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City of Bellingham  
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HAND DELIVERED

July 1, 2008

Tim Stewart, Director  
City of Bellingham Planning & Development Services  
210 Lottie Street  
Bellingham, WA 98225

**Re: Fairhaven Highlands EIS Feasible Alternatives**

Dear Mr. Stewart,

Pursuant to our meeting with you and our client Greenbriar Northwest Associates on June 10, 2008, we are writing to comment on the feasibility of analyzing certain "alternatives" in the Fairhaven Highlands Environmental Impact Statement from both an engineering and applicant perspective.

**Widening of the 12<sup>th</sup> Street Bridge:**

Our project engineers, who have had discussions with the City of Bellingham Public Works Department, have determined that the widening of the 12<sup>th</sup> Street Bridge should not be considered as a feasible alternative for the Fairhaven Highlands EIS for several reasons. First, as evinced by Public Works staff in our June 10 meeting, widening the bridge would not accomplish Public Works' objective for moving traffic because of the limitations on the approach conditions.

Second, when the prerequisite condition for widening the bridge was imposed on the project back in the 1980's, it was under much different conditions. At that time, zoning allowed for the development of a 1400+ unit project on the Fairhaven Highlands project site. Additionally, many parcels of property within a mile of this project, which were then developable, have been put into public ownership in the past twenty-five years and will not be developed. Furthermore, as pointed out by Public Works staff in our June 10 meeting, the use of the Fairhaven truck route has greatly affected traffic circulation in the area.

Current traffic studies, which have been submitted to City staff for review, show that the widening of the bridge is not feasible at this time, nor is it necessary to accommodate the traffic that will be generated by this project. Additionally, any seismic and structural studies of the bridge are solely the responsibility of the State of Washington and are performed by the State on an ongoing basis. Copies of these reports have been obtained by our project engineers.

Finally, the cost that would be associated with the widening of the bridge far outweighs any benefit it would bestow on the community, for the reasons mentioned above.

For these reasons, our project engineer has determined that it is simply not reasonable or feasible to expend further resources analyzing this alternative.

**Offset at Viewcrest:**

The City-proposed access point to the Fairhaven Highlands project which would be offset from the intersection at Viewcrest is not consistent with sound engineering practices and is not supported by the Public Works Department. To that end, this option was effectively taken off the table in a meeting with the Public Works Department, City Planning, and the Applicant on May 22, 2008. We would like to request that this be memorialized, in writing, by the City Planning Department in its response to this letter.

**The Split-Site Alternative:**

**Engineering Issues:**

The split-site alternative, proposed by the City and the EIS Consultant in its original Scoping Report (and included for consideration in "Fairhaven Highlands E.I.S. Alternatives Exhibit A" from Ronald T. Jepson and Associates) should be removed from EIS analysis.

First, the split-site alternative, which would make 16<sup>th</sup> Street a City of Bellingham arterial would effectively create an unsound, unsafe traffic situation because of its proximity to other intersections and because of its offset to the existing 16<sup>th</sup> Street. Public Works has indicated that it will not support this alternative.

Additionally, the split-site alternative, which would make 16<sup>th</sup> Street an emergency access only, would create a lopsided traffic effect, forcing traffic from all 688 units from the second phase of the project to access the proposed 24<sup>th</sup> Street connector, over the interurban trail, while only 51 units from the first phase of the project will access at Chuckanut Drive. This does not meet City standards, and Public Works has indicated that it will not support it. Public Works has also indicated its understanding and agreement that this alternative frustrates the project objective of internal functionality and overall connectivity.

Furthermore, it is not feasible to analyze the split-site alternative as part of the EIS because the proposed access at 16<sup>th</sup> Street does not meet the prerequisite condition of an arterial connector between Chuckanut Drive and 24<sup>th</sup> Street at the Viewcrest intersection.

It is also important to emphasize that because Chuckanut Drive is a Washington State highway, the Department of Transportation will have to approve the access point at 16<sup>th</sup> Street. Considering the safety concerns due to conflict between offsets, as noted by Public Works staff at our June 10 meeting, it is highly unlikely that DOT will approve this design.

Our wetland biologist has determined that a roadway connecting the two phases of the project will have minimal impact on wetland buffers, because hydrologic continuity between wetlands can be readily maintained without splitting the project. This assessment was confirmed by the Army Corps of Engineers in its field evaluation.

#### **SEPA Feasibility Standards:**

Finally, we must point out the importance of statutory language with regard to the feasibility of alternatives. This language is germane from an engineering/public works perspective as well as an Applicant perspective. Pursuant to WAC 197-11-440(5), a "reasonable alternative" is defined as that which could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation. Importantly, the law states, "The word 'reasonable' is intended to limit the number and range of alternatives, as well as the amount of detailed analysis for each alternative."<sup>1</sup> (emphasis added).

Analysis of the split-site alternative is not feasible from Greenbriar's perspective, because it does not attain or approximate Greenbriar's objective to build a cohesive, interconnected, single project. As we have already demonstrated, analysis of the split-site alternative is likewise not feasible from a public works/engineering standpoint.

SEPA, under WAC 197-11-060, allows us to put forward our proposal as an objective, as several means of accomplishing a goal, or as a particular or preferred course of action. We have, at your request, indicated our preferred course of action when we identified in our meeting of June 10, alternatives 2F and 4F as our preferred alternatives, and those which we wish to be analyzed in the EIS. Your request that we contemplate a project that would split the site into two separate projects is not feasible when considering Greenbriar's project objective and also SEPA intent with regard to the analysis of alternatives. Thus, in response, we must note that pursuant to WAC 197-11-440(5)(d), when a proposal is for a private project on a specific site, the lead agency should only evaluate the no action alternative plus other reasonable alternatives for achieving the proposal's objective on the same site. We have already defined for you what is meant under SEPA as a "reasonable alternative." Again, this definition limits review to those alternatives which would meet Greenbriar's objectives.

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<sup>1</sup> WAC 197-11-440(5)(b)(i).

Tim Stewart  
Re: Fairhaven Highlands EIS Feasible Alternatives  
July 1, 2008  
Page 4 of 4

Splitting the site into two separate, distinct projects has never been within the objective purview of the Fairhaven Highlands project, thus requiring an analysis of this alternative would be in derogation of clear SEPA language. The absence of the more central roadway will make access and utilization of community facilities more difficult for residents of either project phase and will result in total isolation of the neighborhood components. Common areas, parks improvements, sales and management facilities, and community association facilities will be much less useable.

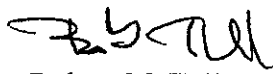
We trust that this information will aid in your decision to analyze only those alternatives that are feasible from a public works/engineering standpoint and are within the objective purview of the Applicant, as called for by State law.

It is important that ESA Adolfson commence with its work on the DEIS immediately, so that we can move forward with the Fairhaven Highlands project. Our consultants will be contacting Mark Johnson within the next week to begin coordinating directly with him on the specified tasks discussed in our June 10 meeting. At one time, the City established a timeline, under which the DEIS would have been published by August. That schedule has obviously changed. We are requesting that the City establish a new timeline with a fixed target date for the publication of the DEIS. Adherence to the new timeline should be paramount.

Also, as discussed at our June 10 meeting, we would like to begin scheduling weekly meetings with Planning, to ensure consistent communication among all parties. We will be contacting you to schedule a meeting for the week of July 7. At that time, we would like to have in hand, the City's new schedule for completion of the DEIS.

Please contact our office with any questions or if you require additional information.

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

  
Robert M. Tull  
  
Dannon C. Traxler

DCT: ao  
cc: client  
Richard McKinley, Director of Public Works  
Rory Routhe, City Engineer  
Mark Johnson, ESA Adolfson