Whatcom County Planning Staffs  
From: Bill Quehrn, Executive Officer of the Building Industry Association of Whatcom County  
Date: April 21, 2004  
Re: DEIS

#### Overview

While many laudable goals can be found in the Draft EIS, (DEIS), there are several recurrent themes that raise concern. The most troubling is the absolute reliance on increasing density in the urban center of Bellingham with multi-family housing to meet Growth Management Act (GMA) requirements *at the expense* of other housing options. Another relates to sacrificing the needs of people for preservation of an unsustainable status quo. While responsible environmental stewardship and quality of life issues are clearly an element of the planning process, cities exist primarily to address and serve the needs of people.

Prices in Bellingham are already vastly exceeding \$200,000 for a basic single family detached residence. A significant component of new home prices is the cost of building lots. Vacant lots in Bellingham today are selling for more than a finished home on the same lot just a few years ago. While other elements contribute to the cost of housing, such as impact fees and service hookup increases, the inadequate supply of land is the single most significant contributor to new home costs. As a result, used home, condo, and rental prices are being driven up.

Unless and until the supply of land increases, housing costs and availability...especially for middle and lower income people...will be negatively impacted. As a result, more and more local families, or people who wish to live in Bellingham, will be priced out of the housing market, including rental housing. The present and/or expanded Bellingham Urban Growth Area (UGA) holds the most promise for alleviating this singularly significant component of sharply rising housing costs.

As housing prices continue to soar, higher property tax assessments will follow. This inescapable result will soon strike at the economic heart of families already on the margin of their ability to retain their homes, older residents on inflexible incomes, and deal yet another blow to the hope of home ownership for moderate income families.

3323 Northwest Avenue Bellingham, WA 98225 Phone 360.671.4247 Fax 360.647.8756 [www.biawc.com](http://www.biawc.com)

In turn, as building and construction is strangled by the lack of buildable inventory, tax revenues generated by construction will plummet (*see The Bellingham*

*Herald Saturday April 17, 2004*), and unemployment in the construction industry (approximately 12% of covered wages in Whatcom County, 2001 *Whatcom County www.wa.gov.esd/lmea*), will significantly increase.

**UP NOT OUT**

Rental accommodations are a necessary *part* of a balanced housing stock mix, especially in a community that includes a regional university, community college, and several other public or private post-secondary educational institutions. However, the persistent **UP NOT OUT** paradigm, advocated in this DEIS, will turn Bellingham into a city dominated by densely packed, high rise rental living units for most people, with single family homes or condominiums affordable exclusively by the wealthy. Several human consequences are inevitable.

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The most cursory review of law enforcement and public health concerns reveals a problematic relationship between police calls and other emergency responses to people sandwiched into cracker-box accommodations. There is also a loss of sense of community and frustration experienced by people with no choice but to rent their living space forever.

Several parts of the DEIS (notably Section 4.33.3, BP 2) recognizes that neighborhood unity is often lost in multi-family neighborhoods where the majority of the residents are renters. This should be of particular concern to those who worry about the "quality of life" or "character of the community" changing as the community grows. A city dominated by residents denied the opportunity for an ownership stake in it will be a dramatically different place from one where families are rooted in the equity and stability that home ownership provides.

This document places a heavy emphasis on pedestrian, bicycle, or public transportation in the urban core. Certainly efficient multi-modal transportation alternatives are attractive concepts. However, present wage scale and market realities mandates that both of each household's occupants have jobs (this DEIS suggests 2.24 persons to be the average population per household for the planning period (Section 4.2.1.6.)) Even if those jobs are within walking, bicycle, or bus access to a downtown dwelling unit, one automobile will be a likely necessity for recreational purposes, major shopping needs, or other uses. Adding a significant number of automobiles to the urban core will substantially increase the amount of land necessary to be set aside for parking. The lack of parking has been a constant problem in downtown Bellingham, even without a population increase in urban core residential density.

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Compounding this problem is the assumption that living in a downtown apartment will *automatically* reduce the need for a car. For individuals blessed with good health and mobility, a bicycle or bus may indeed serve them well. However, a mother with one or more children will find it difficult, if not impossible, to shop for her family's grocery, sundry, clothing, and other needs on a bicycle or a bus. This is especially problematic given the fact that grocery or discount stores and other major shopping destinations do

not exist in the urban core. Bicycle or bus reliance, even for the physically able, will add enormously to the amount of time required to do necessary shopping.

An additional *disincentive* for young families to choose urban high-rise dwelling units is the concern they may have about raising children in a densely populated urban center rather than a planned or private area away from the central city. The majority of Bellingham residents *already* live in rental housing. The DEIS would do nothing but increase that reality under all four proposed alternatives.

#### UP AND OUT

A diversity of housing stock can only be achieved if and when more land inventory is available. Housing prices will respond to many forces in the marketplace, some of which are beyond the control or purview of local government. One of the few things government can do to contribute to affordable housing is assure the supply of land is adequate to the needs of the community.

Government can (and must) appropriately determine uses of land through zoning, which this DEIS does not address. However, *the marketplace* should...and inevitably will...determine what kinds and styles of housing will meet the needs, desires, and affordability of its residents.

Each category of the DEIS offers four planning alternatives for the future. While none of the alternatives is a "silver bullet" solution to every challenge, Alternative Four's options, while not completely consistent throughout the document, suggest a combination of in-fill and UGA adjustment. That would at least provide an opportunity for the City of Bellingham (in partnership with Whatcom County as the senior planning authority for GMA purposes) to address a broader range of housing options.

Increasing the size of the UGA's would clearly put more buildable lots on the market. If there is to be any improvement in housing affordability in Bellingham, increasing the number of available lots will be a make an enormous difference.

#### Conclusion

Responsible stewardship of the environment and attention to the potential changes in "quality of life" or "character of the community" are often referenced either directly or by implication in this DEIS. Neither concern is unwarranted. However, the tone and thrust of the DEIS leans so heavily on environmental preservation and dramatically limited housing choices that it renders the needs of people, *at best*, to a second class status.

This DEIS borders on outright economic and cultural discrimination in housing. In effect, if it dominates land use decisions, it will create a privileged class of those who already own homes, or are sufficiently wealthy to live here in the style that they choose, at the expense of middle class families, who will be relegated to permanent apartment dwellers. It appears that the goal of this document is based on a decidedly exclusionary vision of *how everybody else should live* in the future, expressed by those who already have "theirs" today.

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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### **(L-1/H-4) Response to Bill Quehrn, Building Industry Association of Whatcom County**

1. The DEIS examines a wide range of options for meeting GMA requirements for accommodating projected growth.
2. The DEIS does not "advocate" for any alternative or combination of alternatives examined.
3. See attached Land Supply Analysis from Chris Behee, City of Bellingham GIS Analyst and attached response to Stewart & King letter regarding the Old Town rezone proposal from Chris Koch, City of Bellingham Planner.
4. The DEIS broadly examines the impacts of a range of strategies for accommodating projected growth. It serves as a source of information to the public and to the planning commissions and councils who will ultimately make the final policy and zoning decisions to implement the chosen strategies.

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

(L-2) Robert Tull, cover letter on behalf of Caitac USA Corp



Richard J. Langabeer  
Robert M. Tull  
Mark J. Lee  
Dominique Y. Zervas-Foley

EMAIL: info@langabeertull.com

April 26, 2004

Chris Comeau, Planner II  
Planning and Community Development  
City of Bellingham  
210 Lottie Street  
Bellingham, WA 98225

Dear Chris:

I write to forward a variety of comments on the March 26, 2004 Draft Environmental Impact Statement. All of these comments included with this submission are on behalf of Caitac USA Corp. As you know Caitac continues to strongly believe that one of the answers to Bellingham's long term growth management needs is a comprehensively designed high-density mixed-use transit and pedestrian friendly neighborhood that demonstrates the best possible methods of achieving the goals of the Growth Management Act. Caitac can provide such a neighborhood by working with the City of Bellingham and Whatcom County.

Caitac continues to appreciate the open working relationship that it has with City and County staff, elected officials and the community of Bellingham. We do, however, have reservations about some of the analysis contained in the Draft Environmental Impact Statement. Caitac appreciates that the City uses the State Environmental Policy Act to invite careful and critical analysis of the public documents prepared in connection with major decisions affecting the long term future of the community. Towards that end we submit a number of comments, questions and suggestive information. There is, inevitably, some overlap but that is unavoidable in light of the mandated Draft Environmental Impact Statement format.

Included with this letter are a series of letters and memoranda. They are as follows:

- a) Jones Engineering memo re stormwater regulation
- b) Jones Engineering memo re transportation issues
- c) Stewart & King letter re achievement of high density
- d) Jones Engineering memo re issue affecting water front sites
- e) Jones Engineering memo re UGA yields and density
- f) Foster, Pepper letter re DEIS adequacy
- g) Our comments and questions

The Final Environmental Impact Statement must contain enough information to accurately guide community debate and ultimate decision making. It also must have enough information to satisfy all the legal

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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standards of the State Environmental Policy Act and the Growth Management Act. Caitac remains committed to working within the public process and when appropriate, directly with planners and neighborhood associations and other interested parties to make sure not only that the environmental documents are complete but that the public processes and the results of those public processes do the best possible job for Bellingham and its future citizens while respecting the interests of those of us who have the luxury of living and working now.

Our submissions raise many questions about the analysis done thus far. Any questions about the comments we are forwarding and submitting should be brought to our attention immediately and we will supply what ever additional information or clarification is useful to you.

The State Environmental Policy Act, the Court and the Growth Management Hearings Board decisions that implement it require that an Environmental Impact Statement adequately address impacts. Usually non-project actions are difficult to analyze. In this instance difficulty certainly exists but many facets of the situation clearly call for much more finite analysis. It is very clear that any failure by Bellingham to capture its allocable share of population will produce more dispersion of people into the rural parts of the County, and the agricultural and resource areas and into the cities and UGAs. The impacts will vary, of course, but in all instances it is likely that substantial increases in traffic and unnecessary trips and all the attendant pollution issues associated with transportation and road building will occur because of job, services and shopping concentrations in Bellingham.

The current analysis within the Draft Environmental Impact Statement stops substantially short of an adequate level of analysis. I know how hard you and the other staff members have worked on this and I am hopeful that some of the information that is now being supplied will be useful in defining the additional analysis and study necessary to produce an adequate Final Environmental Impact Statement.

The truly critical issue addressed in all of the materials we submit and some other testimony that you have already heard is: What are the impacts going to be on Bellingham and Whatcom County if Bellingham is unable to successfully capture its allocated share of population growth? } 1

We also need to be mindful of the importance of what might happen in the periods beyond the 20 year horizon presently under study. The impacts on rural Whatcom County, the small cities and on those of us already living in or around Bellingham resulting from inappropriate dispersion of population to other parts of the community need to be fully understood and all of the solutions to prevent those impacts need to be more carefully weighed. } 2

We look forward to working with you.

Very truly yours,  
LANGABEER, TULL & LEE, P.S.

Robert M. Tull

### **(L-2) Response to Robert Tull, cover letter on behalf of Caitac USA, Incorporated**

1. The "no action" alternative does consider the impacts of making no changes to existing zoning, development regulations, or UGA boundaries to accommodate the projected population increases.
2. Those impacts are covered under the "no action" alternative.

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

**(L-3) Robert Tull, Langabeer, Tull & Lee, P.S. on behalf of Caitac USA Corp**

*This submittal includes a series of 83 questions regarding population projections, land supply analysis, urban growth boundaries, environmental impacts, housing, commercial and industrial land, rezones, waterfront redevelopment, transportation facilities and traffic analysis, parks and recreation, public services and facilities, and utilities.*

**(L-3) Response to Robert Tull, Langabeer, Tull & Lee, P.S. on behalf of Caitac USA Corp**

*Due to the length of this submittal (83 questions), a comprehensive response is included after responses to all individual comments.*

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

### **(L-4) Frances Jones on behalf of Caitac USA Corp**

April 26, 2004

Mr. Chris Comeau, Planner I  
Planning and Community Development Department  
City of Bellingham  
210 Lottie Street  
Bellingham, WA 98226

### **Re: Public Comment on the 2004 Draft Environmental Impact Statement for the City of Bellingham**

The following serves as written comment addressing possible discrepancies in the Draft Environmental Impact Statement (DEIS) submitted by:

Jones Engineers, Inc.  
4164 Meridian St. Ste. 200  
Bellingham, WA 98226  
360)733-8888  
360) 671-6666 fax  
Frances Jones  
[frances@jeiwa.com](mailto:frances@jeiwa.com)

On behalf of:

Caitac USA Group  
205 West Smith Road,  
Bellingham, WA 98226

### **BACKGROUND**

The DEIS examines four alternatives to accommodate growth in accordance with the Washington State Growth Management Act. Chapter 4 of the DEIS addresses land supply analyses and identifies reductions to gross acreage. The City of Bellingham (City) allocates a 10% reduction for stormwater facilities from gross developable acres with the following qualifier "*It should be noted that the stormwater reduction shares some overlap with the critical areas reduction. The land supply study of existing stormwater facilities that when added to the 10% stormwater reduction brings the total stormwater area to 16% to 18% (DEIS, pg 4-27).*" This methodology stems from City Planning and Community Development Staff's assertion that of the thirty residential subdivisions within the City that have stormwater detention/retention ponds of significant size; approximately 39% of the stormwater facilities are in Critical Areas. So while the City allows that 16 to 18 percent of developable land needs to be allocated for stormwater facilities under the new requirements for land development projects as defined in the 2001 Stormwater Management Manual for Western Washington, they are assuming that 40% of the total area for new stormwater facilities will be placed in Critical Areas (not including steep slopes) that have already been subtracted from the land supply [Exhibit A] (attached memo dated October 31, 2003) and therefore justifies leaving the land use reduction for stormwater facilities at 10%. 1

### **CHARGING STATEMENT**

Based upon RCW 36.70A.050, WAC 365-195-905 and adopted Department of Ecology guidelines it cannot be assumed that 40% of the total area of future stormwater facilities will be placed within Critical Areas. Therefore the amount of net buildable acreage is inflated due to an under allocation of developable land dedicated to stormwater treatment facilities.

**SUPPORTING INFORMATION****PURPOSE**

The intention of the DEIS is to determine the amount of land suitable for urban development within City limits and the Urban Growth Area (UGA) and to evaluate capacity scenarios for the projected population growth of 31,600 new residents over the next 20 years (*DEIS, pg 1-1*). For planning purposes, 2.24 persons per household was assumed, resulting in a need for 14,100 additional dwelling units to accommodate projected growth (*DEIS, pg 4-29*). Net buildable land was calculated by removing all public and quasi-public lands, critical areas (wetlands, streams, flood plains, and steep slopes) and requirements for public facilities, parks, infrastructure (future roads, utilities, and stormwater treatment facilities) and allowing a reduction for market factors.

**JUSTIFICATIONS**

There are a number of issues that could significantly impact the City's blanket statement that 40% of future stormwater facility acreage will be placed within Critical Areas:

1. New guidelines involving wetlands and stormwater management defined in the 2001 Department of Ecology's Stormwater Management Manual (SWMM).
2. Revisions to the Washington State Wetland Rating System.
3. New requirements that local government include best available science (BAS) in developing their critical areas policies and regulations.

*The following addresses the applicability of each issue to the charging statement.*

**1. Wetland Guidelines – Department of Ecology's 2001 Stormwater Management Manual**

The City has adopted the guidelines set forth in *Appendix I-D Wetlands and Stormwater Management Guideline, 2001 SWMM [Exhibit B]* (Personal Conversation, Public Works, April 14, 2004). The guidelines emphasize avoiding structural, hydrologic, and water quality **modifications** (defined as a wetland whose physical, hydrological, or water quality characteristics have been purposefully altered for a management purpose such as by dredging, filling, forebay construction, and inlet or outlet control) of existing wetlands to the extent possible in the process of urbanization and the management of urban stormwater runoff (*Exhibit B, D-3*).

One of the comprehensive planning steps within the guidelines is to “*Establish and maintain buffers surrounding wetlands and in riparian zones as required by local regulations or recommended by the Puget Sound Water Quality Authority's wetland guidelines*” (*Exhibit B, D-6*). *The Puget Sound Water Quality Management Plan [Exhibit C]* serves as the federally approved Comprehensive Conservation and Management Plan for Puget Sound under Section 320 of the federal Clean Water Act. This document defines wetland buffer zones as “*an area that surrounds and protects a wetland from adverse effects of activities on adjacent lands. A buffer zone should be of adequate width and vegetative character to provide the following functions*:

- *Stabilize soil and prevent erosion*
- *Filter suspended solids, nutrients and harmful or toxic substances.*
- *Moderate effects of stormwater runoff.*
- *Moderate system microclimate.*
- *Support and protect plant and animal species and their habitats.*
- *Discourage adverse human effects in wetlands.*
- *Local governments should adopt standards that meet or exceed Ecology's standards for buffer-zone widths and vegetative character. This explanation should address the concern that buffer-zone widths and vegetative character must provide the necessary functions listed above*” (*Exhibit C pg-40*).

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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Disturbances to buffer zones can result in changes to the environmental factors that control wetland functions (hydrologic, water quality, and habitat). Study results have shown wetland hydroperiod (depth, duration, frequency, and pattern of wetland flooding) is a key factor in determining biological responses (*Wetlands and Urbanization, Implications for the Future, Azous and Horner, Lewis Publishers, 2001*). Alterations to the hydroperiod decreases plant and amphibian species diversity and typically increases the dominance of plant species that have wide hydrologic ranges, such as reed canary grass and hardhack (these species are aggressive and can quickly dominate a community). Allowing stormwater detention facilities within buffer zones can alter wetland hydroperiods by either increasing water levels within the adjacent wetland or decreasing water levels by reducing existing surface or groundwater inflows (routing flows to storm sewer systems and reduced infiltration). Impacts to buffer zones can also result in sedimentation, increase of nutrients, input of contaminants, and fragmentation of habitat.

The most current guidance for buffer delineation is the 2003 Washington Department of Community, Trade and Economic Development's (CTED) *Critical Areas Assistance Handbook [Exhibit D]* with *Appendix A: Example Code Provisions for Designating Critical Areas [Exhibit E]*. The purpose of the document is to help communities develop policies and development regulations to protect the functions and values of critical areas. These guidelines recognize that there is no single definitive buffer area for all wetlands. Guidelines promote determination based on four major variables: 1) wetland function and sensitivity to disturbance; 2) buffer characteristics of the existing or proposed buffer; 3) land use impacts of land uses adjacent to the buffer; and 4) desired buffer functions of the buffer itself (*Exhibit D, pg 62*).

Ecology recommends the following buffer widths to be used in conjunction with the *Washington State Wetlands Rating System, 1993 Edition*:

- Category I
  - High Intensity Land Use 300 ft
  - Moderate Intensity Land Use 250 ft
  - Low Intensity Land Use 200 ft
- Category II
  - High Intensity Land Use 200 ft
  - Moderate Intensity Land Use 150 ft
  - Low Intensity Land Use 100 ft
- Category III
  - High Intensity Land Use 100 ft
  - Moderate Intensity Land Use 75 ft
  - Low Intensity Land Use 50 ft
- Category IV
  - High Intensity Land Use 50 ft
  - Moderate Intensity Land Use 35 ft
  - Low Intensity Land Use 25 ft

***Low Intensity Land Use*** – Land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, passive recreation, open space, or forest management land uses (*Exhibit E pg -A123*).

***Moderate Intensity Land Use*** – Land uses which are associated with moderate levels of human disturbance or substantial habitat impacts including, but not limited to, low-density residential (no more than one home per five acres), active recreation, and moderate agricultural land uses (*Exhibit E pg-A124*).

***High Intensity Land Use*** – Land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, medium- and high-density residential (more than one home per

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

five acres), multifamily residential, some agricultural practices, and commercial and industrial land uses (*Exhibit E pg-A121*)

*City of Bellingham Municipal Code 16.50.070 – Regulated Wetlands and Streams* has defined 100 ft buffers for Category I wetlands, 50 ft buffers for Category II wetlands, and 25 ft buffers for Category III wetlands.

Under the Growth Management Act, the City is to submit an updated Critical Areas Ordinance by September 2004 (Personal Conversation, Shorelands and Environmental Assistance, Department of Ecology, March 31, 2004). Unfortunately, City Planning and Community Development staff has not yet completed a preliminary draft; they are in the process of compiling data and meeting with other government agencies (Personal Conversation, Planning and Community Development Staff, April 19, 2004). The DEIS delineates wetland and streams with 50 ft buffers within the City and 100 ft buffers within the UGA (*DEIS, pg 4-29*). It would seem prudent to apply the City's 2004 Critical Areas Ordinance (under the new regulations) to the critical areas land use reductions.

Additionally, the Puget Sound Water Quality Management Plan states that local government comprehensive plans shall incorporate a number of provisions including the following: *"Evaluate opportunities for protection and restoration of marine and freshwater habitat considering the effect of full development under alternative scenarios. Incorporate recommendations into local comprehensive plans with a target date consistent with the Growth Management Act comprehensive plan or shoreline master program update schedules (Exhibit C pg 31)"*. It should be noted that the above planning tool was not incorporated into any of the DEIS alternatives for growth.

### **2. Washington State Wetland Rating System**

Under WAC 365-190-080 counties and cities should consider the following:

- (i) The Washington state four tier wetlands rating system;
- (ii) Wetlands functions and values
- (iii) Degree of sensitivity to disturbance;
- (iv) Rarity; and
- (v) Ability to compensate for destruction or degradation.

Wetland rating systems are used as an analytical tool to analyze wetlands by providing ways to identify, characterize, or measure wetland characteristics, functions, and values (*Freshwater Wetlands in Washington State, Vol. 1 A Synthesis of the Science, 2003, [Exhibit F]* (pg 5-13)). The rating system (the term rating does not generate an estimate of value such as high, medium, or low, rather it is a categorization based on criteria such as sensitivity to disturbance and rarity in the landscape) is intended to be used as a basis for developing standards for protecting and managing wetlands to minimize further loss of their resource value (*Exhibit F pg 5-14*).

The following is a summary of the current rating system used by the City, Washington State's Wetlands Rating System (recommended tool to address the requirements for protecting and managing wetlands under the Growth Management Act), and a draft revision to the Washington State Wetlands Rating System (released April 2004).

**City of Bellingham Wetland Rating System, City of Bellingham Municipal Code (BMC) 16.50.070 – Regulated Wetlands and Streams, 1991 [Exhibit G]**

Please refer to Exhibit G for photographs of City of Bellingham recognized Category I, II, and III wetlands.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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### **Category I:**

Wetlands which have a high resource value based on ecological diversity, the presence of rare wetland communities and are sensitive to disturbance. These wetlands have one or more of the following features:

- Contain documented habitat for endangered, threatened or rare plant, fish or animal species recognized by state or federal agencies.
- Contain irreplaceable or rare wetland types in the Puget Sound Basin. These types are sphagnum bogs, marine influenced wetlands and mature, forested wetlands.
- Are comprised of three or more wetland classes, as defined by the Classification of wetlands and Deep Water Habitats of the United States published by the U.S. Fish and Wildlife Service, Washington D.C. 1979, one which may be persistent open water, and are undeveloped.

*BMC 16.50.070 does not apply to Category I wetlands less than 5,000 square feet in size that do not contain documented habitat for threatened, endangered or rare plant, fish or animal species recognized by the state or federal agencies.*

### **Category II:**

Wetlands not included in Category I, but still have a moderate resource value based on their functions. These wetlands have one or more of the following features:

- They are contiguous with any regulated stream or lake
- Contain documented habitat for sensitive plant, fish or animal species recognized by state or federal agencies.
- Contain three or more wetland classes, but do not meet Category I criteria.
- Are abutting designated public open space, park or greenways corridors and are over 10,000 sq. ft. in area.
- Provide a significant and necessary storm water management function, such as retention/detention, without alteration, thus avoiding the need to construct artificial facilities.

*BMC 16.50.070 does not apply to Category II wetlands less than 10,000 square feet in size that are not contiguous with any regulated stream, and do not contain documented habitat for sensitive plant, fish or animal species recognized by state or federal agencies.*

### **Category III:**

All wetlands not included in Category I or II wetlands. Category III wetlands include, but are not limited to, wetlands not contiguous with a regulated stream, lake or designated open space, park or greenway corridor with no endangered, threatened, rare or sensitive plant, fish or animal species or rare wetland types. These wetlands have only one or two wetland class types and do not serve a necessary stormwater management function. Generally they provide only low value habitat functions.

*BMC 16.50.070 does not apply to Category III wetlands less than 1 acre in size classified as "wet meadow" or "wet pasture" only, and all other Category III wetland classifications less than 10,000 square feet in size, unless they function in association with a group or series of wetlands which together comprise 10,000 square feet or more in area.*

### **Washington State Wetlands Rating System, 1993 [Exhibit H]**

#### **Category I**

- Those that have a documented occurrence in the wetland of a federal or state listed endangered, threatened plant, animal, or fish species or,

- High quality native wetland communities which qualify for inclusion in the Natural Heritage Information System; or
- Documented as regionally significant waterfowl or shorebird concentration areas; or
- Wetlands with irreplaceable ecological attributes; or
- Documented wetlands of local significance.

Category II - Satisfy no Category I Criteria, and are

- Those that have a documented occurrence in the wetland of a federal state listed sensitive plant, animal or fish species, or
- Those that contain priority species or habitats recognized by state agencies; or
- Wetlands with significant functions which may not be adequately replicated through creation or restoration; or
- Wetlands with significant habitat value of 22 or more points; or
- Documented wetlands of local significance.

Category III – Satisfy no Category I, II or IV Criteria and are:

- Wetlands with significant habitat value of 21 points or less; or
- Documented wetlands of local significance

Category IV Wetlands – Satisfy No Category I, II or III criteria, and are:

- Wetlands less than 1 acre and, hydrologically isolated and comprised of one vegetated class that is dominated (>80% areal cover) by one species from the list in Table 4; or,
- Wetlands less than two acres and , hydrologically isolated, with one vegetated class, and >90% of areal cover is any combination of species from the list in Table 3
- Wetlands that are ponds excavated from uplands and are smaller than 1 acre without a surface water connection to streams, lakes, rivers, or other wetlands throughout the year; and that have less than 1/10 acre of vegetation.

**Washington State Wetlands Rating System Draft, 2004 [Exhibit I]**

Category I wetlands are:

- Relatively undisturbed estuarine wetlands larger than 1 acre
- Wetlands that are identified by scientists of the Washington Natural Heritage Program/Department of Natural Resources as high quality wetlands
- Bogs larger than ½ acre
- Mature and Old growth forested wetlands larger than 1 acre
- Wetlands in coastal lagoons
- Wetlands that perform many functions well (scoring 70 points or more – out of 100 – on the question related to functions).

Category II wetlands are:

- Estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre,
- A wetland identified by the state Department of Natural Resources as containing “sensitive” plant species,
- A bog between ¼ and ½ acre in size,
- An interdunal wetland larger than 1 acre, or
- Wetlands with a moderately high level of functions

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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Category III wetlands are:

- Wetlands with moderate levels of functions (scores between 30-50 points) and
- Interdunal wetlands between 0.1 and 1 acre in size. Wetlands scoring between 30-50 points generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands (scores defined in Exhibit I).

Category IV wetlands have the lowest levels of functions (scores less than 30 points) and are often heavily disturbed. These are wetlands that we should be able to replace, and in some cases be able to improve. These wetlands may provide some important functions, and should to some degree be protected.

Exhibit E specifically addresses stormwater facilities within buffer zones as follows:

**Stormwater Management Facilities.** Stormwater management facilities, limited to stormwater dispersion outfalls and bioswales, may be allowed within the outer twenty-five percent (25%) of the buffer of Category III or IV wetlands only, provided that:

- i. No other location is feasible; and
- ii. The location of such facilities will not degrade the functions or values of the wetland.

Stormwater management facilities are not allowed in buffers of Category I or II wetlands (pg A44).

Therefore, the City Planning and Community Development Staff's assumption that 40% of stormwater detention/retention ponds will be placed within Critical Areas is not in compliance with the Growth Management Act as defined in RCW 36.70A.130 and WAC 365-195-905. Based upon recent guidelines and recommendations it is possible that the City will revise their critical areas regulations to comply with best available science as required by the Growth Management Act.

} 3

### **3. Best Available Science**

The GMA requires that all cities and counties in Washington include the best available science when developing their critical area ordinances. WAC 365-195-900 states that counties and cities include best available science to protect the *functions* and *values* of critical areas. Wetland functions are the environmental processes that take place generally defined as water quality improvement, hydrologic functions, and food webs and habitat, while values have worth which can be measured in various ways (economic, importance to a way of life i.e. food, materials, recreational use).

State agencies such as the DOE and CTED have provided numerous guidance documents and compiled lists of citations to help develop GMA compliant critical areas policies and development regulations. For example, *Exhibit F* was developed by the Department of Ecology (with assistance from the Department of Fish and Wildlife and the U.S. Environmental Protection Agency) in order to summarize the current scientific information on freshwater wetlands and provide management options and recommendations for local government. Additionally, CTED has published *Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas [Exhibit J]* a list of resources that state agencies have identified as meeting the characteristics of the best available science.

## **CONCLUSION**

Realistically, it is not possible or practical to provide optimal performance of each function for every wetland in an urbanized watershed (such as sediment removal or wildlife habitat that may require more than 300-ft buffers to achieve full functions based on best available science). The goal of a successful Critical Areas Ordinance would protect existing functions while fostering a planning scheme so growth can occur in a manner consistent with the City's comprehensive plans and development regulations.

The goal of this report is to point out that although past construction of stormwater facilities have occurred within Critical Areas, it cannot be assumed that this practice will continue in light of recent guidelines and policies. Specifically:

- **RCW 36.70A.050**  
Guidelines to classify agriculture, forest, and mineral lands and critical areas.
- **WAC 365-195-905 Criteria for determining which information is the "best available science."**
- **Rewrites to the Washington State Wetland Rating System**
- **Possible changes to the City of Bellingham's Critical Areas Ordinance (to be published this year) to comply with state laws and rules.**

The Department of Ecology has explicitly stated that the City's assumption that 40% of future stormwater facilities (detention/retention ponds) will be placed in Critical Areas is not in compliance with best available science (Personal Conservation, Susan Meyer, Shorelands and Environmental Assistance, March 31, 2004). Therefore, land use reductions for stormwater facilities should be increased as required by the Department of Ecology's 2001 Stormwater Management Manual for Western Washington.

**(L-4) Response to Frances Jones on behalf of Caitac USA Corp**

1. See response to Department of Ecology letter. In addition, recommendations from local engineers (Including Jones Engineers, Inc.) and City Public Works staff indicate that the Washington State Department of Ecology runoff model requires between 15% and 20% of buildable land be dedicated to stormwater management (18% of a typical 10 acre forested site on 10% slopes).

Existing stormwater facilities in the City and UGA total 27 acres of land. Of those 27 acres 10.5 acres (39%) are in areas already removed from the land supply because of Critical Areas (excluding steep slopes). An additional reduction of 10% for stormwater facilities beyond the area included in the Critical Areas reduction will result in an overall stormwater reduction of between 15% and 20%.

Regarding the comments suggesting that the City Land Supply Analysis is inadequate, an additional 6% reduction from the land supply to account for a total 16% stormwater facility reduction would result in a 155 acre drop in the available acres of land for future residential development and 112 acres less for commercial and industrial uses. This translates into a reduction in total capacity of about 760 residential units.

2. The "2004 Critical Areas Ordinance" and regulations have not been completed or adopted. The author of the letter acknowledges this in the last paragraph on page 4. Therefore, it is not prudent to apply potential regulation changes to the DEIS analysis.
3. The City of Bellingham is currently developing an updated Shoreline Master Plan that will attend to all state requirements and regulations, including those in the Puget Sound Water Quality Management Plan.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

### **(L-5) Bryan Jones on behalf of Caitac USA Corp**

April 26, 2004

Mr. Chris Comeau, Planner I  
Planning and Community Development Department  
City of Bellingham  
210 Lottie Street  
Bellingham, WA 98226

#### **Re: Public Comment on the 2004 Draft Environmental Impact Statement for the City of Bellingham**

The following serves as written comment addressing possible discrepancies in the Draft Environmental Impact Statement (DEIS) submitted by:

Jones Engineers, Inc.  
4164 Meridian St. Ste. 200  
Bellingham, WA 98226  
360)733-8888  
360) 671-6666 fax  
Bryan Jones, Project Manager

On behalf of:

Caitac USA Group  
205 West Smith Road,  
Bellingham, WA 98226

The City of Bellingham has published its Draft EIS (DEIS) for Bellingham, UGA and Urban Fringe Areas and is soliciting comments in accordance with the Washington State Environmental Act. The following remarks are offered by the staff at Jones Engineers, Inc. in response to the traffic and transportation impacts and mitigation. Jones Engineers has been active in traffic and Transportation Planning and Engineering in Bellingham area for the last 15 years. Our transportation staff are members of the Institute of Transportation Engineering (ITE).

#### **A. TRAFFIC - GENERAL**

Bellingham is projected to have 51.4% of countywide population growth (31,600 people) within the planning time frame (pg 4-25) there is no discussion of the consequences with respect to traffic impacts should Bellingham not obtain its share of the projected population growth. According to the DEIS most of Whatcom County's employment and retail services are located within the planning area. There is no discussion or proposed mitigation regarding traffic or transportation addressing a failure to achieve the projected population allotment for Bellingham. What traffic impacts are expected if this should occur?

Traffic impacts are not quantified for any of the four land use/ zoning alternatives, and proposed mitigation measures are not directly connected to the proposed Land Use Alternatives. The approach has been to incorporate (with minor revisions) the existing five year transportation plans (TIPs) from the City, County, Bicycling Advisory Committee, the Council of Governments, and WSDOT. The logic seems to be that if the City reaches a target population, the transportation improvements required to serve that population will be the same under all alternatives. If this logic is followed, strategies to reduce transportation infrastructure costs, such as infill and compact community development would seem to be invalid.

#### **B. TRAFFIC COMMENT - INFILL OPTION 2C**

The City's DEIS has failed to adequately address traffic impacts to the Central Business District (CBD), Fairhaven commercial district and Waterfront attributable to development of the proposed "Old Town" and "Waterfront" growth areas and CBD infill.

**JUSTIFICATION**

The DEIS Alternative 2C proposes development of between 500 and 2000 new residential dwelling units on or near the water front in addition to 333 new units in Fairhaven and 667 new units in the CBD.

- “1,000 new dwelling units would be constructed in the commercially zoned areas of downtown Bellingham and in Fairhaven over the planning period.” (DEIS Page 4-39)
- “Zoning changes in the Old Town and Central Waterfront areas of Bellingham would result in minimum of 500 and a maximum of 2,000 new dwelling units built during the planning period.” (DEIS 4-40)

The density proposed implies high rise apartment buildings are proposed. Assuming that all new dwelling units were high rise apartments, the increase in trips near or through the commercial district may be as high as 12,600 vehicles per day based on ITE Trip generation rates published in the “Trip Generation, 6<sup>th</sup> Edition. These rates do not include additional trips created by multiple stops (trip chaining) within the commercial area, nor does it account for traffic growth originating outside the commercial districts.

According to the Whatcom County Traffic Count Manual published by the Whatcom County Council of Governments the most recent counts on Dupont Street has 9,100 vpd, Girard Street has 9,300 vpd and Cornwall has 4,800 vpd. These volumes represent a Level of Service “C” within the City’s commercial area. Adding an additional 12,600 vehicles per day results in a Level of Service “E” using arterial street capacity analysis planning methodology recommended by the Transportation Research Board Special Report 209 “Highway Capacity Manual”. 4

**Traffic volumes within the commercial area should be expected to increase between 65% and 130%.**

Traffic from the potential 2000 units on the waterfront would be separated from the commercial district by the Burlington Northern / Santa Fe Main Rail Line. Depending on the ultimate location of these units, rail traffic will result in significant congestion. Presently, train traffic backs traffic up from Roeder Street past Girard Street during morning commute times.

**The number of daily trips generated by proposed downtown and waterfront development will be approximately the same as the number of daily trips presently found on Woburn Street between Alabama and Barkley Boulevard or on Cordata Parkway between Bakerview and Westerly Street.**

In Fairhaven, Harris Street has 3200 vpd and 10<sup>th</sup> Street has 15,800 vpd. These volumes represent a Level of Service C and E within Fairhaven’s commercial area computed using the above referenced methodology. Adding an additional 333 dwelling units would result in a Level of Service E and F. Should an additional 500 high rise apartment units were sited in the Fairhaven district an additional 3,500 vehicles per day should will be added to the Fairhaven commercial area.

**Harris Street currently has less daily traffic than what should be expected from the Infill 3-C waterfront projects alone. The proposed infill is expected to increase daily volumes by 50% to 200%.**

The DEIS lists 26 unfunded capital projects in addition to the projects listed in the 5 year transportation improvement plans as mitigating measures. These projects must be constructed in order to maintain acceptable levels of service (DEIS Page 91-93). However, the authors add a caveat:

**“In some instances, constructing additional travel lanes and removing parking on existing arterials may create opposition from businesses and property owners, making capacity improvements difficult to accomplish.” (DEIS Page 4-91)**

**CONCLUSION A & B**

Although the DEIS has proposed numerous projects to maintain adequate levels of service, it is acknowledged that these projects would be politically difficult or impossible to implement, especially within the commercial districts. The DEIS states that

**“...in these cases, the use of TDM (Transportation Demand Management) mitigation methods can increase effective capacity without road expansion.”**

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

In other words, TDM strategies are expected to provide the necessary capacity to provide for the additional waterfront and CBD traffic volumes.

TDM strategies include increased parking costs, improved transit access, expanded and improved bicycle and pedestrian facilities, incentives to employers to supply car pool vehicles and similar strategies. An essential element of effective TDM strategies is to involve large employers and institutions to participate in reducing the traffic demand at their facilities. No particular TDM program is proposed. Published trip generation rates are not expected to be flexible from and to high density residential facilities. **The proposed residential units represent traffic supply, not traffic demand.**

This analysis employed trip generation rates from high rise apartments. These rates are the lowest rates published by the Institute of Transportation Engineers for residential units. The samples used to develop the ITE rates are most frequently found near the built up areas of the CBD and typically have good transit service. The estimated number of trips discussed above already account for expected urban transportation facilities and assumes that various TDM strategies are in place.

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### ***C. TRAFFIC COMMENT – Alternative Mitigation Feasibility***

The DEIS has not addressed the feasibility of the proposed traffic mitigation measures.

#### ***JUSTIFICATION***

Some of the projects proposed have significant, documented environmental constraints. In particular the east/west connection proposed between Meridian and Northwest traverse significant wetland features. The DEIS identifies one:

- New June Road collector arterial between Stuart - W. Kellogg Road and Aldrich Road, including bicycle lanes, if right-of-way and adjacent wetlands permit.

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However, wetland maps published by the City of Bellingham Planning Department, indicate significant wetlands areas that would have to be traversed by the proposed Horton Road and the proposed Slater Road, improvements that are depended upon by the DEIS. Other proposed alternatives, such as the Slater Road alignment are no longer on the County's Five Year Improvement Plan referenced in the DEIS. In addition, the Cordata Master Plan, approved by the City of Bellingham, no longer includes the east/ west connector referred to in the DEIS as "Waldrone Road". Other Mitigation measures rely on the outside agencies such as the State DOT to implement improvements.

#### ***CONCLUSION C***

Feasibility of the proposed mitigation measures in the DEIS cannot be determined. There are at least two alternatives that are not feasible given the existing environmental constraints and regulations. Without at least cursory environmental and economic analysis of the proposed mitigation measures the mitigation should not be included in the DEIS.

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### ***D. TRAFFIC COMMENT – Causal Nexus for Mitigation***

The DEIS provides no specific connection between the proposed mitigation measures and the specific land use changes requiring the mitigation.

#### ***JUSTIFICATION***

The DEIS adopts, by reference, the Five Year Transportation Plans for Whatcom County, the City of Bellingham, the Whatcom County Council of Governments and the Washington State Department of Transportation. These documents do not contain any analysis regarding the sources of additional traffic creating a need for upgraded or new facilities. These documents are simply a list of the projects each agency desires to construct together with its expected funding source(s). There may or may not be a connection between the need for these projects and the various land use alternatives proposed by the DEIS. In addition to the Five Year Plans, another 26 projects within the city are proposed together with numerous facility upgrades in the UGA.

8

The only connection between land use and transportation improvements in the DEIS must be inferred from the physical proximity of proposed mitigation measures and land use changes. No particular land use is demonstrated to impact transportation facilities in such a way as to require any of the mitigation measures.

It is insufficient to simply assume that the increased density and infill near the proposed mitigation projects is the source of traffic impacts. Cumulative impacts from all proposed changes within the City and UGA must be determined in order to assess ultimate transportation needs.

• **CONCLUSION**

The infill and increased density development will somehow impact the transportation system and require mitigation, but the DEIS does not connect the proposed land use changes to specific mitigation projects; neither does the DEIS mention cumulative traffic impacts for the proposed land use changes. The DEIS does not demonstrate how the proposed mitigation measures are necessary due to the proposed infill, without this information, DEIS Alternative 2C is incomplete and impact fee measures are inappropriate.

7,8,9

**Old Town Trip Generation**

Between 500 and 1500 dwelling units are proposed for the “Old Town” Area. Assuming that a high rise apartment is constructed on this site, the range of expected daily and peak hour is shown in the table below. High rise apartment trip generation rates are the lowest rates for residential land use published by the Institute of Transportation Engineers.

# Units	Weekday Rate	Weekday Trips	Peak Rate	Peak Trips
500	4.20 vpd	2,100 vpd	0.35 vph	175 vph
1500	4.20 vpd	6,300 vpd	0.35 vph	525 vph

Old Town 3C Trip generation

• **Water Front Rezone Trip Generation**

Between 500 and 2000 dwelling units are proposed for the water front rezone. Assuming that a high rise apartment(s) are constructed on this site, the range of new expected daily and peak hour trips are shown in the table below.

# Units	Weekday Rate	Weekday Trips	Peak Rate	Peak Trips
500	4.20 vpd	2,100 vpd	0.35 vph	175 vph
2000	4.20 vpd	8,400 vpd	0.35	700 vph

Water Front Rezone 3C Trip generation

Unlike single family the detached land use or retail / commercial land uses, the apartment trip generation rates already reflect the utilization of transit and pedestrian facilities as apartments of this size are generally situated in areas best served by these facilities.

Together, the Water Front Rezone and the Old Town should be expected to generate a minimum daily and peak hour number of trips along and near the water front as shown below.

# Units	Weekday Rate	Weekday Trips	Peak Rate	Peak Trips
1000	4.20 vpd	4,200 vpd	0.35 vph	350 vph
3500	4.20 vpd	14,700 vpd	0.35	1,225 vph

Water Front Rezone 3C Trip generation

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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### **(L-5) Response to Bryan Jones on behalf of Caitac USA Corp**

1. DEIS, Section 4.7.2. pages 4-88 and 4-89 states the following:

**"Alternative 1 - No Action**

Under this alternative, growth would occur within existing City limits and UGA boundaries at existing zoning and residential densities. Generally, the No Action Alternative would be expected to:

- Create a shortage of land for urban residential development resulting in increased housing costs and pushing development and transportation impacts into surrounding cities and their UGAs and the rural areas of the County.
- Continue the present pattern of low-density residential development both in the City and in the UGA.
- Continue the present trend of dependence on private automobiles for transportation;
- Increase traffic congestion on City and County arterials;
- Increase commuting times for drivers, and transit riders;
- Increase air and water pollution from motor vehicles due to increase in vehicle miles traveled;
- Reduce efficiency and cost-effectiveness of public transportation;
- Require costly capital improvements and maintenance of the transportation network.
- Decrease opportunities for bicycle and pedestrian commute trips."

2. Transportation impacts are addressed in the DEIS in a very broad way. A DEIS for a "nonproject" action (adoption of policies, plans and regulations) allows agencies to consider the "big picture", therefore analysis of impacts and determination of mitigation system-wide rather than project by project is entirely consistent with SEPA requirements.

The DEIS, Section 4.7.3.4., page 4-94 states the following (emphasis underlined):

**4.7.3.4. Urban Growth Area Transportation Improvements**

Bellingham and Whatcom County Public Works traffic engineers have identified a need for the transportation improvements listed below in the Bellingham UGA to provide an efficient street network for traffic circulation as the UGA develops at urban densities over the 20-year planning period. The projects listed below are identified in City and County Six-Year TIP's, Transportation Elements of City and County Comprehensive Plans, and the Whatcom Transportation Plan. The arterial road projects listed below would include bicycle lanes and sidewalks unless topography, environmental factors, or right-of-way constraints do not allow them. If standard facilities cannot be included, innovative solutions should be considered to provide for bicycle and pedestrian travel and safety. Some of the arterials listed below are in or near sensitive environmental features, such as wetlands, streams, or steep slopes and construction may not be environmentally or economically feasible."

The proposed mitigation measures are "directly connected to the proposed Land Use Alternatives." The clearly stated purpose of the mitigating measures is to provide an efficient street network for traffic circulation as the UGA develops at urban densities over the 20-year planning period. Many of the UGA and 5-Year Review Areas are currently served by minimum standard rural roads without curbs, gutters, or sidewalks. If these areas were to develop at higher urban densities, urban road improvements would be necessary and some new arterials would be required to allow basic traffic circulation for people and goods. Actual road improvement requirements will depend on the density and location of each development proposal and environmental conditions, as acknowledged by the DEIS.

3. Transportation impacts are addressed in the DEIS in a very broad way. A DEIS for a "non-project" action (adoption of policies, plans and regulations) allows agencies to consider the "big picture", therefore analysis of impacts and determination of mitigation system-wide rather than project by project is entirely consistent with SEPA requirements.

The City of Bellingham Public Works Traffic Division reports that there is currently excess capacity on the downtown central business district's grid network of streets. The author acknowledges this, as shown below. Quantifiable traffic impacts will be reviewed when specific development proposals are made and specific traffic mitigation will be a requirement for individual projects.

4. The City of Bellingham adopted level of service "E" for all transportation arterials in the 1995 Bellingham Comprehensive Plan. The author's determination that "the increase in trips near or through the commercial district may be as high as 12,600 vehicles per day" which "results in a Level of Service "E"" falls entirely within the acceptable range adopted in the 1995 City of Bellingham Comprehensive Plan.
5. As stated in the DEIS "the use of TDM strategies can increase effective capacity without road expansion." It is entirely possible that people who choose to live and work in the downtown and Fairhaven areas will also choose to walk, ride, or use transit for many of their daily trips if pedestrian and bicycle facilities are available and transit becomes more efficient and reliable due to increased ridership that often accompanies higher residential density development. In addition, there are several road segments identified in the Transportation Element of the 1995 Bellingham Comprehensive Plan (p tr.26 and Policy TP-30, p. tr.34) as problematic or difficult to mitigate, whether due to political considerations or functional limits on roadway expansion. These roads are allowed to function at level of service "F" if mitigation cannot be achieved. It is possible that there could be additional situations in which traffic mitigation measures are not feasible, and therefore a road could be allowed to function at LOS "F."
6. The author cites the following from the DEIS, p. 4-94, as justification that some of the transportation mitigation measures cannot be achieved:
  - "New June Road collector arterial between Stuart-W. Kellogg Road and Aldrich Road, including bicycle lanes, if right-of-way and adjacent wetlands permit."

The June Road collector arterial is required by the General Binding Site Plan that has been approved to allow over 300 multifamily units immediately west of the Cordata PUD and the road bed has already been installed between W. Kellogg and Aldrich. The DEIS is suggesting that bicycle lanes be added when this collector arterial is completed, if environmental conditions and right-of-way allow. This is consistent with City of Bellingham Comprehensive Plan Transportation Element policies.

The author also states "Other proposed alternatives, such as the Slater Road alignment are no longer on the County's Five Year Improvement Plan referenced in the DEIS." For clarification, the Slater Road alignment between Northwest Drive and Hannegan Road is listed as a "Major twenty-year County improvement" in the Whatcom County Comprehensive Plan Transportation Element (p. 6-20).

Regarding other roads listed as necessary to provide basic traffic circulation as the UGA and 5-Year Review Areas develop at urban densities, it is possible that if adequate transportation facilities cannot be provided in portions of the UGA or 5-Year Review Areas, then those areas may not be appropriate for urban levels of development and therefore not included in the Bellingham UGA.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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Feasibility for transportation improvement projects will depend upon economic conditions at the time that mitigating measures are implemented as well as the willingness of the community to fund such measures. SEPA does not require economic impact analysis. This analysis may be done independently as part of the planning process if so desired by the City and County.

7. SEPA does not require economic impact analysis. Environmental impacts of specific mitigating measures will be addressed when and if various mitigating measures are selected for implementation. All road improvements listed in the DEIS, have been adopted by City, County, Regional, and State transportation agencies in public documents adopted by governing bodies after public review and comment.
8. Page 4-94 of the DEIS, Section 4.7.3.4. Urban Growth Area Transportation Improvements states the following:

"Bellingham and Whatcom County Public Works traffic engineers have identified a need for the transportation improvements listed below in the Bellingham UGA to provide an efficient street network for traffic circulation as the UGA develops at urban densities over the 20-year planning period."

For clarification, in the Final EIS, the preface to the Transportation and Circulation – Mitigating Measures, Section 4.7.3 beginning on Page 4-91 has been rewritten to clarify that all road projects identified and adopted by public agencies will be needed to provide an efficient street network for traffic circulation as the UGA develops at urban densities over the 20-year planning period.

9. See response #8 above.

## APPENDIX D: PUBLIC COMMENT AND RESPONSE

(L-6) David King, Stewart & King Architects on behalf of Caitac USA Corp



26 April 2004

Chris Comeau, Planner I  
Planning and Community Development Department  
City of Bellingham  
210 Lottie Street  
Bellingham, WA 98225

**Re: Old Town Housing Densities proposed in the 2004 Draft Environmental Impact Statement**

The following serves as written comment addressing possible discrepancies in the Draft Environmental Impact Statement.

Submitted by:

Stewart+King Partnership  
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king@stewart-king.com

On behalf of:

Caitac USA Group  
205 West Smith Road  
Bellingham, WA 98226

### **BACKGROUND**

I have been asked to review the implications of the housing densities proposed in the Draft Environmental Impact Statement (EIS) for the City of Bellingham, dated March 26, 2004, for the area referred to as the Old Town area. Page 4-37 states "Zoning changes are being considered for a 23-acre underdeveloped part of the Old Town area of Bellingham. These changes, if approved, could potentially add capacity in the range of 500 to 1,500 dwelling units."

My understanding is that the land referred to is bound by G Street, Bancroft Street, the Whatcom Waterway (B Street), and the Railroad property southwest of Holly Street. It appears that the 23 acres referred to is intended to be the gross area. By my calculation, however, it appears to be approximately 18.1 acres. Removing right-of-ways of approximately 5.9 acres leaves } 1

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## APPENDIX D: PUBLIC COMMENT AND RESPONSE

approximately 12.2 acres. As new building is not likely to occur within 100' of Whatcom Creek, an additional 1.5 acres can be removed from the gross area for an approximate net area of 10.7 acres. This area should be further reduced to accommodate the Historic Courthouse at 1308 E Street. This building is on the National Historic Register. However, for the simplicity of this review, no further reduction for this has been made.

} 2,3

500 units over an area of 10.7 acres represents approximately 47 units per acre. 1,500 units over an area of 10.7 acres represents approximately 140 units per acre.

To calculate anticipated building heights for this type of development, I have made a variety of assumptions. They are as follows:

- Such development should include residential, retail, and office space for a healthy, vital mix.
- Parking for residential units is at a rate of 1 stall per unit up to two-bedroom units.
- Residential parking will be accommodated on site. Residential, retail, and office uses will typically be built over the on-site parking.
- Residential unit sizes average 1,200 s.f. and could be studio, one-bedroom, or two-bedroom units.
- The building net-to-gross ratio is 60% (40% of the area would be devoted to corridors, elevators, stairs, mechanical spaces, and courts).

} 4,5,6

### Scenario One:

A typical "block" (200' x 200') is .92 acres. At 47 units per acre, each typical block would need to accommodate, on average, 43 units. Parking requirements for this could occur on approximately half of the site. Each residential floor level could accommodate approximately 20 units. To provide 43 units approximately two floor levels of residential use would be required. To include a reasonable mix of retail and office, one level of commercial use would be provided.

It appears 47 units per acre could be typically provided in a four-story one-block structure. This would need to occur on every block in the Old Town area. Such structures would be approximately 50 feet tall. Buildings of this size and density appear to be the upper limit of what this area can accommodate.

On-site parking would be for residential use only. The remaining parking would need to be accommodated on the street or in a parking structure outside of Old Town. The traffic impacts to this and surrounding areas should be reviewed and considered.

### Scenario Two:

At 140 units per acre each typical block would need to accommodate 129 units. Parking requirements would entail approximately two full levels of parking. Approximately seven levels would be needed at 20 units per floor to accommodate 129 living units. For a healthy, vital mix, one level of retail and one level of office space should be provided. It appears 140 units per acre would require an eleven-story structure on each block. Such buildings would be approximately 140 feet high. The parking provided on-site would be for residential use only. Traffic impacts and other required infrastructure are outside of this review, but will likely need significant improvements.

Concerns with these scenarios include:

- Expense of building on an uncontrolled land fill. Both scenarios would require an extensive foundation (piling) system.
- The expense of a high-rise structure (Scenario Two) would require a high unit cost, and does not seem sustainable in the Bellingham marketplace.
- Two parking levels indicated for Scenario Two would not be compatible with a pedestrian-friendly development.
- Both scenarios are intensive development. A private developer may choose not to develop as intensely which would reduce the number of units per acre.
- Noise generated in the adjacent railroad switching yard is significant and is not limited to day time. Mitigation of noise would be required for a marketable residential project.
- Both scenarios would impact views from inland properties.

I would be happy to answer any questions you might have.

Sincerely,

  
David King, AIA  
Principal, Stewart+King Partnership

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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### **(L-6) Response to David King, Stewart & King Architects on behalf of Caitac USA Corp**

*Please refer to the staff prepared Fact Sheet (**Attachment 1**) when reviewing the April 26, 2004 letter from David King. Mr. King's letter differs from the staff prepared calculations based on the following:*

**1. Acreage of Old Town Rezone Area (Areas 10 and 10A):**

The zoning boundaries of the proposed rezone area run along centerlines of right-of-ways (Bancroft, B, Roeder, and G Streets). Twelve blocks of the 3 x 5 block area are 200' square; three blocks are 170' x 200'. All streets are 60-feet wide. The resultant rezone area boundaries are 780' x 1,270' which equals 990,600 square feet or 22.74 acres. If calculated only from the perimeter of the block along the above-mentioned streets the resultant calculations would be 720' x 1,210' which equals 871,200 square feet or 20 acres. It is unclear how Mr. King came up with a gross area of 18.1 acres for the rezone area.

**2. Land reduction to account for the required setback along Whatcom Creek.**

The portion of the rezone area along Whatcom Creek is considered Urban Development I under the current Shoreline Master Program and requires a 25' setback from the ordinary high water mark. Most of the shoreline in the rezone area straddles or is very close to the B Street centerline. This would allow development up to a large portion of the B Street property line since it would be more than 25' away. Staff therefore did not factor in a land reduction for this area. Mr. King factored in a 100' reduction along B Street, presumably from the property line.

Also, Mr. King rounds his calculation of this 100' x 600' area (less streets) from the actual 1.38 acres up to 1.5 acres.

**3. Land reduction to account for Burlington Northern Railroad operations.**

Staff factored in a 1.77-acre reduction for Burlington Northern Railroad operations since the old train depot is a historic building and unlikely to be redeveloped and BN operations are not foreseen to be reduced. Mr. King did not factor in such a reduction.

**4. Office uses.**

Staff does not foresee office uses as a "vital" necessity in the mix of allowed uses in the Old Town area since a growing inventory of office uses and other job opportunities exist within walking distance in the adjacent CBD and waterfront. Staff therefore does not factor in second floor office uses, though office uses would not be prohibited. Street level commercial and services that are accessible by an attractive pedestrian oriented environment are viewed as necessary to support the estimated residential density. Based on this, staff does not factor in an extra story per block dedicated to office uses in the same manner that Mr. King did. Mr. King also factors in 2 stories of parking for his higher density scenario 2. Due to the sloping nature of the land, staff finds that over half of the blocks will be able to accommodate 2 floors of parking in basement and semi-basement structures built into the slope of the blocks.

**5. Average square footage per dwelling unit.**

Both staff and Mr. King factor in a reduction of 40% of the gross buildable area to account for courtyards, stairwells, light wells, corridors, multi-level parking, elevators, mechanical spaces, etc.

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

Mr. King estimates that the average square footage per dwelling unit would be 1,200 square feet for studio, one, and two-bedroom units. Staff estimates the average square foot per unit for the same three unit types to be 750 square feet. Staff's calculation is a generous estimate based on the more than 300 dwelling units that have been built or approved in the downtown since 1999. In fact, two-bedroom dwelling units have most often been no more than 750 square feet. However, staff anticipates that higher end dwelling units will be built in the rezone area resulting in the 750 square foot staff estimated average.

6. Density per acre

The wide discrepancy between Mr. King's and staff's calculations are born out in Mr. King's apparent errors in calculating the available buildable area as outlined in #s 1 and 2 above, and the different typical unit sizes used in #5 above. Staff finds that the numbers presented in Attachment 1 (*Lettered Streets Neighborhood, Area 10 Fact Sheet*) are accurate. Staff's calculations actually show a "maximum infill" potential of 1,763 dwelling units within a 55' height limit. However, staff agrees with Mr. King that some developers will decide to build smaller projects while others may build the maximum allowed on their site. As a result, the proposed 55' height limit will average out the differing levels of development to somewhere between 500 dwelling units and the approximately 1,432 units proposed under the 45' height limit maximum development scenario.

Additional supporting evidence:

The staff estimated maximum build-out potential of 1,432 dwelling units under the 45' height limit would result in an average of 120 units to the acre. This calculation is based on buildable land only; it does not include the square footage of streets or Burlington Northern properties. Using the same formula, the average density of the 8 multi-family projects (303 units total) approved in the CBD is 88 units to the acre with the high being 190 units to the acre and the low being 50 units to the acre (See *Attachment 2, Residential Multi Tax Exemption Projects In Downtown Bellingham*). All buildings consist of either 3 or 4 stories of residential development; only one of the buildings is 5 stories in height. If the 88-unit per acre average were accomplished in Old Town, the resultant buildout would be 1,044 dwelling units.

7. Controlled vs. uncontrolled growth

Mr. King expresses concern with intensive urban development in the Old Town area. Staff feels that the rezone location is able to take advantage of existing infrastructure, a street grid system to distribute traffic, multiple transit routes through and adjacent to the site, multiple retail and services expected to be provided on site and within walking distance in the adjacent downtown, an abundant inventory of jobs and recreational opportunities in the adjacent downtown and waterfront. Implemented in accordance with the City Center Design standards, the intent is to create a very attractive and highly pedestrian-oriented environment that will be comparable to other highly desirable downtown living environments found elsewhere in the world.

**(See *Attachments 1 and 2, below*)**

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

### **(L-7) Darcy Jones, Jones Engineering on behalf of Caitac USA Corp**

April 26, 2004

Mr. Chris Comeau, Planner I  
Planning and Community Development Department  
City of Bellingham  
210 Lottie Street  
Bellingham, WA 98226

#### **Re: Public Comment on the 2004 Draft Environmental Impact Statement for the City of Bellingham**

The following serves as written comment addressing possible discrepancies in the Draft Environmental Impact Statement (DEIS) submitted by:

Jones Engineers, Inc.  
4164 Meridian St. Ste. 200  
Bellingham, WA 98226  
360)733-8888  
360) 671-6666 fax  
Darcy Jones, PLS, AICP

On behalf of:

Caitac USA Group  
205 West Smith Road,  
Bellingham, WA 98226

#### **COMMENT**

The "Waterfront Area" as identified in the Draft Environmental Statement (DEIS) will not support the proposed densities of 500 to 2000 dwelling units within the planning time frame as anticipated in the DEIS. } 1  
The City's DEIS is depending on the pilot programs to establish the scope of area suitable for housing in the waterfront area within the next twenty years, however the DEIS does not provide specific sites for the proposed residential densities within the waterfront area. Pilot clean-up programs in and around the waterfront areas are in their early stages of study but have not established the feasibility or timing for the sites to be deemed suitable for residential housing. Therefore, the City's DEIS has not established adequate documentation to support the projected dwelling unit densities for the Waterfront area, as stated in the DEIS. } 2

#### **JUSTIFICATIONS**

According to the DEIS, pg 4-42, "There are a number of obstacles that must be overcome if infill development is going to be successful in Bellingham".

- "Many vacant parcels in established neighborhoods have site constraints that make development difficult, lot size, shape, topography, the presence of **brownfields** (polluted sites), wetlands or streams can all discourage investment by restricting development potential".

Brownfields are described by the United States Environmental Protection Agency (EPA) generally as "real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant". The Brownfields Site definition is found in Public Law 107-118 (HR 2869) "Small Business Liability Relief and Brownfields Revitalization Act" signed into law January 11, 2002 (Exhibit A). This act formalized the pilot program begun in 1995 by the Washington State Department of Ecology (DOE) to assist landowners in their use of their land. This program also requires that land use decision making process be integrated as part of the assessment and remediation program of brownfield sites, (Exhibit B).

Portions of the proposed waterfront area are known to have or suspected to have significant contamination issues. Listed potential contaminants include over 20 contaminants such as arsenic, copper, fluorine, mercury,

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

zinc, dimethylphenols, anthracene and benzene. These contaminants are well documented to pose significant health and environmental risks.

The cleanup of existing contaminated sediments will be conducted under the authority of the Model Toxics Control Act Cleanup Regulations (MTCA; Chapter 173-340 WAC). The human and ecological health standards for acceptable sediment toxicity for these cleanup sites are established in Chapter 173-204, of the Washington Administrative Code, (Exhibit "C"). DOE is implementing the Cleanup programs and the status of each program is easily accessible at the Department's website [www.ecy.wa.gov/programs/tcp/sites](http://www.ecy.wa.gov/programs/tcp/sites).

Multi-jurisdictional Pilot Studies, coordinated through DOE are underway throughout the Bellingham waterfront area to identify and establish plans to remediate the existing contamination problems in several specific sites (Exhibit D). Each site is at a relatively early stage of the investigative, planning and design process. Actual ecological recovery to a level suitable for human habitation requires many years of planning, study, and analysis prior to actual cleanup implementation and monitoring.

The "Area-wide Soil Contamination Task Force Report" dated June 30, 2003 was chartered by the Washington State Department of Agriculture, DOE, Washington State Department of Health and the Washington State Department of Community , Trade and Economic Development. (Exhibit E). In this report it states that the MTCA Policy Advisory Committee recommended that DOE address the issues of Area Wide Soil contamination.

According to the report, "Area Wide Soil Contamination" refers to low to moderate level soil contamination that is dispersed over a large geographic area, covering several hundred acres to many square miles. The report goes on to state that for schools, child care facilities, and residential land uses, in general, DOE considers total arsenic concentrations of up to 500-700 mg/kg to be within low to moderate range. For properties where exposure of children is less likely or less frequent, such as commercial properties, parks, and camps, ecology considers total arsenic concentrations of up to 200 mg/kg and total lead concentrations of up to 700-1000 mg/kg to be within the low to moderate range. The existing levels of toxicity in the pilot sites are known to currently exceed DOE standards for human habitation and contact. Data presenting the Contaminated sediments in Inner Bellingham Bay is presented in Exhibit "F", "Inner Bellingham Bay Contaminated Sediments Total Maximum Daily Load" published by DOE in June, 2003.

According to the DEIS, pg 4-37, "A long-term vision for the future of Bellingham's waterfront industrial areas is currently being developed. Residential development in these areas would require zoning and development regulation changes but could add significant housing to the existing supply. The exact amount of potential new housing has not yet been determined. The future buildout capacity depends on the scope of the area found suitable for housing. For future planning purposes, a target range of 500 to 2000 new dwelling units could be added to the base 20-year capacity. If significant acreage is converted to residential use, additional commercial/industrial land would be needed in another area of the City or UGA".

The EPA requires that the ultimate land use be considered when establishing the remedial clean-up actions. Early community involvement, with a particular focus on the community's desired future uses of the affected properties is a priority. A memorandum issued by the EPA is presented Exhibit "G" which establishes a directive to establish the future land uses when making remediation plans for the cleanup of brownfield sites.

The ultimate land use anticipated in the pilot studies cannot truly reflect the type and density of development proposed under the City's DEIS unless the specific sites of the proposed development are identified in the DEIS. The level of clean up must be tailored to the proposed land use.

### **CONCLUSION**

While the vision of a revitalized downtown waterfront area is, and should be, a common goal, the extent of contamination and the means and timing of remediation are still unknown. Until more is known, it is not reasonable to assume that the State Department of Ecology, the United States Environmental Protection Agency and local authorities will approve residential development of these properties. Even if approvals should be granted, it is unknown whether the conditions of approval will allow financially feasible residential

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

development. Because of these uncertainties, it is premature and inappropriate to predict that there will be 500 to 2,000 new dwelling units developed on this within the time frame of the DEIS.

A comprehensive visioning of each neighborhood, including an analysis of the impacts and associated mitigation programs resulting from the proposed land use changes must be presented. The densities analyzed in the DEIS cannot be supported without a presenting a clear picture of the ultimate result in neighborhood changes.

On Page 4-40, the DEIS indicates that If existing land in the waterfront industrial area is converted to residential use, the available supply of "buildable lands" as described in the DEIS must be reduced accordingly.

### **(L-7) Response to Darcy Jones, Jones Engineering on behalf of Caitac USA Corp**

1. The acreage of the Georgia Pacific site and the former Cornwall landfill site alone will support this range of densities. The proposed residential densities for the waterfront are also consistent with the Vision and Action Plan published by the Waterfront Futures Group. The Vision and Action Plan is the result of a two-year, \$500,000 public planning effort by the City and Port of Bellingham to involve agencies and citizens in determining appropriate future uses for the Bellingham waterfront and its relationship to the downtown core.
2. A broad, general analysis is appropriate under SEPA. It is not the role of a DEIS to analyze alternatives in great detail. The land supply methodology is extensively explained in Attachment #3. This information is also available on the City of Bellingham web site at:

[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

3. The DEIS alternatives simply assess the potential to accommodate projected growth. Financial feasibility of development projects is something that is nearly impossible to pin down as it varies with so many external factors that are not controlled or regulated locally. Again, the planning time frame is 20 years. Today's uncertainties will be replaced by others as time goes by.
4. The four alternatives presented in the DEIS examine possibilities for accommodating growth in Bellingham over the next 20 years. Even the most extreme infill alternative suggests that most neighborhoods would not be adversely affected, nor would many receive much additional development. All four alternatives identify opportunities for infill where excess capacity currently exists throughout the City and the UGA. The infill alternatives suggest zoning changes to achieve higher densities primarily in areas where development has not occurred, such as the southern portion of the Whatcom Falls Neighborhood and the eastern portion of the Samish neighborhood or where low densities currently exist in areas approved for urban development, such as the UGA. Redevelopment has been suggested for the Old Town area and, to a lesser extent, the Alderwood area of the UGA.

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

### **(L-8) Mitzi Baldwin, Jones Engineering on behalf of Caitac USA Corp**

April 26, 2004

Mr. Chris Comeau, Planner I  
Planning and Community Development Department  
City of Bellingham  
210 Lottie Street  
Bellingham, WA 98226

#### **Re: Public Comment on the 2004 Draft Environmental Impact Statement for the City of Bellingham**

The following serves as written comment addressing possible discrepancies in the Draft Environmental Impact Statement (DEIS) submitted by:

Jones Engineers, Inc.  
4164 Meridian St. Ste. 200  
Bellingham, WA 98226  
360)733-8888  
360) 671-6666 fax  
Mitzi Baldwin, AICP

On behalf of:

Caitac USA Group  
205 West Smith Road,  
Bellingham, WA 98226

### **COMMENTS**

Clearly it is a formidable task estimating the amount of land required to accommodate approximately 31,600 people expected to be added to the Bellingham population during the next twenty years. The first step requires estimating the amount of available land suitable for residential development, beginning with a thorough review of the existing supply within the city limits and current urban growth boundary.

Prior to the City conducting the "Buildable Lands" analysis last year, Jones Engineers, Inc. independently produced the "Residential Land Use Inventory and Analysis for Bellingham and the Urban Growth Area." The approach taken by City Planners and JEI staff was similar in that parcels were identified within each city neighborhood and UGA Subarea that had potential for residential development (excluding most public and quasi-public parcels). City planners defined parcels as fully developed (no potential), vacant, partially developed, or redevelopable. JEI defined parcels as fully developed, vacant or underutilized. City planners used available data (mainly using geographic information systems) for wetlands, streams and other critical areas to determine the amount of remaining developable land. JEI also used GIS data, as well as field visits (where feasible), to assess the condition and suitability of available land. Where the City used percentage reductions to allow for construction of right of ways, stormwater systems and other public facilities, JEI developed hypothetical development scenarios that maximized use of vacant or underutilized residential land.

The two studies produced similar results, however because the JEI study culminated about a year before the City's Buildable Land analysis the JEI projection was reduced by 670 units to account for those dwellings constructed during 2002 (According to the *Whatcom County Real Estate Research Report*). The City's original Buildable Land Analysis found capacity for 7275 dwelling units in the city limits, whereas the JEI study found capacity for 6337 dwellings.

In order to maintain an unbiased approach to the analysis, JEI attempted to make maximum use of residential land, while closely adhering to development standards, including provisions related to zoning, access, and stormwater management. In many cases, consideration of clustering provisions on larger parcels (by JEI)

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

resulted in significantly greater potential than attained using the City's methodology. Where the City found more potential, city staff had likely found the aggregate acreage of smaller parcels to have more potential than JEI staff concluded was likely as the result of field visits to individual parcels.

*Acceptance of the City's Development Potential figures should be made contingent on a revision of the reduction factor for stormwater management due to revised Department of Ecology Standards that increase the amount of land area required for development. Discussion follows regarding that important issue. Other issues requiring further discussion include revisions to reductions for Public Facilities (particularly for Park Lands), revisions to market factor considerations, and/or incorporation of factors for ensuring an adequate vacancy rate.*

1

In the course of reviewing development potential in the UGA, JEI frequently found more potential than was identified by the city. JEI sought maximum use of the property (through clustering provisions) and consequently our firm finds with confidence that the maximum supportable number of potential units in the UGA is about 3685 dwellings.

Recently, JEI staff revisited several plats that had been included as developable land in the *2001 Residential Land Inventory and Analysis* and found those tracts had in fact been developed to the density projected by JEI -- indicating the analysis is sound and reliable. Our findings indicate a density of about 6.94 dwellings per buildable acre is likely attainable for most of the UGA (based on an estimate of 3685 dwelling units on 531 developable acres in the UGA). Several recent developments in the more populous portions of the UGA exemplify that standard, which equates to lot sizes averaging 6,200 square feet per unit. In *Alternative 2C, described on Page 4-41 of the 2004 Draft Environmental Impact Statement* the City indicates it may be feasible to include 5188 units in the UGA which would result in a density of 9.77 units per acre (less than 4,500 square feet per unit).

In June of last year a report was published by the State of Washington Department of Community Trade and Economic Development (CTED) titled *Buildable lands Program: 2002 Evaluation Report – A Summary of Findings* which describes the results obtained by several counties required by GMA to undertake the Buildable Lands analysis. Four jurisdictions, Clark, King, Pierce and Thurston Counties collected development data from both building permits and subdivision records for a period of five years and calculated actual achieved density based on these records. The average achieved residential dwelling units per acre in the UGAs as indicated in the counties' reports are: Clark 6, King 7.3, Pierce 4.02 and Thurston 3.59. In light of this data it seems unlikely that the Bellingham UGA will surpass the current density of King County UGAs in the foreseeable future. The attached report by Roger Wagoner AIA, FAICP, *Notes on Urban Densities and Parking* describes the relationship of housing density and job density which illustrates the importance of employment as a strong factor in achieving urban residential densities. It seems apparent Bellingham does not presently have the requisite job density to support the housing densities described in Alternative 2C.

2

Increasing the prescribed density will only benefit insofar as the market will allow. The number of units produced under Alternative 2C would require strictly multi-family development in the UGA, in addition to apartments and condominium projected for areas near the City Center. It is naive to dismiss obvious residential preferences and marketability and assume that nearly all new housing stock will consist of multifamily structures.

3

Alternative 2C also proposes natural infill in Downtown and Fairhaven for accommodating 1000 units as well as rezones in Old Town and the Waterfront for an additional 500 to 3500 units. JEI concurs there is likely limited potential for infill units in Downtown, Fairhaven and Old Town, but there has been insufficient data collected regarding the location of abandoned coal mines, prior land fills and the presence of hazardous materials to offer those sites as viable options. Presently, based on a need for 14,100 units, the only documented potential for accommodating the existing shortage of at least 4,078 dwellings for meeting the demand through 2022 is within the 5-yr review areas. Further analysis is required to provide assurance that areas near the City Center and Waterfront are suitable for mid to high density development.

4

5

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

### **(L-8) Response to Mitzi Baldwin, Jones Engineering on behalf of Caitac USA Corp**

1. See response to Department of Ecology letter and response to Frances Jones letter. In addition, the land supply methodology is extensively explained in Attachment #3. This information is also available on the City of Bellingham web site at:  
[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)
2. This is not a comment on the adequacy of the DEIS.
3. The author provides no data to substantiate this statement. The UGA has been analyzed by City and County planning staff and a variety of zoning designations, allowing a variety of housing forms, have been suggested that could accommodate growth under Alternative 2. A wider variety of housing forms, such as duplexes, townhouses, and condominiums, could allow more opportunity for home ownership for young families, single mothers, and elderly citizens.
4. No known coal mines are in those two areas.
5. The DEIS presents several alternatives for accommodating growth, including the incorporation of some or all of the 5-Year Review Areas into the Bellingham UGA under Alternative 3. The DEIS does not advocate for any one particular alternative. It is presumptive to assume that only the 5-Year Review Areas are appropriate for accommodating growth.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

(L-9) Thomas Walsh, Foster Pepper Shefelman on behalf of Caitac USA Corp

**FOSTER PEPPER & SHEFELMAN PLLC**  
ATTORNEYS AT LAW



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April 26, 2004

**VIA EMAIL**

Mr. Chris Comeau, Planner II  
Planning and Community Development Department  
City of Bellingham  
210 Lottie Street  
Bellingham, WA 98225

Re: Draft EIS for Bellingham Comprehensive Plan and Related Actions

Dear Mr. Comeau:

On behalf of Caitac USA Corp., we are submitting these comments on the Draft Environmental Impact Statement for the required update of the Bellingham Comprehensive Plan, Bellingham Urban Growth Area Boundary, Five Year Review Areas, and Whatcom County Urban Fringe Subarea Plan. We appreciate the opportunity to review the draft EIS and provide these comments.

**Concurrence with Caitac Comments Regarding  
Assumptions On Infill Development**

We participated in the preparation of the DEIS comments submitted by Robert M. Tull on behalf of Caitac USA Corp., in the form of a letter dated today along with numerous attachments. These comments demonstrate that assumptions made in the DEIS on the amount of infill development possible within the UGA are not realistic for a number of reasons. These reasons include: over assumption of infill development capacity in certain Bellingham neighborhoods including Old Town; under assumption of land supply required for critical area buffers, specifically that wetland buffer areas should not be assumed available for stormwater detention facilities; that traffic impacts from development have been underestimated, and traffic mitigation measures are not connected to specific land use changes; and others. We concur with those comments.

In particular, we concur in a comment submitted by Jones Engineering regarding the assumptions for residential development of the contaminated waterfront property. Remediation of the contaminated property is likely to take many years before the property is suitable for residential purposes. Because of

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Mr. Chris Comeau  
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uncertainties associated with remedial investigations and future cleanup action plans, it is both premature and inappropriate to predict that there will be 500-2,000 new residential dwelling units developed on this contaminated property.

The prior uses of the property have left the sites heavily contaminated with numerous industrial contaminants, including mercury, petroleum, bis(2-ethylhexyl) phthalate, total polychlorinated biphenyls (PCBs), pentachlorophenol (PCP), dioxins, copper, zinc, phenol, polycyclic aromatic hydrocarbons, BTEX and volatile organic compounds. Contamination on many sites extends to sediments, soils, and groundwater and involves numerous potentially liable parties. Both the nature and extent of contamination makes it likely that the cleanup process will extend for many years.

Bellingham Bay was selected in 1996 as the location for a demonstration pilot to explore new ways to clean up contaminated sediments in urban bays in Puget Sound. It took four years for the work group to publish a final EIS outlining a strategy for the Bay (October 2000). Two years later, a Supplemental EIS was published to propose a new sediment disposal site. Since that time, most of the sites are still negotiating Remedial Investigation/Feasibility Studies (RI/FS), which only is the first step in what is expected to be a lengthy cleanup process. The RI/FS process will be followed by complex and lengthy negotiations over the preferred action. Once the preferred action is identified, further lengthy negotiations must take place to negotiate the Cleanup Action Plan. Lastly, the Cleanup Action Plan must be implemented, which can take many years. Under these circumstances, it is impossible to predict when and to what extent residential development can occur on these heavily contaminated properties.

**Additional Analysis Needed of Rural Sprawl That is Probable If Alternative #2 is Selected**

Pursuant to the state SEPA Rules, an EIS is required to disclose and discuss the potential environmental impacts of each alternative. The EIS must “[d]evote sufficiently detailed analysis to each reasonable alternative to permit a comparative evaluation of the alternatives ....” WAC 197-11-440 (5)(c)(v). The EIS must “analyze significant impacts of alternatives” (WAC 197-11-440 (6)(a)), and it must “[d]escribe and discuss significant impacts that will narrow the range or degree of beneficial uses of the environment or pose long term risks to ... the environment ....” WAC 197-11-440 (6)(c)(ii).

While the DEIS does an admirable job of identifying alternatives, it does not go far enough in analyzing the potential impacts of alternative #2 (the infill alternative). Specifically, the DEIS does not sufficiently analyze the potential impacts on the environment that will occur when development does not occur in accordance with the assumptions of this alternative. For the reasons included in the materials submitted with Mr. Tull’s letter, it is probable that the selection of alternative #2, alone, will not result in future growth being fully accommodated within

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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Mr. Chris Comeau  
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existing Urban Growth Area boundaries, and it is likely that a substantial amount of future growth will occur on 5-acre and 10-acre lots in rural areas.

The DEIS acknowledges this result could occur. See, for example, the discussion of alternative #2 on the middle of p. 4-42: "... overly restricting the supply of developable land in the Greater Bellingham Area could force more of the population growth into the rural and agricultural areas of the county." See also the discussion of alternative #2 under Water Resources on the bottom of p. 2-4: "If the available land supply within the City and UGA is restricted too tightly, however, it could have the unintended consequence of encouraging development on five and ten acre parcels currently available in Whatcom County." In light of the information submitted today with regard to growth assumptions in the City and existing UGA, it is clear that this result is not just possible but is probable. Thus, the EIS should go beyond this acknowledgement and meaningfully evaluate the potential consequences of this probable result. Not doing so could render the EIS vulnerable to legal challenge before the Growth Planning Hearings Board and the courts.

The types of significant impacts that are probable when growth occurs in an unplanned manner on large rural lots include the following: air quality and traffic impacts, and increased use of nonrenewable energy resources, that result from the additional vehicle-miles driven by persons commuting from rural areas; land use impacts from the unnecessary and unplanned conversion of rural and agricultural lands to five and ten acre residential lots, contrary to the goals of the state Growth Management Act (in particular, Planning Goal #2 to reduce the inappropriate conversion of undeveloped land into sprawling, low-density development, RCW 36.70A.020); and the unnecessary and wasteful expansion of public services and utilities into rural areas outside the UGA.

We appreciate your consideration of our comments on the DEIS.

Very truly yours,

*(Signature to follow in original)*

Thomas M. Walsh

cc: Caitac USA Corp.

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

### **(L-9) Response to Thomas Walsh, Foster Pepper Shefelman on behalf of Caitac USA Corp**

1. See responses to 1.) David King letter, 2.) Department of Ecology letter, 3.) Frances Jones letter, 4.) Brian Jones letter, 5.) Darcy Jones letter, and 6.) Mitzi Baldwin letter. In addition, See Attachment #3, Land Supply Methodology.
2. On Page 4-34, under Section 4.2.2.1. the DEIS specifically states the following: "Under Alternative 1 then, the city and UGA do not have sufficient land area and dwelling unit capacity to accommodate the expected 20-year population growth. If the forecasted growth does occur, over 3,600 dwelling units (14,100 minus 10,485) that could not be located in the Bellingham area would likely go to the UGAs of other cities and the rural areas of the County."

On Page 4-42, under Section 4.2.2.2. the DEIS specifically states the following:

- "Compact Infill development can take development pressure off of environmentally sensitive lands. However, overly restricting the supply of developable land in the Greater Bellingham Area could force more of the population growth into the rural and agricultural areas of the county."

In addition, the DEIS addresses these impacts in several other sections, including Section 3.3, Air Quality; Section 3.2, Agricultural Crops; and Section 4.2, Land Use, Population, Housing and Employment.

3. A broad, general analysis is appropriate under SEPA. It is not the role of a DEIS to analyze alternatives in great detail. The land supply methodology is extensively explained in Attachment #3. This information is also available on the City of Bellingham web site at:

[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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### **(L-22) Paul Enfield, Cornwall Church**

**Cornwall Church  
4518 Northwest Road  
Bellingham, WA 98226  
(360) 733-2150**

April 13, 2004

Chris Comeau  
City of Bellingham Planning Department  
210 Lottie St.  
Bellingham, WA 98225

Subject: Written Comments for Bellingham's D.E.I.S.

Mr. Chris Comeau:

Cornwall Church is a vital part of Bellingham and Whatcom County. We currently represent over 2,500 households with average weekend attendance of 3,000, most coming from Bellingham. As a functioning, serving part of the community, we want to be a positive element in the planning and development of our community infrastructure.

This is our notification to the City of Bellingham Planning Department of our desire to have our campus included in the city's designated urban growth area. Our site appears to be a very natural infill and appropriate addition to the five-year review area. Parcels on both the east and west of our site are either already in the city or in the designated UGA.

Our ultimate desire is to improve traffic and access city water and sewer. Our site borders the proposed western extension of Horton Road. In fact it appears to be adjacent to over a third of the required length to connect the current road to Northwest Drive, providing a very critical east-west connector. Cornwall is willing to participate in the development of this access.

Our position has been presented to our congregation, and the leadership has their strong support.

Thanks for your help, past and future, as we collaborate to improve Bellingham's ability to serve its residents.

Sincerely,

Paul Enfield

Cornwall Church, Vice-chair

### **(L-22) Response to Paul Enfield, Cornwall Church**

Not a comment on the adequacy of the DEIS, but rather an expression of a preference for a particular planning outcome.

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

### **(E-2) Isaac Blum, Lummi Nation Tribal Historic Preservation Office**

May 7, 2004

Chris Comeau, Planner II  
Planning & Community Development Department  
210 Lottie Street  
Bellingham, WA 98225

**RE: Draft Environmental Impact Statement (DEIS) for the 1995 Bellingham Comprehensive Plan; 1997 Bellingham Urban Growth Area Boundary; 1997 Five-Year Review Areas; and the 1997 Whatcom County Urban Fringe Subarea**

Dear Mr. Comeau,

The Lummi Nation received notice on March 26, 2004, regarding the above referenced planning documents. The LNTHPO submits these comments with the understanding that the public comment period regarding the DEIS has expired.

The LNTHPO has coordinated an internal review of the four planning documents and recommends that the Lummi Nation be included as a participant in **Chapter 4, Section 4.6.3 Historic and Archaeological Resources - Mitigating Measures** (Pg. 4-76). Currently, the Lummi Nation works closely with the state Office of Archaeology & Historic Preservation in “reviewing development proposals” (sixth bullet, pg. 4-76) and the archaeological community on “recommendations concerning preservation and protection” (seventh bullet, pg. 4-76). Including the Lummi Nation in this process will enhance and strengthen the four planning documents by clearly identifying the decision makers involved in cultural resource management issues.

Thank you for your consideration of these recommendations, if you have any questions or comments please do not hesitate to contact me at 384-2280.

Sincerely,

Isaac Blum, Deputy Tribal Historic Preservation Officer  
Lummi Nation Tribal Historic Preservation Office

cc: Darrell Hillaire, Chairman, Lummi Indian Business Council  
James Hillaire, Facilitator, Lummi Cultural Resources Preservation Commission  
Al Scott Johnnie, Director, *Sche'lang'en* Department  
Shelby Anderson, Lead Archaeological Technician, Lummi Cultural Contract Services Dept.  
Stephenie Kramer, Assistant State Archaeologist, OAHP

### **(E-2) Response to Isaac Blum, Lummi Nation Tribal Historic Preservation Office**

Staff concurs. Text changes suggested above have been made in FEIS.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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(L-23/H-9)      **Rick Nicholson, Whatcom Transit Authority**

### **WTA Staff Comments Regarding DRAFT Environmental Impact Statement *Prepared for April 21, 2004 Public Hearing***

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#### **Alternatives for Transportation and Circulation**

Based on its review of the DRAFT Environmental Impact Statement, WTA staff would like to express support for both scenarios that focus on infill for the following reasons:

- Transit is most "viable" in environments where density is high and development is compact. By "viable," we mean convenient for passengers, and efficient and cost effective for both passengers and WTA
- Transit is most effective in mixed use developments, where destinations serve many purposes, including residential, commercial, recreational, etc
- Transit is easiest to access in environments where pedestrian and bicycle amenities are also present (since every passenger starts out as a walker\*)

The converse of the Infill Alternatives—Alternatives 1 "No Action" and 3 "Adjusted UGA"—pose a number of significant problems for transit, including:

- Increased distances between residential centers (results in less frequent and therefore less convenient bus service)
- Auto-oriented development (low density subdivisions) that are difficult to effectively serve with transit
- Transit buses that are "stuck" in the same traffic congestion experienced by private motorists, both commuting to and from urban centers, and on city arterials (making it even more difficult for transit to compete with private vehicles)

#### **Transportation and Circulation—Mitigating Measures**

WTA is very supportive of TDM measures which make all modes of alternative transportation convenient and efficient. WTA staff seeks to work closely with city planners to explore the potential for:

- Traffic signal preemption
- Transit priority right of way
- Incentives for developers who employ transit oriented development, as well as changes to development requirements with regard to transit oriented development
- City support to cite and improve transfer hubs, including north Bellingham (currently at Bellis Fair) and the downtown Bellingham Station
- Maximum street connectivity
- Pedestrian and bicycle friendly development

(L-23/H-9)      **Response to Rick Nicholson, Whatcom Transit Authority**

Although not a comment or question on the adequacy of the DEIS, WTA Expresses preference for alternative(s) that support infill and mixed use development and where bicycle and pedestrian facilities exist. Supports Transit-Orientation and TDM mitigating measures.

## APPENDIX D: PUBLIC COMMENT AND RESPONSE

(F-2) Jack Swanson, Law Offices of Belcher, Swanson, Lackey, Doran, Lewis & Robertson, P.L.L.C.

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BSLDR

PAGE 02/03

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April 26, 2004

Mr. Greg Aucutt  
City of Bellingham/City Hall  
Planning & Community Development Dept.  
210 Lottie St.  
Bellingham, WA 98225

Re: Draft EIS for Comp. Plan/UGA Boundary and 5-Year Review Areas

Dear Greg:

We represent the owners of the tract of land west of James Street and north of the un-built vacated Orchard Drive. This parcel is approximately 46 acres and presently designated as residential single in land use area 1 of the Mount Baker neighborhood.

In the DEIS, this land is contained within areas identified in alternatives 2, 3 and 4 as places with existing residential capacity needed to meet the projected population growth during the 20-year planning horizon.

More importantly, this particular tract seems especially well suited as a place to receive higher densities than the present designation would allow for the following reasons:

- 1) The parcel is large enough so that a comprehensive design using innovative planning techniques could be utilized in planning.
- 2) This tract is sufficiently isolated from other incompatible uses so that land use compatibility with surrounding areas should not be an issue.
- 3) Physical features of the land, gently sloping to the south, do not create any special development problems or issues.
- 4) With the exception of the ravine at the northeast corner of the site and the stream flowing in a southwesterly direction, the property is otherwise relatively free of environmental constraints creating development problems.
- 5) Most of the needed infrastructure is already there and ready for use.

## APPENDIX D: PUBLIC COMMENT AND RESPONSE

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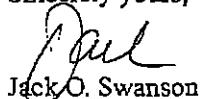
PAGE 03/03

BELCHER, SWANSON, LACKEY,  
DORAN, LEWIS & ROBERTSON, P.L.L.C.

We request that this property be considered in the draft EIS and, hopefully, specifically mentioned as part of the city's plan to meet its population goals into the future.

Thank you for your consideration.

Sincerely yours,

  
Jack O. Swanson

Cc: Doug Campbell  
Peggy Gregory

**(F-2) Response to Jack Swanson, Law Offices of Belcher, Swanson, Lackey, Doran, Lewis & Robertson, P.L.L.C.**

Mr. Swanson's Fax addresses suitability of his client's property for particular purposes. It is not a question or comment on the adequacy of the DEIS.

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

(L-10) Jeff Kochman, The Barkley Company



April 26, 2004

Planning Department  
City of Bellingham  
210 Lottie Street  
Bellingham, WA 98225

**Re: Growth in the City**

Planning Department:

The Planning department has requested that the public respond with feedback on what should be considered as the City plans for future growth. The options put forth are to: (a) infill with no increase in the Urban Growth Area (UGA); (b) expand the UGA; or (c) some combination of (a) or (b).

At the same time the City is considering what to do, we are actively working on a long term plan for the Barkley District that will focus on what types of uses we are planning to have and how those uses are developed so as to result in a very high quality and cohesive project.

Growth estimates indicate the population of the City will increase by 30,000+ people in twenty years. It is my understanding that the Planning department is encouraging (and in some cases attempting to require) higher density development within the City to address the growth potential. While this approach can help minimize increases in the UGA, it should not be seen as the only way to address growth.

In relation to the infill objective, I am not sure what the City has by way of accurate information on what could be built within the existing City limits. And, while I am sure there is some information available that might suggest a significant ability to handle the growth within the City, we at the Barkley Company are not supportive of the infill idea as the only option for a number of reasons.

One of the reasons to avoid this option as the only solution is that in most cases there can be fairly significant site restrictions (environmental and infrastructure requirements) that impact the actual unit count that can be built on a site. On paper things may seem to work, but in reality they do not (I think there is plenty of information available on what could have been built on a site versus what actually occurred). Also, and of equal importance to any project, it is important to understand the market and the project economics in order to help ensure the end result is what

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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is desired. Additionally, infill suggests higher density, which is usually apartments (rentals) or condominiums (for sale). The condo market is only a small portion of the pool of ownership options. The end result is you can only sell so many units and you will not be able to address market demand.

In the case of the Barkley District, the Mt. Baker neighborhood plan indicates that the unit count for the District is a total of approximately 1,300 units. We are now beginning to plan for residential uses here at Barkley and see this total as a number to attempt to achieve. At the same time we are working on our planning, we have submitted a request to rezone some areas of the District to allow for the mixed-use zoning to apply everywhere, rather than in a few distinct areas (14A and 14B). The reason for this request is to allow us the flexibility to achieve an optimal development that includes the right use in the right spot. We are interested to take advantage of physical site characteristics that would be more conducive to one use over another.

The challenge we have run into with this request is that the Planning department has responded to our rezone with numerous requirements, one of which is to have up to 4600 residential units. This is a huge difference between what we currently have and what we are planning for. It is my assumption that the Planning Department is viewing Barkley as an area where the density can be increased in order to either avoid or lessen the need to increase the UGA.

While the idea of additional units could be seen as a positive development, the problem with a 4600 unit minimum is that we do not want to degrade the project by overbuilding residential units. There are a number of areas within the City where residential has been built in a higher density manner and the end result is not attractive nor does it end up with much neighborhood character. We do not want that to be the result at Barkley.

Within the Barkley District, we are allowed three use types -- Industrial/Office, Commercial and Residential. The predominant use is Industrial/Office. Residential and Commercial zoning are approximately equal in the amount of acreage that can be developed.

Under the existing zoning, one development scenario might estimate that 40% is developed as Industrial/Office and 30% each of Commercial and Residential. Based on an area of 250 acres (the City's count) and allowing for 20% to be roads and undevelopable areas (50 acres total), 60 acres would be residential. A 4600 unit requirement in the Barkley District would equate to residential density of 77 units per acre. That is very dense; lots of apartments; no small lot development; not too many options. As a comparative, the 1,300 unit count mentioned above would result in 18 units per acre, the City's target density for Urban Development Centers.

While I can understand the desire to infill with maximum density, I cannot support the idea that it has to be achieved at the risk of destroying or degrading a neighborhood. The Barkley District is becoming (emphasize "becoming") a very nice development and a project that has significant long term potential to be a huge asset to the City. Addressing an objective to limit the UGA by forcing greater density in an area like the Barkley District is not, in our opinion, a prudent decision. The end result would not be very favorable and we would not jeopardize the Project by attempting to build to these densities.

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## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

In order to accommodate the City's future growth estimates, we feel it most appropriate to expand the UGA in addition to emphasizing the infill option. The end result would: (a) ensure a more realistic outcome; (b) provide a variety of unit types (single family, multi-family, condo, etc.); and, (c) would also allow areas to be developed in a way that resulted in the greatest benefit to the City.

I would be pleased to discuss the content of this letter should you wish to do so. Thank you for your consideration of our comments.

Sincerely,



Jeff Kochman

President

### **(L-10) Response to Jeff Kochman, The Barkley Company**

This letter is not a question or comment on the adequacy of the DEIS. It expresses a point of view regarding future growth in a particular part of Bellingham.

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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(L-3) Response to 83 Questions submitted by Robert Tull (Langabeer, Tull & Lee, P.S.) on behalf of Caitac USA, Inc.

1. Alternative 2 points to a 200 acre shortfall of commercial and industrial land supply as well as additional shortfall coming as the result of proposed residential development downtown. Where will the additional land supply required to accommodate growth come from under this scenario?

The 200 acre shortfall referred to above is based on the ECONorthwest forecast for land demand. Redevelopment of existing industrial land may provide some additional supply, but the City and the County will have to identify additional industrial land supply through Comprehensive Plan and Urban Fringe Subarea Plan updates. The DEIS suggests that residential development in Bellingham's central business district, Old Town, and waterfront will be integrated with commercial and industrial uses rather than displacing commercial and industrial uses.

2. What impact will moving much of the waterfront industrial complex away from rail access and replacing industry with residential use have on the social, economic, and physical environment of Bellingham?

SEPA does not require social and economic impact analysis. This analysis may be done independently as part of the planning process if so desired by the City and County. Physical environmental impacts of the four alternatives are thoroughly discussed in Chapter 3 of the DEIS. The DEIS does suggest that some currently non-functional waterfront industrial land will redevelop with a mix of commercial and residential uses. This is consistent with the recommendations of the Waterfront Futures Group. Access to rail is an important locational factor in attracting new industry to Bellingham. Increased public access and pedestrian activity along the waterfront have been identified as important to the public. These important issues will have to be weighed and balanced when future development of the waterfront occurs.

3. Will "high end" residential on and near the waterfront lead to demands that the community's rail system be dismantled? What would the potential impact of that be on the social, economic, and physical environment of Whatcom County?

The DEIS does not predict the type of residential development that may be built on the waterfront, nor does it predict the attitude of new residents toward pre-existing uses and development in the City. The railroad tracks that run through the waterfront area are privately owned and provide a vital freight and transportation link for west coast cities. There are currently thousands of homes that are within hearing distance of the railroad tracks. Hundreds of these homes could be categorized as "high end" residential and there is no discussion of 'dismantling the community's rail system.' See also, the response to Question #2 above.

4. What would the social, economic, and physical impacts on the City's environment be if, as is suggested in some alternatives, the jobs base available to the 4,000 + homes potentially scheduled for downtown is moved away from the new population and out into areas away from downtown?

The DEIS suggests that new in-town residential development be more integrated with the employment center rather than moving the jobs base away from the downtown area. See also, the responses to Questions #2 and #3 above.

5. What would be the impact on the City's downtown and waterfront transportation system of gentrifying the waterfront and moving the jobs base to more remote locations distant from the new population? (See Brian Jones memo as well.)

See all answers above. In addition, a DEIS for a "nonproject" action (adoption of policies, plans and regulations) allows agencies to consider the "big picture", therefore analysis of impacts and determination of mitigation system-wide rather than project by project is entirely consistent with SEPA. The DEIS does note on page 4-88 that the alternatives "differ in the mix of land uses . . . ." and that the impacts . . . will be primarily on the same major arterial corridors." The DEIS provides on pages 4-89 – 4-90 a long list of both positive and negative impacts of Alternative #2, Infill.

**6. What are the environmental impacts of building high rise residential buildings on land once part of the City's shorelines?**

The project-specific environmental impacts of building in the Old Town area will be assessed and mitigated, where necessary, at the time of project development.

**7. What are the likely impacts of disturbing the old landfills underlying much of the area being considered for redevelopment?**

DEIS section 3.3.2 Earth Impacts, pages 3-4 – 3-6 provides a broad discussion of the impacts of development on various earth materials; and section 3.1.3.6, page 3-8 describes Site Characterization as a mitigating measure for such impacts. More detailed analysis must be done as individual sites are developed. See also, the response to Question #6 above.

**8. What impacts will large numbers of high rises have on groundwater entering Bellingham Bay and on Bellingham Bay itself?**

DEIS sections 3.1.2, p 3-5; 3.4.1.1 E. 6., p. 3-21; 3.4.2, p.3-33, 3.4.2.3, p. 3-35 – 3-36; and 3.5.1.1.4, p. 3-40 discuss groundwater impacts and mitigation. More detailed analysis must be done as individual sites are developed.

**9. What will the impact on the City's viewscapes be if 4,000 new units are placed in and near downtown? What view studies have been done?**

DEIS Section 4.5.2 on pages 4-71 – 4-72 discusses Aesthetics and Urban Design impacts of the four alternatives; and Section 4.5.3 on pages 4-72 – 4-73 provides a list of mitigating measures. In addition, project development will comply with the City of Bellingham land use development code. View impacts may be considered in designated Neighborhood Subareas.

**10. What will the viewscape from the bay and from areas able to view downtown Bellingham from across the bay be?**

DEIS Section 4.5.2 on pages 4-71 – 4-72 discusses Aesthetics and Urban Design impacts of the four alternatives; and Section 4.5.3 on pages 4-72 – 4-73 provides a list of mitigating measures. In addition, project development will comply with the City of Bellingham land use development code. View impacts may be considered in designated Neighborhood subareas.

**Regarding residential land supply analysis:**

- On the demand side the City has considered only the actual number of homes expected to be needed by the actual number of families expected to arrive in Bellingham in coming years.
- In other major Growth Management Planning efforts a vacancy rate has been considered essential in meeting requirements for accommodating growth
- A considerable amount of land destined to be utilized for commercial and industrial uses is occupied by residential units in Bellingham. When the land is used the homes,

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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and the population in them, must be moved onto residential lands, consuming supply without adding population. A land supply to accommodate that movement must be provided.

- TDRs, by definition, transfer a unit of demand from a sending area (in this case outside the city) into a receiving area. The unit built as the result of a TDR represents increased demand and cannot be counted as accommodating projected populations. Density bonuses given as the result of the TDR will accommodate projected demands.

The statement regarding TDR's, above, is inaccurate. With the exceptions of Geneva and Hillsdale, both of which are essentially built-out, the Lake Whatcom TDR sending area is completely outside of the Bellingham UGA. As the DEIS addresses only the projected population for the City and its UGA, any additional density transferred into the UGA will count toward accommodating that projection.

**11. No calculation of the number of units required to provide a healthy community's rental and units for sale vacancy rate appears to have been included in the demand equations used in the DEIS. Why has this demand requirement been left unaddressed in the DEIS?**

The City of Bellingham Land Supply Analysis does not include vacancy rates in the demand equations, but instead includes very conservatively low estimates of available land supply and includes a market factor (15% for residential, 25% for commercial & industrial), as well as reductions for several categories of development requirements. This market factor has already reduced the available land supply total by approximately 3,100 units (based on existing zoning). The 2000 U.S. Census reported a 2.3% vacancy rate for all single family and a 4.6% vacancy rate for all multifamily housing units in Bellingham. The combined average vacancy rate would be approximately 3.5%. If this rate were applied to the demand equation, it would generate demand for approximately 494 additional units. This vacancy rate 'demand' is easily accounted for in the conservative estimates of land supply and the 3,100 unit reduction due to the residential market factor.

The City of Bellingham Land Supply Analysis methodology is extensively explained in Attachment #3. This information is also available on the City of Bellingham web site at:

[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

**12. If no vacancy rate is accounted for in the calculations, what are the impacts on citizen's safety, housing affordability, and the ability of Bellingham to capture its portion of the County's future growth and thus reduce sprawl in the County?**

See the response to Question #11 above.

**13. How many homes will need to be moved off of land set aside for public facilities, commercial and industrial lands, and other non-residential lands and onto lands set aside for residential uses as the non-residential lands are utilized?**

See the response to Question #11 above.

**14. Has the impact of those homes needing to be replaced from non-residential lands onto residential lands been calculated into the land needs estimates?**

See the response to Question #11 above.

**15. If the calculations have not been done, what will the impact on residential land supply be when those units are relocated?**

See the response to Question #11 above.

- 16. How many units of additional demand are anticipated to be added 2002 - 2022 as the result of transferring units from sending areas outside the City (TDRs) onto receiving areas inside the City? What will the impact of that additional demand be on Bellingham's ability to accommodate its growth projections?**

See the response to Question #11 above. Housing units transferred from the sending area, which is outside of the UGA, into UGA receiving areas are not part of the housing demand in either the City or the UGA. In addition, land supply calculations for the Bellingham UGA were based on the minimum base density of 6 dwelling units per acre. Density bonuses may be achieved using TDR's up to 10, and in some cases, 24 dwelling units per acre. Whatcom County and the City of Bellingham could approve additional density bonuses and/or designate additional TDR receiving areas. These issues will be discussed and resolved during the Comprehensive Plan and Urban Fringe Subarea Plan updates.

- 17. Has the effect on existing affordable neighborhoods of increased emphasis and official support for densification and infill been analyzed?**

The DEIS suggests that infill development will have a variety of effects on existing neighborhoods. The 1995 Bellingham Comprehensive Plan contains substantial goals and policies that clearly support an emphasis on infill development in existing neighborhoods. The actual impacts from development will be assessed and mitigated, where necessary, at the time of project review. SEPA does not require social and economic impact analysis. This analysis may be done independently as part of the planning process if so desired by the City and County.

- 18. What analysis of likely changes in areas presently zoned to allow multi-family development (but not yet developed) has been done? How will such pressures be handled?**

This is not a question or comment on the adequacy of the DEIS. The DEIS is an informational document that examines historical trends, existing conditions, and potential future outcomes of growth strategies. Actual policy changes will be carried out through the Comprehensive Plan update process. Thereafter, zoning changes will be considered to implement the policies.

- 19. What percentage of potential rezone requests must be granted to achieve the level of rezoning called for in each of Alternative 2A's options? What are the impacts on the social, economic, and physical environments of Whatcom County and the City of Bellingham if the rezones requested are not fully permitted by the City Council or other decision making bodies?**

The first question is not a question or comment on the adequacy of the DEIS. The City and County may initiate or accept rezone proposals for large or small areas to accommodate growth under Alternative 2A. Potential impacts would be addressed and mitigated, where necessary, at the time of project review. In addition to rezones, the City and County could also make adjustments to existing development standards, such as height limits, parking requirements, floor area ratios, etc. SEPA does not require social and economic impact analysis. See also the response to Question #17 above.

- 20. Over the past 5 years, what percentage of zoned densities has been achieved in residential building projects Citywide? What will make this improve?**

This is not a question or comment on the adequacy of the DEIS. See City Land Supply Analysis Methodology, Attachment #3, and at:

[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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- 21. What percentage of zoned densities must projects achieve over the next 20 years to accommodated growth needs said to be required in this DEIS?**

See City Land Supply Analysis Methodology, Attachment #3, and at:

[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

- 22. If entrepreneurs continue to develop, at historic percentage yield levels, how will the City's land supply be impacted and what will the principal impacts be on the social, economic, and physical environments of Whatcom County?**

Impacts of the "no action" alternative are thoroughly discussed in the DEIS. See section 4.2.3, Population Growth and Land Supply Mitigating Measures, p. 4-56 of the DEIS. Also See City Land Supply Analysis Methodology, Attachment #3 (historic yields have been factored into the land supply analysis), and at:

[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

- 23. What are the impacts on the social, economic, and physical environments of Whatcom County likely to be if the rezones detailed in Alternative 2 cannot be accomplished by the deadline date of the fall of 2004?**

The DEIS considers a full range of alternatives within which the final plans and regulations are anticipated to fall. Council recommendations that fall significantly outside the scope of the four alternatives will require supplemental environmental review. Impacts of the "no action" alternative are thoroughly discussed.

The following comments and questions specifically relate to Chapter Two of the Draft Environmental Impact Statement:

***\*\*NOTE\*\*: Chapter 2 is a summary of the impacts anticipated. The specific impacts and mitigating measures are discussed in detail in Chapter 3 for the Natural Environment and Chapter 4 for the Built Environment.***

### **Regarding 2.2: Agricultural Crops**

- 24. Is part of the impact on agriculture detailed under Alternative 2 due to the possibility that if Bellingham is consciously providing only very limited single family opportunities inside of Bellingham, many seeking traditional single family opportunities are likely to be forced to look to the County for home sites?**

Section 3.2.2 of the DEIS, beginning on page 3-10, clearly states "Agricultural land will continue to be converted to large lot (5 and 10 acre) subdivisions within the Subarea as long as undeveloped acreage remains available. Proximity to jobs in Bellingham makes the Rural zoned land in the Subarea attractive to homebuyers looking for acreage close to town. Whether or not there is adequate or even excessive capacity added to the City of Bellingham's UGA, and even if intensive infill occurs, agriculture will continue to decline in this area. The County's Rural zoning designation does not protect farmland and Agricultural Protection Overlay regulations to date have had little impact on saving farmland. Under all alternatives, it is likely that without additional farmland protection measures; some farmland will continue to be lost to development."

The City of Bellingham currently provides a wide variety of urban-level single family home ownership opportunities. Single Family Detached, 1-4 bedroom units make up 50% of the existing housing stock

within the City of Bellingham. Those seeking larger parcels and rural home ownership opportunities are expected to seek property in Whatcom County.

Existing Housing Stock in the City of Bellingham is composed of the following housing types:

Single Family 1-2 Bedroom:	15%
Single Family 3-4 Bedroom:	35%
Single Family 5+ Bedroom:	1%
Duplex Units:	4%
Tri- & Fourplex Units:	3%
Multifamily 5-9 Unit:	2%
Multifamily 10-19 Unit:	4%
Multifamily 20+ Unit:	21%
Condominium Units:	8%
Mobile Homes:	3%
Dormitory Units:	4%

**25. Given that the discussion provided (p. 3-10) recognizes that failure to bring areas adjacent to the UGA into the UGA is likely to result in those lands being permanently developed at low densities for non-ag uses, what data would drive a conclusion that Alternative 4 may possibly have greater impacts similar to Alternative 3?**

The impacts of Alternative 4 have been rewritten to more clearly state: "This alternative would be expected to continue farmland loss similar to alternative 2, and may possibly have greater impacts than alternative 2, similar to those of Alternative 3."

**26. Is it not likely Alternative 2 would have greater impacts to agriculture than either Alternative 3 or Alternative 4 due to the near term conversion of lands adjacent to the City and the leapfrogging effect that is likely to take place in the future?**

Not necessarily. If demand could be accommodated by infill alone, aggregate demand for residential lots outside the UGA would theoretically be reduced during the planning period. Alternative 2 would convert less acreage to urban uses than Alternatives 3 or 4. Under alternatives 3 and 4, the UGA adjustment would be immediate and final, as would the loss of land potentially useful for agriculture.

#### **Regarding 2.3: Air Quality**

**27. Given that "Air pollution from traffic is most evident over Bellingham's downtown core..." and that the DEIS repeatedly mentions that placing up to 4,000 new units in and near downtown Bellingham will require replacing lost jobs producing zoning at distance from those units, and that no new parks, trails, or open space opportunities are provided for in the land supply analysis supporting the DEIS so people will have to use motorized transportation to recreate, and that development on lands added to the UGA can be more easily built at urban densities, what data drives a conclusion that Alternative 4 "...would have slightly more impact to air quality than Alternative 2..." would have?**

As stated on page 2-3, Section 2.3 Air Quality, Alternative 2 – Infill: Could reduce auto dependency thereby minimizing vehicle trips generated, vehicle miles traveled, traffic congestion and attendant vehicle emissions and air impacts. Alternative 2 could provide opportunities to combine commuting, shopping and recreation trips, increasing feasibility of transit and increasing the convenience of bicycle and pedestrian travel afforded by infill development. This is in contrast to Alternative 4, which would have the effect of increasing automobile dependence and driving distances, increasing vehicle miles traveled, and thus increasing air pollution from automobile exhaust. Section 3.3.3. Air Quality – Mitigating Measures on page 3-14 of the DEIS that states: ". . . Zoning regulations that encourage creating mixed-use pedestrian and transit-oriented neighborhoods with residential, employment and

## **APPENDIX D: PUBLIC COMMENT AND RESPONSE**

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shopping areas in close proximity may help reduce reliance on vehicles. Transportation Demand Management (TDM) strategies promoting multi-modal and alternative transportation options, such as walking, bicycling, riding transit, carpooling, and working from home can be implemented to enhance the capacity of the transportation network and reduce vehicle emissions."

According to the Institute of Traffic Engineers Trip Generation Manual, single family detached residential development in suburban areas typically generates up to 10 vehicle trips per day per dwelling unit, whereas multifamily or higher density development in urban areas typically generate about 4 to 6 vehicle trips per day per unit. Alternative 3 would convert more rural land to urban levels of development, thus placing residential populations out on the fringes of the City. This would generate more vehicle trips per household than Alternative 2 and thus create more vehicle exhaust and air pollution. In response to the suggestion that there will be no new parks, trails or open space, Bellingham currently has more publicly owned recreational land and open space per capita than any other city in Washington State, much of which is accessible by foot, bicycle, or transit from the downtown core.

### **28. For the same reasons, why would Alternative 3 have more impact than Alternative 2?**

See response to Question #27 above.

#### **Regarding 2.4: Water Resources**

### **29. While Lake Whatcom is, indeed, the "...source of the drinking water supply for people living in and around Bellingham," why would any of the Alternatives impact that supply given the location of the City's intake?**

Section 2.4 of the DEIS does not state that Bellingham's water supply would be impacted, but generally suggests that a smaller urban footprint would have less impact to surface water, ground water, and wetlands throughout the planning area for the very simple reason that less rural acreage would be converted to urban use. Less urban area would require less impervious surface, which would generate less stormwater and pollution runoff into surface waters, ground water, and wetlands. The impacts on "water supply" are summarized in section 2.15.6 on page 2-18. A more detailed discussion of impacts on surface water and water quality is provided in Chapter, section 3.4 beginning on page 3-15. Water supply impacts are discussed in detail in Chapter 4, section 4.8.6, beginning on page 4-138 of the DEIS. One further note is that although basins I, II (where Bellingham's water supply intake is) and III of Lake Whatcom (where Lake Whatcom Water and Sewer District's water supply intake is) are separated by underwater sills, some mixing of the water and therefore any pollutants that have not settled to the bottom does take place.

### **30. Given that high density development on lands taken into the UGA as part of this process could reduce pressure to build on marginal lands in the City's neighborhoods, that high density and transit friendly development on those same lands could result in fewer vehicle trips as fewer homes are built in the lower density neighborhoods, what data supports a conclusion that Alternative 4, "...could create slightly more impact to surface water, groundwater, and wetlands than Alternative 2." would create?**

See responses to Questions #27 and 29 above.

### **31. For the same reasons, why would Alternative 3 have more impact than Alternative 2?**

See responses to Questions #27 and 29 above.

- 32. What are the likely impacts on the ecology of Bellingham Bay of high intensity development activity, the expansion of the City's sewer, water, and groundwater handling systems, and the expansion of the downtown's transportation system to handle as many as 4,000 new homes?**

As documented in the DEIS, the entire planning area drains to Bellingham Bay. Therefore, stormwater and pollution runoff from every alternative will contribute to ecological impact to Bellingham Bay. See Chapter 3, section 3.1.1.4, Marine Nearshore Shoreforms on page 3-3, paragraph 3; and section 3.4.1.1, Watersheds and drainage part G., Whatcom Creek Drainage Watershed on page 3-26, paragraph. Also, see responses to Questions #27 and 29 above.

- 33. Given that much of the new development proposed on and near the waterfront in Alternative 2 will take place on old garbage dumps and on contaminated fills, what data drives a conclusion that Alternative 4, "...could create slightly more impact to surface water, groundwater, and wetlands than Alternative 2." would create?**

There are old garbage dumps and contaminated fill in many places where people have historically lived. Every project will require site-specific investigation and mitigation. See section 3.4.3, Water Resources – Mitigating Measures starting on page 3-35 of the DEIS. Also, see responses to Questions #27 and 29 above.

**Regarding 2.5: Plants and Animals**

- 34. The national inventory of urban forests indicates Bellingham's forest cover is about 40% in the urbanized areas. Because the City analysis assumes the existing neighborhoods will infill at nearly 100% of capacity, likely putting pressure on sensitive areas inside the City, what data indicates that land likely to be included into the UGA under Alternative 4 is enough superior to the forests, wetlands, and steam corridors likely to be impacted inside the City under Alternative 2 to drive a conclusion that Alternative 4, "Would thus create slightly more impact to plants and animals than Alternative 2?"**

No indication has been made as to the ecological "superiority" with respect to habitat of areas that would be added to the UGA under Alternative 4 over the land that would be impacted under Alternative 2. The City Land Supply Analysis does not assume that "the existing neighborhoods will infill at nearly 100% of capacity." In fact, it reduces the land supply and capacity estimates with regard to development constraints of both the natural environment and historical market factor reductions. As pointed out earlier, Bellingham currently has more publicly owned recreational land and open space per capita than any other city in Washington State, much of which is inhabited by urban wildlife and accessible by foot, bicycle, or transit from the downtown core. See City Land Supply Analysis Methodology, Attachment #3, and at

[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

- 35. For the same reasons, why would Alternative 3 have more impact than Alternative 2?**

See response to Question #34 above.

- 36. What would the impact of the disturbance of old garbage dumps and contaminated fills lining the shores of Bellingham Bay be on the ecosystems of the bay and why would these impacts be seen as being less significant overall than those caused under Alternatives 3 or 4?**

See responses to Questions #8, #32 and #34, above. Specific impact from projects in areas where historic landfills existed would be addressed, evaluated, and mitigated as necessary at the time of development.

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### **37. Will these impacts affect the timing and scope of redevelopment?**

See response #36. The planning period covers a span of 20 years and the plan will be updated at five-year intervals. There are many influences on the timing and scope of redevelopment. Probably the greatest influence is the market value of land in various locations, with waterfront and view properties usually commanding the highest values. Redevelopment will occur when market value is high enough and financing is inexpensive enough to justify the cost of mitigating measures. If these factors are not favorable to redevelopment then it will not occur until they do become favorable.

#### **Regarding 2.6: Natural Resources**

### **38. Given that Alternative 2, in order to provide sufficient land supply, requires the nearly complete conversion of land supplies in the City's neighborhoods to housing as well as the nearly complete conversion of developable land in the UGAs outside the City limits into much higher density housing than is currently being placed in the areas, what data or analysis drives the conclusion that alternative 2, "...would be expected to result in the least amount of land clearing in the UGA and Urban Fringe Subarea."?**

See response to Questions #27, #29 and #34 above. Multifamily or higher density development would have a smaller footprint on the landscape while accommodating higher residential populations on the land base and would be likely to require less land clearing for development.

Also, please see section 3.6, Natural Resources, of the DEIS beginning on page 3-53. Many of the forested areas in the City and UGA are already permanently protected and were not included in the developable land supply. Further, the land supply analysis includes reductions for future parks and open spaces as well as critical areas requirements such as wetland and stream buffers.

### **39. What is the forest cover in the areas likely to be included into the UGA under Alternatives 3 and 4 when compared against those areas likely to be subjected to intense development under Alternative 2?**

As pointed out in the response to Question #27 above, Bellingham currently has more publicly owned, and therefore protected, recreational land and open space per capita than any other city in Washington State, much of which is forested and accessible by foot, bicycle, or transit from the downtown core. There is very little publicly owned or protected land in the UGA or Urban Fringe, which means that forest cover will be reduced. In addition, see City Land Supply Analysis Methodology, Attachment #3, and at

[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

Also, please see section 3.6, Natural Resources, of the DEIS beginning on page 3-53, particularly section 3.6.1, Forest Resources-Existing Conditions.

### **40. What are the likely impacts on salt water resources, especially fish and shellfish, of the possible disturbance of old garbage dumps and filled lands near the waterfront if the high rise apartment buildings with associated infrastructure and transportation facilities are build on and near the waterfront?**

See responses to Questions #8, #32 and #34 above. Specific impacts from projects in areas where historic landfills exist would be addressed, evaluated, and mitigated when necessary at the time of development.

**Regarding 2.7: Scenic Resources**

**41. Based on analysis of buildings currently under construction or existing in Bellingham (See Stewart & King letter) and previous City consultant analysis for the City's old town land it would appear that 40 or more 8 - 10 story high rise buildings would have to be built on or near Bellingham's waterfront to accommodate up to 4,000 new homes in the area as projected in Alternative 2. Why would this result in only "slightly" more view blockage than would developments built on lands near the urban fringe bordered by far fewer existing homes?**

Pp 2-7, Section 2.7 of the DEIS states that Alternative 2 would "be expected to result in the construction of taller buildings in the compact urban area, which could block views of scenic resources." On the same page, under Alternative 4, which decreases emphasis on infill and increases emphasis on expansion, the DEIS states that there would be "slightly less impact on view blockage than alternative 2." There will be some impact to scenic views under all alternatives, including Alternative 3, which emphasizes expansion. It should be noted that the City of Bellingham does not impose any height limits where central commercial zoning is applied, which includes almost the entire downtown core, nor where marine industrial zoning is applied, which includes most of the Bellingham waterfront. In addition, neither the City of Bellingham nor Whatcom County have view protection ordinances.

**42. Given that high density development can be accomplished at the urban perimeter as well as in the downtown core, and that transit friendly development may be more easily accomplished in the urban fringe, and that job and parks opportunities will be at distance from much of the new population base under Alternative 2, what data supports the conclusion that homes built as the result of adopting Alternatives 3 or 4 will have more impact on atmospheric haze and air pollution than will homes built as the result of adopting Alternative 2?**

The writer provides no data or analysis to support the conclusion that ". . . transit friendly development may be more easily accomplished in the urban fringe . . ." and ". . . job and parks opportunities will be at distance from much of the new population base under Alternative 2 . . ."

Caitac USA, Incorporated filed a rezone application with Whatcom County that proposes a zoning change from R10 (1 house per 10 acres) to URMX which has a base density of 1 unit per 5 acres or, with City utilities, a minimum density requirement of 6 units per acre and a maximum of 10 units per acre. The URMX designation is not considered to be "high density" zoning nor does it allow the 12 unit per acre density that research considers "transit-supportive".

The Whatcom Transportation Authority (WTA), which is the countywide transit service provider, submitted comments\* stating the following: "Based on its review of the DRAFT Environmental Impact Statement, WTA staff would like to express support for both scenarios that focus on infill." The letter from WTA also states "The converse of the Infill Alternatives—Alternatives 1 "No Action" and 3 "Adjusted UGA"—pose a number of significant problems for transit, including:

- Increased distances between residential centers (results in less frequent and therefore less convenient bus service)
- Auto-oriented development (low density subdivisions) that are difficult to effectively serve with transit
- Transit buses that are "stuck" in the same traffic congestion experienced by private motorists, both commuting to and from urban centers, and on city arterials (making it even more difficult for transit to compete with private vehicles)"

\*See WTA Staff Comments Regarding DEIS, Prepared for April 21, 2004 Public Hearing (Attached)

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Low-density, auto-dependent development on the perimeter of the urban area would generate the highest number and longest length of private automobile trips and therefore the greatest volume of vehicle exhaust, which would contribute the greatest amount of atmospheric haze and air pollution. Also, see response to Question #27 above.

### **Regarding 2.8: Environmental Health**

- 43. Regarding risk of explosion, would not the fact that high density developments at the urban fringe are likely to be constructed with greenways and other enhancements integrated into them result in less potential for mass harm from explosion than would be the case in the multi-story high rises that would have to be built to accommodate up to 4,000 units in and near the downtown?**

Caitac USA, Incorporated filed a rezone application with Whatcom County that proposes a zoning change from R10 (1 house per 10 acres) to URMX which has a base density of 1 unit per 5 acres or, with City utilities, a minimum density requirement of 6 units per acre and a maximum of 10 units per acre. The URMX designation is not considered to be "high density" zoning.

The risk of explosion will always be higher in and near concentrated urban or industrial areas, such as the Bellingham downtown or waterfront. Enlarging the UGA would spread the risk of explosion over a larger geographic area. Also, see DEIS sections 4.1.5.3, Risk of Explosion – Mitigating Measures, page 4-8 and 4.1.5.3, Hazardous Materials – Mitigating Measures, page 4-11.

- 44. Would not the fact that trains carrying hazardous materials will be passing within a few yards of many, if not most, of the high rises built in and near the waterfront and the downtown not create considerably more potential for devastating accidents than would be the case were the population more dispersed in a number of high density population centers more remote from the most likely source of explosions?**

Page 2-7, Sections 2.8.2. and 2.8.3. of the DEIS clearly state "Alternative 2 – Infill: This alternative would focus new growth in the existing City and Urban Growth Area and would be expected to concentrate most increased noise, risk of explosion, and the generation and transport of hazardous materials within the City and UGA." Enlarging the UGA would spread the use and transport of hazardous materials and thus the risk of explosion over a larger geographic area. Also, please see DEIS sections 4.1.5.3, Risk of Explosion – Mitigating Measures, page 4-8 and 4.1.5.3, Hazardous Materials – Mitigating Measures, page 4-11.

### **Regarding 2.9: Population and Land Supply and Demand**

- 45. The Portland Metro authority is considered to be a leader in managing growth in its region. After more than 30 years of experience in densification Metro assumes and projects that it will lose 20% of its unit capacity to "under build" as landowners, developers, and others respond to the marketplace. Even if Bellingham achieves the massive rezones projected for it under Alternative 2C or other alternatives, it would still have to achieve an 83 - 97% build out (and occupancy) to zoned capacity to accommodate the growth projected for it. What data indicates Bellingham can sustain such a high yield over time? What analysis has been done to determine the market for such a large number of downtown living units?**

The City of Bellingham Land Supply Analysis includes very conservative estimates of land supply and includes a 15% market factor for residential development, as well as reductions for several categories of development requirements. The methodology is extensively explained in Attachment #3. This information is also available on the City of Bellingham web site at:

[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

The DEIS does not advocate for any one alternative and presents Alternative 2C as one method of achieving a high degree of infill in the downtown, waterfront, and Fairhaven areas of Bellingham. Incidentally, the market for both downtown and Fairhaven living units seems to be establishing itself as many units are being sold prior to completion, or in some cases, prior to construction. Infilling is supported by GMA goals, as well as Bellingham and Whatcom County Comprehensive Plan goals and policies.

**46. What has been the actual build out, when compared to potential, in Bellingham's neighborhoods since the adoption of the 1997 Comprehensive Plan?**

See response to Question #45.

**47. What data is used to support the contention that Alternative 2 would result in, "...a wide variety of affordable housing forms?"**

Page 2-8, Section 2.9 of the DEIS states: "Alternative 2 – Infill – City and UGA zoning would be adjusted, where appropriate, to allow for higher residential densities that would accommodate the projected population growth and housing units. This alternative would be expected to result in smaller residential lot sizes and a wide variety of affordable housing forms. If infill housing is not affordable, then this alternative could push population growth to rural areas where more affordable housing is available." The cost of land comprises a significant portion of the purchase price of finished housing. The DEIS therefore suggests that smaller lots could reduce the purchase price of finished houses. Smaller lot development has been demonstrated to be successful in many communities across the United States. In addition, Bellingham currently has a wide variety of housing stock, much of which could be considered affordable. Single Family Detached, 1-4 bedroom units make up 50% of the existing housing stock within the City of Bellingham.

Existing Housing Stock in the City of Bellingham is composed of the following housing types:

Single Family 1-2 Bedroom:	15%
Single Family 3-4 Bedroom:	35%
Single Family 5+ Bedroom:	1%
Duplex Units:	4%
Tri- & Fourplex Units:	3%
Multifamily 5-9 Unit:	2%
Multifamily 10-19 Unit:	4%
Multifamily 20+ Unit:	21%
Condominium Units:	8%
Mobile Homes:	3%
Dormitory Units:	4%

**48. Recent changes in regulations impacting the UGA especially have led to a requirement that TDRs be used to obtain services necessary to develop and, even to meet minimum density requirements. What analysis has been done to demonstrate that sufficient TDRs will be placed on the market to fill the requirements for them imposed by the City?**

This is not a comment on the adequacy of the DEIS. County calculations related to the Lake Whatcom Watershed Rezone indicate that there are approximately 2,059 individual development rights eligible for certification and relocation to receiving areas through the County TDR program.

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**49. What analysis has been done to indicate land owners are willing to go to the extra expense of purchasing TDRs rather than simply hold the land?**

This is not a comment on the adequacy of the DEIS. According to adopted City Council policy, owners of property in County URMX designated TDR receiving zones who wish to obtain City sewer and water utilities are required to purchase TDRs to achieve the maximum density practicable up to 10 units per acre.

**50. The GMA requires that cities demonstrate they can and will accommodate the growth assigned to them for a 20 year period. The City has a moratorium on service extensions in place so building cannot take place in much of the UGA. Has the DEIS examined the impact on sprawl if the City simply decides to keep these moratorium in place indefinitely or for any specified time frames? What happens to land supply within and without the UGA if extension policies or annexation prerequisites slow utilization of the UGA?**

The Growth Management Act states the following at RCW 36.70A.110 (2): "Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include green belt and open space areas. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make choices about accommodating growth."

The DEIS demonstrates that under Alternative 1, No Action, the City of Bellingham cannot accommodate the adopted population projection of 31,600 new residents and 14,100 new housing units within the 20 year planning period. Therefore, the City will have to decide which of the other alternatives will best accommodate the projected growth. The DEIS acknowledges, in several sections, that due to the number of privately owned parcels that already exist in rural Whatcom County and the increasing price of land and houses in Bellingham, it will be difficult to prevent individuals from choosing to buy land or homes in rural areas, thus contributing to rural sprawl.

**51. Alternative 2 requires the drastic upzoning of the Bellingham waterfront, the Old Town area, probable changes in development regulations just passed as part of the Downtown process, and the relocation of considerable amounts of commercial and industrial land supplies and uses to other areas of the City. Has an analysis of the likelihood these rezones can be accomplished been done? What timelines will be assumed"? How do these assumption and timelines affect the year by year availability of housing? What impacts on rural land consumption will occur? What policies will have to change if timelines are not met?**

The DEIS considers a full range of alternatives within which the final plans and regulations are anticipated to fall. Council recommendations that fall significantly outside the scope of the four alternatives will require supplemental environmental review. Alternative 2 examines the possible outcomes of concentrating the projected population within the existing urban area. The DEIS does not speculate regarding the political favor that any rezoning actions may or may not have, nor is it required to. The City and County may initiate or accept rezone proposals for large or small areas to accommodate growth under Alternative 2. Potential impacts would be addressed and mitigated, where necessary, at the time of project review. In addition to rezones, the City and County could also make adjustments to existing development standards, such as height limits, parking requirements, floor area ratios, etc.

- 52. The DEIS explains that the City is about 200 acres short of projected need for commercial and industrial land supply. Given that the ECONorthwest projection module used modern FAR ratios to project land supply needs it is unlikely more dense retail, commercial, and industrial development will supply the City with 200 new acres. The DEIS also indicates building high rise buildings downtown, on the waterfront, and in Old Town will result in additional demand for commercial and industrial land supplies. The DEIS does not seem to indicate how the necessary 200 acres will be provided. Where will these lands come from and what data supports the answer? What timelines are assumed?**

This is essentially a repeat of Question/Comment #1. The 200 acre shortfall referred to above is based on the ECONorthwest forecast for land demand. Redevelopment of existing industrial land may provide some additional supply, but the City and the County will have to identify additional industrial land supply through Comprehensive Plan and Urban Fringe Subarea Plan updates.

- 53. What analysis has been done to indicate sufficient land supply exists in the downtown, waterfront, and Lettered Streets areas to realistically allow the residential building projected for the areas?**

The City of Bellingham Land Supply Analysis includes very conservative estimates of land supply and includes a market factor as well as reductions for several categories of development requirements. The methodology is extensively explained in Attachment #3. This information is also available on the City of Bellingham web site at:

[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

In addition, see response to (L-6) "Response to David King, Stewart & King Architects on behalf of Caitac USA Corp", above, and staff prepared Fact Sheet (Attachment 1), below.

- 54. The DEIS indicates the City cannot know how many units can actually be planned for the waterfront. What analysis has the City done to demonstrate that sufficient land supply exists to allow the densities planned for in Old Town or in the central districts of the City? Please see the letter from Stewart & King attached.**

See response to (L-6) "Response to David King, Stewart & King Architects on behalf of Caitac USA Corp", above, and staff prepared Fact Sheet (Attachment 1), below.

- 55. Has an analysis been done to indicate how many high rises of how many stories are likely to be needed to accommodate as many as 4,000 new units in and near downtown Bellingham as projected for under some Alternative 2 scenarios? Again, please refer to Stewart & King letter.**

See response to (L-6) "Response to David King, Stewart & King Architects on behalf of Caitac USA Corp", above, and staff prepared Fact Sheet (Attachment 1), below.

- 56. If building in and near downtown Bellingham displaces commercial and industrial firms creating new demand for land supply that can only be satisfied by adding land to the UGA, how can Alternative 4 be said to have the "...potential to require more conversion of rural land to urban uses..." than Alternative 2 would? (P. 2-9)**

The DEIS suggests that some currently non-functional waterfront industrial land will redevelop with a mix of commercial and residential uses. This is consistent with the recommendations of the Waterfront Futures Group. The DEIS suggests that new in-town residential development be more integrated with the employment center rather than moving the jobs base away from the downtown

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area. These important issues will have to be weighed and balanced when future development of the waterfront occurs.

**57. Applying the analysis methodology contained in the City of Bellingham's 2003 Land Supply Analysis, how many acres in each of the downtown areas - the central City, the waterfront, Old Town - will actually be likely to be available for development in the 20 year time frame? What market absorption timelines are assumed? What assumptions have been made about the market acceptance of units downtown? What price ranges are assumed?**

See response to Question #37, above. In addition, the City of Bellingham Land Supply Analysis includes very conservative estimates of land supply and includes a market factor as well as reductions for several categories of development requirements. The methodology is extensively explained in Attachment #3. This information is also available on the City of Bellingham web site at:

[http://www.cob.org/documents/planning/publications/urban growth land supply methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

**58. The Land Supply Analysis supporting the directions set forward in the DEIS assumes no land need be set aside for additional public facilities inside the City's limits. As most of the future growth is planned to occur inside the City's limits, what are the impacts on Bellingham and Whatcom County's social, economic, and physical environments of not providing supply for public facilities?**

Please consider the following analysis of issues for parks and open space.

Bellingham's Park, Recreation, and Open Space Plan of 2002 contains calculations pointing to future land needs for parks through the 2002 - 2022 planning period being addressed by the DEIS of March, 2004.

Page 115 of the document contains a chart titled, "Existing level-of-service (ELOS) requirements for city facilities."

This is the chart used to develop conclusions regarding Parks and Recreation needs in the City of Bellingham's draft 2003 Urban Fringe Subarea Plan.

Bellingham's City Council has already begun discussions supporting a Greenways 3 levy that will, if anything, increase the amount of land to be set aside for Parks and Recreation.

Greenways 1 and 2 are still providing funding for Parks and Recreation, helping to assure existing levels of service are maintained and enhanced.

Bellingham's public and its decision-makers have shown a consistent dedication to enhancing existing levels of service when it comes to parks.

Many provisions in the City of Bellingham's existing Comprehensive Plan call for preserving the character of the City, in part, through enhancements of the City's parks, trails, and other recreational offerings.

A serious question in addressing land supply issues is, "How much of the land set aside for future parks and recreational facilities will have to be 'developable' land?" Because part of the parks' function is preserving visual character or providing peaceful, relatively undisturbed places in the City, not all land dedicated to parks must be developable.

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To provide for an extraordinarily conservative snapshot of the probable effects of future parks lands on the City of Bellingham's residential land supply, the following assumptions are made:

Resource "Conservancy" lands are assumed to come 100% from the non-developable land supply. This is a highly unlikely result and may not be acceptable in terms of a growth management challenge but, for purposes of achieving a conservative yield is used in the calculations following.

Resource "activities" lands are assumed to be 50% nondevelopable lands and 50% developable. Again, this is very conservative and could be challenged.

Linear trails are assumed to be 100% from the developable land supply. By their nature trails are developable lands. Because trails also generally result in buffers when development takes place nearby even the 100% figure could be considered to be conservative.

Athletic Fields are considered to be 100% from the developable land supply, for obvious reasons.

Special Use Facilities are, by definition, highly developed, so the land supply for these facilities are assumed to be 100% drawn from the developable land supply.

Support Facilities are also, by definition, "developed." 100% of the necessary land is assumed to come from the developable land supply.

The calculations of need in the Parks Plan are based on a 2022 population of 109,818. The projected population for 2022 is actually 113,055. No adjustment for this undersupply in the park plan has been made in the following calculations. This adds a further level of conservatism to the calculations.

Using the assumptions outlined above the amount of developable land needed for parks and recreation facilities through the planning period under consideration will be:

Resource Conservancy	0 acres
Resource Activities	373 acres
Linear Trails	251 acres
Athletic Fields/playgrounds	195 acres
Rec. centers/pools	1 acre
Special Use Facilities	181 acres
Support Facilities	8 acres
 Total developable acres:	 1009

In the methodology section for the City of Bellingham's 2003 Land Supply Analysis, a number of acres equal to that projected in the previous Comp. Plan was deducted to account for public facilities. In the previous effort, 220 acres was deducted for Parks. Therefore, the existing land supply analysis already accounts for 220 acres of the 1009 acres of need leaving 789 acres yet to be accounted for in the calculations used to develop the 2004 DEIS.

The EIS must address consistency with plans and policies so we find unaccounted for in the DEIS 789 acres of developable land.

The 2003 Land Supply Analysis assumes 45% of future public facilities need will come from the residential land supply and 55% will come from the commercial and industrial land supply. It does not disclose what portion of the parks land is assumed to come from the

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residential supply as it lumps parks, schools, public buildings, and other public facilities together.

For purposes of this calculation it is assumed that 50% of the future need for parks would come from the residential land supply. Therefore:

**Total developable parks acres coming from the residential land supply = 395 acres.**

The City is also short by 395 unaccounted for and developable acres in its retail/commercial/industrial land supply. The DEIS must address this shortfall as well.

The City of Bellingham currently has an average zoned capacity of 5.4 units to the acre on its residentially zoned lands, not counting the recent adjustment on the URM lands from 4 units to 6 units per acre.

At 5.4 units to the acre, an additional parks need of 395 developable acres removes 2,133 units of capacity from the City's land supply.

Some alternatives in the parks plan call for significantly increasing the zoning in the City. If zoning increases raise the City's average zoned capacity to 6 units per acre, a parks need of 395 developable acres would remove 2,370 units of capacity from the projected land supply.

If zoning increases raise the City's average zoned capacity to 7 units per acre, a parks need of 395 developable acres would remove 2,765 units of capacity from the projected land supply.

At 8 average zoned units per acre, 3,160 units of capacity will be lost.

At 10 average zoned units per acre, 3,950 units of residential capacity will be lost.

### **CONCLUSIONS:**

The DEIS land supply calculations are based on Bellingham's 2003 Land Supply Analysis. The analysis does not fully take into account land supply needs for parks and other public facilities as put forward in the City's adopted park plan.

Considering only parks, by using overly conservative assumptions it is clear the DEIS has not accounted for a 395 acre need for developable land that must come from the residential land supply.

The DEIS has also not accounted for a 395 acre need for developable land that must come from the retail/commercial/industrial land supply.

If applied to each of the Alternatives put forward in the DEIS, it can be seen that the future, adopted, need for parks land in each of the scenarios drives a conclusion that, absent additional adjustments in the land supply, the City is in deficit in each of the cases considered.

**Response to Question 58:** The Bellingham Parks Recreation and Open Space Plan recommends adding the following acreage totals to the City's public parks, recreation and open space holdings to meet LOS targets for 2022 (found on page 92 of the PRO Plan).

1,500 acres of Resource Conservancy lands – lakes, streams, marshes, flora, fauna, and topography where recreational use may be a secondary, non-intrusive part of the property - such as an interpretative trail, viewpoint, exhibit signage, picnic area or other feature.

- 230 acres of Resource Activity lands - such as picnicking, boating, fishing, swimming, camping, and local park trail uses. These sites may also include play areas, such as playgrounds and open grassy play fields as long as these areas support the primary outdoor recreational features
- 25 acres of Linear trails – along built or natural corridors, such as abandoned railroad lines, undeveloped road-rights-of-way, and active utility rights-of-way or natural areas defined by drainage features, topographical changes, wooded areas or vegetation patterns that can link schools, libraries or commercial areas with parks.
- 134 acres of Athletic Fields & Playgrounds - designed for intense recreational activities like field and court games, playground apparatus areas, picnicking, wading pools, and the like.
- 7 acres of Support Facilities – including administrative office space, indoor meeting rooms, shop and equipment maintenance yards, plant nurseries, and other buildings and sites necessary to service the park system.
- These recommended additions to the public parks, recreation and open space holdings total 1,896 acres.
  - 396 of the 1,896 acres will need to be developable lands free of environmental constraints. The remaining 1,500 acres of Resource Conservancy lands will by their nature, be acquired from lands impacted by wetlands, streams, slopes and other Critical Areas. The land supply analysis has already deducted 2,275 acres of land for Critical Areas and their associated buffers.
  - The current land supply analysis removes 164 acres for Public Facilities from the developable areas of the UGA. Of all public facility lands inside the current City Limits of Bellingham, 75% are designated for parks, recreation, and open space uses. Assuming a similar ratio for future development in the UGA results in 123 of the 164 acres being used for parks, recreation, and openspace uses.\
  - Recent parks acquisitions (since publication of the PRO Plan) on Samish Hill include 60 acres of land and 25 acres of intervening right of way for a total of 85 acres.
  - Adding the 123 acres from the Public Facilities reductions, the 85 acres of land on Samish Hill leaves a supply deficit of about 200 acres for the City and UGA. Given the lack of parcels of significant size in the City and UGA the Parks Department has indicated it may need to find 40 acres of this land for a large Community Park adjacent to (outside of) the current UGA.

## **2.10: Regarding Housing**

- 59. According to HUD's<sup>1</sup> recent report (See footnote) on the Bellingham and Whatcom County housing markets and the building permits issued in them since the passage of the last Comp. Plan in 1997, Bellingham has been supplying nearly all the multi-family housing in Whatcom County but less than 30% of the single family housing. Why are 7 out of 10 purchasers of new single family homes looking outside of Bellingham and what is the environmental impact of that decision?**

This is not a comment on the adequacy of the DEIS. See DEIS pages 4-41 – 4-43 where the effects of compact infill development and low density development are compared and contrasted. Alternative 1, the “No Action” alternative, discusses the impacts of not changing the City’s existing zoning patterns and the availability of thousands of buildable lots in rural Whatcom County.

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<sup>1</sup> U.S. Department of Housing and Urban Development's Comprehensive Market Analysis Report “Analysis of the Bellingham, Washington Housing Market as of October 1, 2003.”

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- 60. The State's guidance documents for designing Urban Growth Areas point out that even in the most densely populated areas of the most intensely developed cities in our State 10% or more of the land will never be developed. Given Bellingham's green orientation, how realistic is it to have only 14.2% set aside for this factor? What is the impact on the land supply and, ultimately, on the social, economic, and physical environment of that assumption?**

The City of Bellingham Land Supply Analysis includes very conservative estimates of land supply and includes a market factor as well as reductions for several categories of development requirements. The methodology is extensively explained in Attachment #3. This information is also available on the City of Bellingham web site at:

[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

- 61. How much vacant and developable land supply exists in the downtown, Old Town, and the waterfront areas of the City respectively?**

See responses to Question #60, above, and Question #62, below.

- 62. Absent the rezones said to be necessary for the building of as many as 4,000 new units in the three areas, what is the capacity of the land today?**

**Downtown:** The City cannot establish an absolute development capacity in the downtown area for a number of reasons. Most of the downtown core is zoned central commercial, which does not require parking minimums and does not restrict building heights. The City has established a multifamily tax exemption district in the downtown core to provide an additional incentive for developers to build residential units downtown. Since this program was adopted, the City has permitted an average of 50 units per year in the downtown area. The DEIS assumes that this trend will continue throughout the 20-year planning period and therefore projects up to 1,000 additional units in the downtown area. Theoretically, however, the downtown area has even more capacity than this.

**Waterfront:** Residential development is not currently allowed in the areas zoned marine industrial along the Bellingham waterfront. However, the numerous public meetings conducted by the Waterfront Futures Group, a joint City-Port process to recommend future uses and development on the Bellingham waterfront, has repeatedly emphasized a mix of residential, commercial, and industrial uses. The DEIS assumes that the recommendations that have come out of this public process will be implemented.

**Old Town:** Regarding Old Town, refer to the staff prepared Fact Sheet in response to the April 26, 2004 letter from Mr. David King.

- 63. What are the likely impacts on housing affordability and supply if the development community is unable to build and sell or rent the 8 - 10 story buildings likely to be necessary if targeted densities are to be met in and near Bellingham's downtown? What are the impacts on Whatcom County and the other UGAs and cities?**

See response to Question #62 above. The DEIS does not speculate on the probability that developers will or won't be able to sell or rent the projects that they construct. If the current construction activity level in both the downtown and Fairhaven areas of Bellingham are any indication, developers are selling the units before they are completed and, in some cases, before construction even begins. Market choices may result in some people choosing to locate outside the City and the UGA if sufficient numbers of single family lots are not available in the City. On page 4-42 of the DEIS the fourth "bullet" addresses the consequences of overly restricting land supply.

**2.12: Regarding Aesthetics and Urban Design****64. Why would less attention be paid to urban design under Alternatives 3 or 4 than under Alternative 2. What data supports this assertion?**

Alternative 2 emphasizes a concentration of population and development in the existing City limits and the existing UGA. In order to accomplish this, some areas would necessarily have to be developed as higher density and multifamily housing forms. Currently, design review is only required for multifamily development, projects where more than one duplex is proposed, and projects in the city center. Alternative 3 emphasizes expansion of the UGA boundary at zoning densities similar to those currently applied in the UGA, which is primarily oriented toward single family detached housing. Design review is not required for single family development. Alternative 4 is a combination of Alternatives 2 and 3 and, therefore, would have less emphasis and requirement for design review than Alternative 2.

**2.13: Regarding Historic and Archaeological Resources****65. Wouldn't building on an old dump site in one of Bellingham's historic areas with some of the City's oldest structures still standing be likely to have more impact on historic and archaeological resources than building on old farm fields or third and fourth cut forests would have? What data supports a conclusion that Alternatives 3 or 4 would have greater impacts on these resources than Alternative 2 would have?**

Indigenous people have inhabited the planning area for the past several thousand years and created archaeological resources in many places. Europeans have inhabited the planning area for the past 160 years and created historic sites and resources. The first paragraph of Section 2.13 on page 2-11 states "Archaeological resources often remain buried until unearthed scientifically or by accidental discovery, which sometimes occurs through development activity. As all alternatives must accommodate the projected 20-year growth, there will be increased pressure to build on vacant land, which may have archaeological significance. There also will be pressure to redevelop properties, possibly resulting in impacts to historic structures." The DEIS clearly indicates that each alternative will have an impact to historic and archaeological resources, but with different degrees of intensity. Alternatives 3 and 4 would spread the impacts over a larger geographic area thus increasing the probability of excavating areas that have never been excavated before, thereby increasing the probability of stumbling upon an archaeologically important site during development activity.

**66. Has the presence of several buildings of local historic significance as well as a couple of buildings of regional or national historic significance in the areas proposed to contain as many as 4,000 new units been considered in planning density in areas like Old Town, the waterfront, and downtown Bellingham?**

The DEIS, Section 4.6 Historic and Archaeological Resources, page 4-74 lists' all known and registered historic sites within and near Bellingham. Regarding Old Town, refer to the staff prepared Fact Sheet in response to the April 26, 2004 letter from Mr. David King.

**2.14: Regarding Transportation and Circulation****67. Alternative 2 puts 25% or more of the new units to be built in Bellingham in or near the downtown area. Little information regarding the adequacy of the downtown street grid in handling a several hundred percent increase in units in the area is provided for in the DEIS. What data supports the conclusion that Alternative 4 would, "...be expected to create slightly more transportation impacts than alternative 2," or that Alternative 3 would have the most significant impacts or the 20 year period?"**

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Alternatives 3 and 4 would spread the impacts over a larger geographic area thus increasing the need for new roads. New roads entail increased maintenance costs. The City of Bellingham Public Works Department reports that there is excess capacity in the downtown Bellingham street grid system. As explained in detail in Section 4.7.2 Transportation and Circulation Impacts, page 4-88 through 4-91, Alternative 2 – Infill: Could create more opportunities for non-auto-dependent land uses, minimize vehicle trips generated, vehicle miles traveled, traffic congestion, vehicle emissions, and could possibly save taxpayers money. The DEIS suggests that if denser residential population existed in the urban area, then there would be more opportunities for transit, bicycle, and pedestrian modes of travel and potentially fewer individual vehicle trips generated, thus less vehicle exhaust adding to air pollution. Alternative 3 would be expected to have the greatest transportation impact because it would expand the existing pattern of low-density development on the fringe of the city, create the most dependence on the private automobile, generate the most vehicle trips and vehicle miles traveled, and would therefore require the most road construction and financial impact to the public.

According to the Institute of Traffic Engineers Trip Generation Manual, single family detached residential development in suburban areas typically generates up to 10 vehicle trips per day per dwelling unit, whereas multifamily or higher density development in urban areas typically generate about 4 to 6 vehicle trips per day per unit. Alternative 3 would convert more rural land to urban levels of development, thus placing residential populations out on the fringes of the City.

**68. What would be the physical impacts on the waterfront environment of rebuilding a street system to handle a several hundredfold increase in units in the downtown area?**

This type of project specific analysis is beyond the scope of the DEIS. However, the City of Bellingham Public Works Department reports that there is currently excess capacity in the downtown Bellingham street grid system. The DEIS suggests that some currently non-functional waterfront industrial land will redevelop with a mix of commercial and residential uses. This is consistent with the recommendations of the Waterfront Futures Group. The actual environmental impacts of building in the Old Town area will be assessed and mitigated, where necessary, at the time of project development. These important issues will have to be weighed and balanced when future development of the waterfront occurs.

**69. The DEIS assumes considerable amounts of commercial and industrial land supply will be replaced by residential supply in the downtown, waterfront, and Old Town areas. What will the transportation impacts of relocating the jobs producing lands be if nearly 4,000 new units of residential supply are actually built in and near the downtown?**

See response to Question #68 above.

**70. The assumptions in the land supply analysis are that no new parks and recreation lands will be required inside the current City limits during the planning period and, by extension, beyond. What are the transportation impacts of placing as many as 4,000 units remote from the parks and recreation facilities intended to serve them?**

The statement regarding the land supply analysis is inaccurate. See response to question #58 above.

**71. The assumptions in the land supply analysis are that no new public facilities (schools, churches, public buildings, transit centers, etc.) will be needed inside the current City limits during the planning period and, by extension, beyond. What are the transportation impacts of placing as many as 4,000 units remote from the public facilities intended to serve them? It is noted that some public facilities are in the civic center area.**

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The methodology is extensively explained in Attachment #3. This information is also available on the City of Bellingham web site at:

[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

### **2.15: Regarding Public Services and Facilities**

- 72. The assumptions in the land supply analysis are that no new public facilities (schools, churches, public buildings, transit centers, parks, trails, etc.) will be needed inside the current City limits during the planning period and, by extension, beyond. What are the social, economic, and physical impacts on the various environments of Bellingham and Whatcom County of placing as many as 4,000 units remote from the public facilities intended to serve them?**

The methodology is extensively explained in Attachment #3. This information is also available on the City of Bellingham web site at:

[http://www.cob.org/documents/planning/publications/urban\\_growth\\_land\\_supply\\_methodology.pdf](http://www.cob.org/documents/planning/publications/urban_growth_land_supply_methodology.pdf)

#### **2.15.1. Fire Protection and Emergency Medical Service (EMS)**

- 73. Given that intense high rise development presents special challenges in fire fighting and in providing EMS services, especially in a disaster situation, what data supports the conclusion that Alternative 4 would have "...slightly more impact" on fire protection and EMS services than would Alternative 2 or that Alternative 3 would have substantially more impact? Are there any demographic analyses addressing the likely ages of residents in the 4,000 units?**

Fire and emergency medical services are far more efficient and cost-effective in a compact urban area where responses times are shorter from existing facilities and fewer new facilities are required to serve the same population. Building codes require fire walls and fire suppression sprinkler systems for multi-unit and multi-story residential buildings, thus providing additional fire protection in urban areas. The DEIS does not speculate on the possible ages of residents either in the downtown area or the outer fringes of the planning area, but an elderly person living in a multi-story building in Bellingham is likely to receive faster emergency medical response, more advanced emergency medical attention, and faster ambulance transport to St. Joseph's Hospital. All of these factors can provide a greater possibility of surviving a medical emergency.

#### **2.15.2 Law Enforcement.**

- 74. Given that intense high rise development presents special challenges to law enforcement in responding to incidents, what data supports the conclusion that Alternative 4 would have "...slightly more impact" on law enforcement than would Alternative 2 or that Alternative 3 would have substantially more impact? What are the demographic assumptions about the ages and incomes of the residents of the 4,000 units?**

Law enforcement service is far more efficient and cost-effective in a compact urban area where responses times are shorter from existing facilities and fewer new facilities are required to serve the same population as contrasted with a geographically larger, low-density area where longer response time and lower levels of law enforcement and officer presence can be provided. A person subjected to domestic violence or another violent crime in Bellingham would have a much greater chance of receiving quick response with multiple law enforcement officers, with more potential witnesses to the crime, than a person living in the UGA or the rural Urban Fringe Subarea. The DEIS does not speculate on the possible ages of residents, or their incomes, either in the downtown area or the outer fringes of the planning area.

**2.15.3. Parks, Recreation, and Open Space Facilities**

**75. In the Land Supply Analysis supporting the DEIS, no land supply has been set aside inside the City's limits to accommodate new parks or recreation facilities including trails, play fields, and other facilities. What are the social, economic, and physical environmental impacts of locating parks and recreation facilities at distance from the population they are intended to serve?**

The statement regarding the land supply analysis is inaccurate. See response to question #58 above.

**76. The Land Supply Analysis supporting the DEIS anticipates that levels of service for actively used parks and recreation facilities serving future populations will be substantially reduced over current levels of service. What are the social, economic, and physical impacts on the environments of Bellingham and Whatcom County of significantly reducing parks and recreation opportunities in increasingly dense neighborhoods?**

The statement regarding the land supply analysis is inaccurate. See response to question #58 above. Also, please refer to Chapter 4 of the DEIS, page 4-124 – 4-126 where parks, recreation and open space impacts and mitigating measures are discussed in detail.

**2.15.6. Water Supply**

**77. Given that as many as 4,000 new units are planned for the downtown, waterfront, and Old Town areas of Bellingham under Alternative 2 and given that much of the area is underlain by old garbage dumps or land filled using potentially contaminated materials, what data supports a conclusion that Alternative 4 would have "slightly" more impact on providing water supplies than would Alternative 2?**

The construction methods used to build utility systems through areas that may have contaminates is similar in nature to projects in areas that have no known issues. The projects may have a higher cost associated with the work for soil disposal and there would be an issue with pipe corrosion that could easily be addressed with protective coatings and clean backfill. The City has had some experience in this climate by working with Georgia-Pacific on the tissue warehouse on the Bellingham waterfront. The project included a large amount of new water main surrounding the facility for fire protection. Many of the segments were installed in areas of the old landfill. The pipe was protected by conventional methods that meet City Standards.

Providing water supply for residential development in downtown, Old Town, the waterfront, or Fairhaven is less dependent on whether or not there are garbage dumps that would influence construction but rather on the ability of the utility to expand its system in an orderly manner that allows for no diminished level of service to any existing customer at the expense of new growth. The ability for a utility to serve a potential customer base is predicated on the fact that there is enough capacity in the system and that the system can accommodate the demands put on it by its customer base at any given time. Any time a utility begins to expand its service area, the impacts that are of most immediate concern are water quality, fire suppression and maintenance and operational issues. Expansion outward creates additional infrastructure which is more expensive to service and maintain than existing infrastructure.

No public water providers use groundwater from wells inside the city limits. Refer to Chapter 4 of the DEIS, pages 4-143 – 4-145 where water supply impacts and mitigating measures are discussed in detail.

- 78. Has an analysis of the adequacy of the water system to handle the demands of up to 4,000 new units located in high rise structures in the Old Town, waterfront, and downtown areas been conducted?**

The Public Works Department is currently updating its comprehensive water plan that will include scenario modeling of placing 4,000 units within the downtown core. In past years, the Public Works Department has performed numerous flow tests and water modeling to identify areas within the City that may require water main upgrades. As a result, the City has increased capacity in the downtown and waterfront areas in recent years to accommodate future growth and a larger population base. Most recently, a new 16" water main along W. North Street/Walnut Street/Eldridge Avenue was installed to specifically address water issues identified in the previous comprehensive plan dated 1993. These new improvements allow for greater water movement along the waterfront and into the Old Town area. The water system as a whole is well maintained and extremely well-networked within the downtown, Old Town and waterfront areas so that future development may not even be required to install or upgrade the public water system as it currently meets fire suppression requirements and diurnal flow needs.

Refer to Chapter 4 of the DEIS, pages 4-143 – 4-145 where water supply impacts and mitigating measures are discussed in detail.

#### **2.15.7. Stormwater**

- 79. Given that some believe retrofitting existing brownfields to support water, sewer, and stormwater requirements is more difficult than servicing newer areas of development, what data drives a conclusion that Alternative 4 would have "slightly" more impact on stormwater efforts than would Alternative 2? What data supports a conclusion that Alternative 3 would have significantly more impact than would 2 or 4?**

The cost of providing stormwater conveyance systems is a product of the amount of area that is required to be developed. Developing an area of one square mile versus two square miles yields a commensurate savings in pipes and structures for conveyance. Stormwater treatment and detention for large areas versus smaller areas is not as simple as conveyance systems. There are, however, 3 points that lead to the conclusion.

- 1.) Location of buildings and infrastructure that discharge directly to Bellingham Bay do not need to meet the same detention standards as other areas. To discharge to the bay requires a proofing of the conveyance system's capacity. If capacity is not available the options are to increase the system size or detain to meet the capacity goal. Either situation is less costly than standard detention requirements that drain to one of our creek systems.
- 2.) Higher density more compact development results in fewer single story structures that entail more impervious area per net usable space. Thus, higher density results in less land and storm infrastructure impacts.
- 3.) More compact development designs result in less street infrastructure that requires its own stormwater mitigation. While stormwater treatment systems must be more robust in dealing with increased traffic volumes, savings in the detention requirements are directly linked to the decrease in total impervious surface.

Refer to Chapter 4 of the DEIS, pages 4-146 – 4-148 where stormwater impacts and mitigating measures are discussed in detail.

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### **2.15.8 Sanitary Sewer**

- 80. Given that as many as 4,000 new units are planned for the downtown, waterfront, and Old Town areas of Bellingham under Alternative 2 and given that much of the area is underlain by old garbage dumps or land filled using potentially contaminated materials, what data supports a conclusion that Alternative 4 would have "slightly" more impact on providing public sewer facilities than would Alternative 2?**

The construction methods used to build utility systems through areas that may have contaminates is similar in nature to projects in areas that have no known issues. The projects may have a higher cost associated with the work for soil disposal and there would be an issue with pipe corrosion that could easily be addressed with protective coatings and clean backfill. The City has had some experience in this climate by working with Georgia-Pacific on the tissue warehouse on the Bellingham waterfront. The project included a large amount of new water main surrounding the facility for fire protection. Many of the segments were installed in areas of the old landfill. The pipe was protected by conventional methods that meet City Standards.

Providing sewer capacity for residential development in downtown, Old Town, the waterfront, or Fairhaven is less dependent on whether or not there are garbage dumps that would influence construction but rather on the ability of the utility to expand its system in an orderly manner that allows for no diminished level of service to any existing customer at the expense of new growth. The ability for a utility to serve a potential customer base is predicated on the fact that there is enough capacity in the system and that the system can accommodate the demands put on it by its customer base at any given time. Any time a utility begins to expand its service area, the impacts that are of most immediate concern are water quality, fire suppression and maintenance and operational issues. Expansion outward creates additional infrastructure which is more expensive to service and maintain than existing infrastructure.

Please refer to Chapter 4 of the DEIS, pages 4-148 – 4-153 where sanitary sewer existing conditions, impacts, and mitigating measures are discussed in detail

- 81. Has an analysis of the adequacy of the City's sewer system in the impacted areas in handling the demands of up to 4,000 new units located in high rise structures in the Old Town, waterfront, and downtown areas been conducted?**

The Public Works Department has modeled several scenarios of increased growth in the downtown core and its effects on the sanitary sewer system. Many of the sewer systems in the downtown, Old Town and waterfront areas are old combined sewers that at one time conveyed both sewage and storm water. Many years ago, separation projects were completed that removed the storm water from the sewer mains by installing dedicated storm lines. The end result of those projects are now larger sewer pipes that have the capacity to convey much larger amounts of sewage than currently flowing in the system. Furthermore, a major \$10M upgrade project is nearing completion on the City's Oak Street Lift Station that will effective double the capacity of the station from 44 MGD to 89 MGD.

Please refer to Chapter 4 of the DEIS, pages 4-148 – 4-153 where sanitary sewer existing conditions, impacts, and mitigating measures are discussed in detail.

- 82. What would the environmental impacts of rebuilding a water system through former dumps and filled lands be?**

The construction methods used to build utility systems through areas that may have contaminates is similar in nature to projects in areas that have no known issues. The projects may have a higher cost associated with the work for soil disposal and there would be an issue with pipe corrosion that could easily be addressed with protective coatings and clean backfill. The City has had some experience in this climate by working with Georgia-Pacific on the new tissue warehouse. The project included a

large amount of new water main surrounding the facility for fire protection. Many of the segments were installed in areas of the old landfill. The pipe was protected by conventional methods which meet City Standards. Such project specific impacts are outside the scope of the DEIS and would be addressed as various system improvement projects are initiated.

#### **2.15.9 Solid Waste and Recycling**

**83. What data or analysis drives a conclusion that Alternative 4 would have "slightly" more impact on garbage and recycling Collection services and facilities than Alternative 2?**

The DEIS establishes expected outcomes under various growth scenarios given the circumstances and trends that have been experienced in the planning area, including the cost and efficiency of providing the service. The bottom line is that solid waste and recycling service is far more efficient and cost-effective in a compact urban area where shorter travel time results in less fuel consumption, which resulting less cost to the customer. A larger geographic area with houses spaced further apart would required greater travel time and fuel cost and possibly more trucks to provide the same level of service. Increased operating costs would affect the company's profitability and would ultimately be passed on to the customer. In addition, please refer to Chapter 4 of the DEIS, pages 4-153 – 4-158 where solid waste existing conditions, impacts, and mitigating measures are discussed in detail.