



# Fairhaven Highlands Development Frequently Asked Questions and Answers

*April 25, 2005*

## Project Summary

“Fairhaven Highlands” is a development proposed by local builder/developer David Edelstein and Horizon Bank on property he purchased in 2004/2005. The property is located within Bellingham City Limits between Fairhaven Park and Chuckanut Drive, on what is known as Chuckanut Ridge, and includes an area known to locals as the One-Hundred Acre Wood. The development plan submitted by Mr. Edelstein for review by the City proposes to build about 739 homes on approximately 85 acres of land. The public may review this plan by clicking the links below

[Fairhaven Highlands Planned Development Application \(PDF\)](#)

[Fairhaven Highlands Preliminary Plat Application \(PDF\)](#)

[Fairhaven Highlands Subdivision Variance Application \(PDF\)](#)

[Fairhaven Highlands Notice of Complete Application, Planned Development \(PDF\)](#)

[Fairhaven Highlands Notice of Complete Application, Subdivision \(PDF\)](#)

[Fairhaven Highlands Site Map \(5.800K PDF\)](#)

or by visiting the Bellingham Planning Department at City Hall.

## City of Bellingham Review Process

### **What is the city’s review process and timeline for this development?**

On April 18, 2005, the city received the developer’s application for a planned development and preliminary plat (subdivision of land). This application includes requests for variances from street standards and frontage requirements. A SEPA (State Environmental Policy Act) checklist has been submitted, as required.

City officials will review the proposed project application to determine if it satisfies applicable local, state and federal regulations. These regulations are very detailed and specify, among other things, requirements for the configuration of lots and streets within the development, how natural features and habitat must be preserved and protected, how the impact of the vehicle traffic created by the development will be addressed, who must be notified about the project and how they may comment on the developer’s proposal and the city’s review of that proposal.

In this case, the city’s Planning Director, with the assistance of numerous staff whom help review the application materials, will determine if the planned development satisfies the applicable regulations. The city Hearing Examiner is the person who, based on the record of evidence presented in support of and in opposition to the proposed preliminary plat, decides if that plat satisfies all the applicable regulations. State law specifies, with certain exceptions, that these decisions must be made within 120 days of the date the development application and preliminary plat was submitted.

To ensure that the public and all interested parties' rights are protected, if any party disagrees with the Planning Director's decision, they may appeal that decision to the city Hearing Examiner. If anyone disagrees with the Hearing Examiner's decision they may appeal that decision to the City Council, and if anyone disagrees with the City Council's decision, they may file a case in Whatcom County Superior Court. Illustrations of the various steps in the review process are attached at the end of this section.

The detailed provisions of the development review process are contained in the Bellingham Municipal Code for development review (BMC Chapter 21.10) and environmental review (BMC Chapter 16.20). The planned development application must follow the Type II process, and the subdivision must follow the Type III-B process.

Link: [Bellingham Municipal Code](#)  
[Planned Development review process flow chart \(PDF\)](#)  
[Preliminary Plat \(subdivision\) process flow chart \(PDF\)](#)

## **Addressing Potential Impacts**

### **How will transportation problems be evaluated and prevented?**

The developer proposing the Fairhaven Highlands project is required to pay for a traffic study to show how much traffic this development will generate. Based on the results of the study, and the review by the city, he will then propose (and pay for) improvements to handle the additional traffic. He also will be required to pay certain transportation impact fees to provide street improvements designed to address the traffic problems created by this new development. Part of the city's review process for this proposed development will be to approve or require modifications to these traffic plans and calculate appropriate impact fees.

This proposed development and others have generated questions about city's proposed transportation "level of service". This is a state-required component of the city's Comprehensive Plan. Setting an appropriate transportation level of service requires city officials to carefully balance many interests, especially when dealing with growth and development.

In 1995, the City adopted "Level of Service E" for arterial streets during the hour when the highest traffic volumes are recorded. This level allows some congestion at certain times of the day, such as "rush hour." Allowing some traffic congestion also encourages alternative transportation, avoids the additional public costs of building new roads and widening existing ones, and minimizes the amount of impervious surfaces that damage the environment.

If the city adopted levels of Service D or C, it would require wider roads and more of them. This would drive up costs for city government, as well as require additional impact fees from developers, which would then increase the costs of new homes. Furthermore, new and wider roads would promote faster driving speeds, create more hazards for pedestrians and bicyclists and discourage walking, biking and transit, which are transportation options the city encourages to reduce congestion and pressure on the environment.

Links: [2005 Draft Comprehensive Plan Transportation Element Update \(PDF\)](#)

## Important Background Info

### Why didn't the city purchase this property as part of the Greenways program?

Past and present City staff, Greenways Advisory Board members, and City Council members have worked diligently, using open public processes, to meet the legal requirements and the intent of voters supporting Beyond Greenways levy. While some of this property was pursued with interest by the Greenways program, the ballot language forwarded by the City Council and approved by voters in 1997 did not commit the city to buying the Fairhaven Highlands tract. However, Levy proponents and the Greenway Committee earmarked \$1.6 million dollars for this property, recognizing it would only pay for a portion of the site.

Though no purchase and sale agreement was ever in place, negotiations took place between the city and the property owner regarding a 45-acre portion of the property. An appraisal conducted for the City indicated a value of \$1.47 million for the 45 acres. The owners responded they were seeking \$6-\$7million for the 45-acre tract. Though discussions continued over the years, City officials and property owners were never close to reaching an agreement.

The previous owner did donate 16 acres to the Whatcom Land Trust, who transferred the property to the city in 2000. Negotiations with other area property owners were productive, and efforts shifted toward area properties with willing sellers around the Fairhaven Highlands site.

Since 1997, about 136 acres have been secured on Bellingham's Southside by the Greenways program, including about 100 acres near the Fairhaven Highlands site. The table below summarizes the Greenways program property acquisitions throughout the city.

[Open Space Map – South Bellingham \(420K PDF\)](#)

<b>Acres of Property Acquired with Greenway Levy Funds, by General Area</b>	
Whatcom Creek and South Bay Corridor, Woburn to South Boulevard Park	39
Northwest Bellingham, West of I-5 and North of Whatcom Creek	63
Northeast Bellingham, East of I-5 and North of Whatcom Creek	116
Samish Hill/SE Bellingham, East of I-5 and South of Whatcom Creek	143
Southwest Bellingham (Fairhaven, Happy Valley, Edgemoor and South)	136
<b>TOTAL</b>	<b>497</b>

### Why is the city allowing any development on this property?

Anyone can ask to build anything on property they own, and the city must allow them to build if the proposed development meets city, state and federal laws. City officials are obligated by law to allow property owners to use their land in conformance with existing land use and other regulations. In fact, State law says that if someone submits a complete application, and it meets the land use regulations, the City must decide on the application within 120 days. City officials will review this proposal against current land use, environmental and other regulations, using procedures outlined in Bellingham Municipal Code, and approve or deny it based on applicable laws.

### Why doesn't the city condemn the property?

Condemnation requires public necessity. It would be very difficult to successfully claim public necessity justifying eminent domain in a court of law. Even if the city did make a successful claim, there is not sufficient funding to pay for the property to fulfill such a claim.

### Why doesn't the city impose a moratorium on this development?

Development that is allowed under current rules can be stopped only for health and safety reasons (such as lack of sewage treatment plant capacity). The city received an application on April 18, 2005 for a development that is proposed under current land use and other regulations. While the review process will determine the extent to which the proposal meets the detailed requirements of these regulations, no urgent health and safety considerations are apparent that would justify stopping the application and review process.

### Why are Southside neighborhoods being asked to absorb "infill"?

All Bellingham neighborhoods will absorb additional residents as the city population increases during the next two decades. Some neighborhoods have more capacity than others, including several neighborhoods on the Southside. Many neighborhoods in the central and north portions of Bellingham have already had significant infill development. Those neighborhoods have fewer parks, less open space, and fewer trails.

The city population is expected to increase by at least 31,600 over the next 20 years. State law, the Whatcom County Comprehensive Plan and our current city Comprehensive Plan require us to accommodate the forecasted growth primarily through "infill". Infill is defined as development that occurs on vacant lands within existing city boundaries (as opposed to allowing growth to occur in the rural and agricultural areas of the county).

To accommodate the forecasted growth, more than 15,000 new homes, apartment and condos will be needed. While all city neighborhoods are expected to infill, some neighborhoods have more undeveloped land than others. The Fairhaven and South Neighborhoods (where the proposed project is located) have fewer total housing units than most other Bellingham neighborhoods. Encouraging development in areas close to employment centers (like Fairhaven and WWU) is consistent with adopted city goals and policies.

<b>Neighborhood</b>	<b>Total Units</b>	<b>%</b>
Birchwood	2,400	8%
Cornwall Park	1,068	3%
Mt Baker	1,936	6%
Columbia	1,731	6%
Lettered Streets	1,314	4%
Sunnyland	1,054	3%
Roosevelt	2,461	8%
Alabama Hill	1,248	4%
Silver Beach	1,295	4%
CBD	592	2%
York	1,266	4%
Puget	1,774	6%
Whatcom Falls	904	3%
Sehome	1,723	6%
WWU	291	1%
South Hill	1,622	5%
Happy Valley	2,988	10%
Samish	1,258	4%
Fairhaven	531	2%
Edgemoor	749	2%
South	697	2%
Meridian	364	1%
Guide Meridian	1,784	6%
<b>TOTAL</b>	<b>31,050</b>	<b>100%</b>

Links:

[Residential Units per Neighborhood \(PDF\)](#)  
[Population and Demographic Information](#)

## **What is the relationship between this project and the Comprehensive Plan update?**

Cities are required by state law to have Comprehensive Plans. Comprehensive plans contain broad statements of community goals and policies that guide the physical development of cities. The goals and policies provide the basis for adoption of regulations, programs and services designed to implement the plans.

The Bellingham Comprehensive Plan was adopted in 1995 and remains in effect today. City staff and the Planning Commission are in the process of updating the plan. That work will continue throughout much of 2005, with the goal of having a fully updated plan adopted by the City Council later this year.

The Fairhaven Highlands developer submitted applications to develop the property on April 18, 2005. Consequently, the proposed project is vested under the current comprehensive plan, neighborhood plan, zoning and other regulations in place on that date. Changing or updating the comprehensive plan or zoning rules will have no impact on this proposed development.

In addition, it is unlikely that the 2005 Comprehensive Plan update, if already adopted, would significantly change the requirement for this proposal. Citizen involvement in the update, and steps taken so far in the update process, have reaffirmed the goals and policies contained in the 1995 Comprehensive Plan. The update provides additional strategies to explain how plans and rules for infill and urban center development will be created and implemented with the participation of neighborhood groups, property owners, business owners and residents. This is intended to ensure that new development will complement neighborhood character and protect quality of life in Bellingham.

Links:

[2005 Comprehensive Plan Update](#)

[1995 Comprehensive Plan](#)

[Community Forum on Growth Management](#)

[City Land Use Laws and Amendments FAQ \(PDF\)](#)

## **What can we do?**

### **Can the Mayor or City Council stop this development?**

The only realistic way for this development to be stopped is for someone to purchase the property, and then for that owner to decide not to develop.

### **Why doesn't the city purchase it now?**

The developer has not expressed an interest in selling to the city and there are not funds available to purchase this site for the amount that would be required (\$15 million to \$20 million) if the property were for sale.

With only about \$1 million remaining in the land acquisition budget of the 1997 levy, and with the success of purchases around the Fairhaven Highlands site and Chuckanut Bay, the Greenway Committee, Parks and Recreation Advisory Board and City staff are reluctant to spend the remaining funds in South Bellingham. Recent efforts have focused on parkland acquisition projects in North Bellingham.

### **How can citizens influence how this property is used?**

Citizens can contact the developer and work to influence the layout of the development, the amount and location of the open space, the proposed transportation plan, and other details. Citizens can testify during the various public comments phases of the city's review process, described earlier.

### **Who should I contact for more information?**

#### **City of Bellingham:**

*Planning and Community Development Department\**

*360-676-6982*

*210 Lottie Street*

*Bellingham, WA 98225*

*\* To be listed as a "Party of Record" for formal communications about this project, city officials must have your full name and mailing address*

#### **Developer:**

*Ronald Jepson and Associates*

*360-733-5760*

*222 Grand Avenue "C"*

*Bellingham, WA 98225*

#### **Interest Groups:**

*[www.onehundredacrewood.org](http://www.onehundredacrewood.org)*