

Bowker, Kristina J.

From: kim hines <kimsoderberghines@gmail.com>
Sent: Sunday, June 11, 2023 11:40 AM
To: HE - Shared Department
Subject: Street Vacation Petition for land between Taylor and Douiglas

You don't often get email from kimsoderberghines@gmail.com. [Learn why this is important](#)

To whom it may concern,

I am unable to find information describing what the developer is proposing for use of this land. I can't weigh in on the issue without an explanation of the proposal for this development.

Please direct me to where I can see the proposal or email a copy of the proposal to me so that I can review it. We live on Taylor just above 10th and this will potentially affect our property value.

Respectfully,

Kim Hines
kimsoderberghines@gmail.com
360-510-3016
822 11th St, Bellingham, WA 98225

Bowker, Kristina J.

From: Sundin, Steven C.
Sent: Monday, June 26, 2023 10:31 AM
To: Bowker, Kristina J.
Subject: FW: 10th Street vacation

Steve Sundin, Senior Planner. 360-778-8359 Planning and Community Development Department Please note that all incoming and outgoing emails are subject to public disclosure requests.

Please utilize the Permit Center's online resources here: <https://www.cob.org/services/permits>

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

From: Mary J Chaney <maryjchaney@comcast.net>
Sent: Monday, June 26, 2023 10:21 AM
To: Sundin, Steven C. <ssundin@cob.org>
Subject: 10th Street vacation

[You don't often get email from maryjchaney@comcast.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hi Steve, i know I am late in writing to you but that does not lessen my concern about the city giving/selling 10 feet of 10th Street to the developer of the Reid Boiler Works property.

1. 10th Street is very busy already with lots of cars, walkers, and bikes. The parking is difficult during nearly all daylight hours.
2. Granting this Street Vacation will certainly allow for more development on said property. i understand why they want it. It is extremely valuable to their development plans
3. The additional 2950 square feet of land will allow more of what ever they are going to build - likely condo units.
4. It potentially will reduce street parking if the city foolishly allows them to count any of the street parking as meeting the development's required parking.

The Chrysalis Hotel went in about 2004 and provides 42 under ground parking spaces for 43 hotel rooms. It provides no parking for its 115 employees who then park on the street!

5. If the city allows this street vacation, I would hope that the price the developer has to pay for those 10 feet x 295 feet is truly equal to it's very high value.

I strongly stand against this 10 foot street vacation of 10th Street.

Mary Chaney

807 10th Street #301
Bellingham, WA 98225
360-7391895

Bowker, Kristina J.

From: Sundin, Steven C.
Sent: Tuesday, June 27, 2023 1:40 PM
To: Bowker, Kristina J.
Subject: FW: VAC2022-0002 - 10th Street Vacation Request

Steve Sundin, Senior Planner. **360-778-8359**
Planning and Community Development Department
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From: Tip Johnson <tip@skookum.us>
Sent: Tuesday, June 27, 2023 11:23 AM
To: Sundin, Steven C. <ssundin@cob.org>
Subject: VAC2022-0002 - 10th Street Vacation Request

Thank you for the opportunity to comment on the proposed street vacation on 10th Street.

This area is currently in temporary and non-exclusive use for parking by the general public to access recreational amenities and local business immediately adjacent and into the Fairhaven Historical District. A popular trail extends from this location into Fairhaven. It is a convenient place for walkers and boaters utilizing the Taylor Street dock and tourists trying to get a better look at the Fairhaven harbor area. It is often at or near capacity during peak hours.

I would instead favor reducing shoreline setbacks for this property's development since the railroad, a heavy industrial use, already encroaches with rip rap extending into the water.

I strongly oppose infringing upon the public's established use of the dominant rights to this dedicated easement. Vacating the public's rights would restrict access to public facilities and displaced parking demand could harm local business. I encourage you to deny this request.

Thanks again,

Tip Johnson
tip@skookum.us
+1 360 255 1200

Bowker, Kristina J.

From: Sundin, Steven C.
Sent: Wednesday, June 28, 2023 10:39 AM
To: Bowker, Kristina J.
Subject: FW: Comments regarding VAC 2022-002 10th Street ROW Vacation Petition.
Attachments: VAC 2022-002.rtf

Steve Sundin, Senior Planner. [360-778-8359](tel:360-778-8359)
Planning and Community Development Department
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eTRAKIT portal: <https://permits.cob.org/etrakit> 24/7.

From: Tim Paxton <tim_paxton@yahoo.com>
Sent: Tuesday, June 27, 2023 3:13 PM
To: Sundin, Steven C. <ssundin@cob.org>; MY - mayorsoffice@cob.org <mayorsoffice@cob.org>; CC - Shared Department (ccmail@cob.org) <ccmail@cob.org>
Subject: Comments regarding VAC 2022-002 10th Street ROW Vacation Petition.

You don't often get email from tim_paxton@yahoo.com. [Learn why this is important](#)

June 27, 2023
4pm via Email to ssundin@cob.org
and bcc legal, press, etc.

Comments:Planning and Community Development Department
City Hall 210 Lottie Street
Bellingham, WA 98225
Attn: Steve Sundin, Senior Planner
Email: ssundin@cob.org
Regarding the proposed land action VAC 2022-002
Petition for Street Vacation of Western Ten Feet of Tenth Street.

Mr. Sundin, City Council, Mayor, Planning Director and Hearing Examiner for City of Bellingham Inc.
Regarding the proposed land action VAC 2022-002
Petition for Street Vacation of Western Ten Feet of Tenth Street.

Dear Mister Sundin,
Regarding the proposed Street Vacation petition. I believe it should be opposed and rejected for the following reasons.

Washington State law and policy appears to prohibit this street ROW vacation for the following reasons:

1. RCW 35.79.035 sections (1) a, section (1)b, section (1) c, section (1) d

2. RCW 35.79.035 sections (2) and (3), all elements.

See attached RCW below.

Also In addition the street ROW vacation of 10 Feet is being constantly and busily used for : Handicapped Parking for Taylor Dock Park. Undersupplied by ADA (Americans iwth Disabilities Act) and statistical handicapped usage requirements. I.e. 24% of WA drivers have a disabled driver sticker and need access to public parks, side walks, view areas, etc.

Parking for users of Port of Bellingham Moorage, Fishing access, Taylor dock and Park Walkers, Taylor Dock users, Users of Chrysalis Restaurant, hotel, and day spa.

Future users and owners of a new Condo development across the street on the East side of Tenth avenue in the same block who have a similar claim to this Right Of Way.

These public places/ parking space in the 10 foot ROW are already apparently being COUNTED and used by the City as available parking spots in calculations for Fairhaven Businesses, Fairhaven Parking Districts agreements, Fairhaven Historic sites, Fairhaven "grandfathered" businesses with inadequate parking. Dual counting of parking spaces to satisfy the parking requirements of ADA and International Building Code appear to be violations of Federal Law and State RCW.

Elimination of existing ADA parking spaces is not allowed.

The Public places are already currently being busily used by migrants, campers, visitors, vendors, park goers, boaters, tourists, dog walkers, food suppliers trucks, walkers, hikers, bikers, seniors, disabled, blind, veterans, Native Americans, crabbers, assemblies, weddings, photography, cars, trucks, campers, and more. This is not an unused or vacant Right of Way.

The City has not completed required studies of waterfront right of ways.

In the opinion of a former City of Bellingham City Council Member: "By state law, they should be prohibited from vacating ROWs abutting public waters, re Filmore."

The City has not completed a current traffic study counting cars and users at the proposed site.

The timing of the petition hearing appears to be made deliberately to reduce attendance and comments on this important land use decision. Late June and July 4th weekend are typically times with much of the public on vacation outside of town.

There is no notice of what type of view/access blocking development is planned for this site and no vacations should be approved that would support a non-complying future use until these plans are made public by the Planning Director and Proponents.

The previous building on this site was burned down by suspicious arson which makes any development plans critical to know if more ROW vacation petitions are being sought seperately.

In addition, the Hybrid Hearing needs to provide the following items to legitimize the Hearing and legitimize the purported decision makers:

All City of Bellingham attendees and participants shall provide verified written copies of their verified oaths of office. This establishes their presumed bona fides.

All City of Bellingham attendees and participants need provide current Government Photo ID for confirmation of their identification and status. Non conformance shall be considered a concealment.

All City of Bellingham attendees and particiapants must provide certified copies of their current employment agreements with the City Of Bellingham, Inc., CITY OF BELLINGHAM, etc.

All City of Bellingham attendees and participants should provide copies of their current Statement of Anti-Bribery as required by State or Federal Law.

Record of required Bonding information should be provided for City employees and elected officials and subcontractors to confirm they are in full compliance with state RCW.

Record of Foreign Agent Registration Act (FARA) statements by City Employees or Contractors taking part in this Petitiion administration. FARA should be listing all Parent companies, if any, of City of Bellingham, Inc. CITY OF BELLINGHAM, INC, which appears to be a municipal corporation with registration foreign to Washington State. I.e. Washington DC, Deleware or Puerto Rico, etc. In

addition any parent corporations of the CITY OF BELLINGHAM, INC, City of Bellingham Inc, BELLINGHAM PLANNING DEPARTMENT Inc. etc.

Without these required records, the ROW administrative action may be presumed to being held ultra vires and places all participating at personal liability not to be covered by tax payers and residents of City of Bellingham.

Without disclosure of the required documents, the administration action can be presumed to be a concealment and as such likely provide estoppel for the whole ROW vacation process until corrected. Without full disclosure and concealment the public may presume an attempt to create a potentially fraudulent and false administrative process with fraudulent participants.

Without disclosure of the required documents, the City related participants agree to personal liability regarding this matter.

For the above reasons, I believe the 10th Street Right of Way petition to vacate should be denied and further an apology provided by the City for wasting the time and energy of Citizens, residents and voters in this matter.

We look forward to future City hearings being scheduled during times other than near summer vacations and Christmas / New Years holidays.

Sincerely,
Tim Paxton
2120 Ellis Street
Bellingham, WA

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<https://app.leg.wa.gov/RCW/default.aspx?cite=35.79.035>

RCW 35.79.035

Limitations on vacations of streets abutting bodies of water—Procedure.

(1) A city or town shall not vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water unless:

(a) The vacation is sought to enable the city or town to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;

(b) The city or town, by resolution of its legislative authority, declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: Port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education; or

(c) The vacation is sought to enable a city or town to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated.

(2) Before adopting a resolution vacating a street or alley under subsection (1)(b) of this section, the city or town shall:

(a) Compile an inventory of all rights-of-way within the city or town that abut the same body of water that is abutted by the street or alley sought to be vacated;

(b) Conduct a study to determine if the street or alley to be vacated is suitable for use by the city or town for any of the following purposes: Port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;

(c) Hold a public hearing on the proposed vacation in the manner required by this chapter, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official indicating his or her objection; and

- (d) Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under (b) of this subsection, and that the vacation is in the public interest.
- (3) No vacation shall be effective until the fair market value has been paid for the street or alley that is vacated. Moneys received from the vacation may be used by the city or town only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites.

The docs for the proposed petition to vacate

<https://iframe.cob.org/iframes/Pages/hearing-examiner-materials.aspx>

Bowker, Kristina J.

From: Sundin, Steven C.
Sent: Wednesday, June 28, 2023 5:33 PM
To: Bowker, Kristina J.
Subject: FW: 10th St. Jepson property

Just double checking my comments and I don't think I fwd'd this one to you

Steve Sundin, Senior Planner. **360-778-8359**
Planning and Community Development Department
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eTRAKiT portal: <https://permits.cob.org/etrakit> 24/7.

From: walt and lee ingram <waltandlee@gmail.com>
Sent: Monday, June 12, 2023 8:57 AM
To: Sundin, Steven C. <ssundin@cob.org>
Subject: 10th St. Jepson property

You don't often get email from waltandlee@gmail.com. [Learn why this is important](#)

To the Planning & Community Dev. Dept.
City Hall, 210 Lottie Street
Bellingham, Wa.98225
Attn: Steve Sundin, Sr. Planner
Email: ssundin@cob.org

In the recent years I have passed by this property many many times with an eye on it for possibly building a home. Upon inquiry I found out that Ron Jepson was the owner and that they intended to build some condos on the property. Being able to build slightly larger condos with the addition of ten feet to the west makes good sense to me. As an interested party I feel the somewhat larger condos makes better use of the property and adds to their long term value.

I therefore hope you grant favorably when considering the Street Vacation Petition for the portion of the western 10ft of 10th street as requested.

Thank you, Walt Ingram

Bowker, Kristina J.

From: Sundin, Steven C.
Sent: Wednesday, June 28, 2023 5:41 PM
To: Bowker, Kristina J.
Subject: FW: VAC2022-0002

I see now that while I noticed these individuals via email - their comments were NOT included in the staff report.

Steve Sundin, Senior Planner. 360-778-8359 Planning and Community Development Department Please note that all incoming and outgoing emails are subject to public disclosure requests.

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

From: Randee Blackstone <randeecb@me.com>
Sent: Friday, May 26, 2023 7:13 AM
To: Sundin, Steven C. <ssundin@cob.org>
Subject: VAC2022-0002

Good morning Steve - We live across the street from this proposed project. It is quite unclear from the information provided what the impact will have in our neighborhood.

Obviously Taylor Dock is a popular & heavily used city amenity as are the bathrooms.

Is the encompassing little park protected or will it be subsumed into the proposed project?

Would you please provide plat maps or directions to find them so that we are properly informed before we make comments.

We appreciate your assistance in the matter.

Randee Blackstone
901 10th St, Unit 101
Bellingham, WA 98225
randeecb@me.com
206.890.1310

Sent from my iPad

Bowker, Kristina J.

From: Sundin, Steven C.
Sent: Wednesday, June 28, 2023 5:42 PM
To: Bowker, Kristina J.
Subject: FW: VAC2022-0002

Steve Sundin, Senior Planner. **360-778-8359**
Planning and Community Development Department
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eTRAKiT portal: <https://permits.cob.org/etrakit> 24/7.

From: wkochantx@comcast.net <wkochantx@comcast.net>
Sent: Friday, May 26, 2023 8:48 AM
To: Sundin, Steven C. <ssundin@cob.org>
Subject: VAC2022-0002

Steve,

Without a drawing of the impact to 10th street it is not possible to accurately assess the impact of the requested change. But based on our awareness of the foot, bike and car traffic on 10th street because of the access to the interurban trail system, we don't think granting the request would be in the city's interest. We feel it would be unsafe to use the popular trail access.

Thanks

Walt and Alicia Kochan
929 11th st #301
Bellingham, WA 98225

Bowker, Kristina J.

From: Sundin, Steven C.
Sent: Wednesday, June 28, 2023 5:42 PM
To: Bowker, Kristina J.
Subject: FW: Parking on 10th in Fairhaven

Steve Sundin, Senior Planner. 360-778-8359 Planning and Community Development Department Please note that all incoming and outgoing emails are subject to public disclosure requests.

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

From: Candyce Fisher <candyce.fisher@hotmail.com>
Sent: Thursday, June 1, 2023 11:25 AM
To: Sundin, Steven C. <ssundin@cob.org>
Subject: Parking on 10th in Fairhaven

I saw a posting on Nextdoor indicating that parking might be eliminated on 10th except in front of the Chrysalis Hotel. Is that correct? And what is the process of approving that restriction?

Candyce Fisher
1020 Easton Ave.

I live in a condo on the corner of Easton and 10th and am really tired of the up to 7 RV vans which park overnight continually on 10th. The Red Van has been on the street for the full time since we've lived here, coming up on two years. Black Van comes and goes but often is here for weeks on end. When he's not here, I see him parked up on Boulevard.

Just sent an email this week to info gal of COB who passed my questions and suggestion on to the police. Suggested that overnight parking would be prohibited and posted as such except for permits given out by the Chrysalis Hotel. Have not received any response from them as yet.

Best, Candyce Fisher
Sent from my iPad

Bowker, Kristina J.

From: Sundin, Steven C.
Sent: Wednesday, June 28, 2023 5:43 PM
To: Bowker, Kristina J.
Subject: FW: VAC2022-0002?

Steve Sundin, Senior Planner. **360-778-8359**
Planning and Community Development Department
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eTRAKIT portal: <https://permits.cob.org/etrakit> 24/7.

From: keith kemplin <keith_kemplin1@hotmail.com>
Sent: Sunday, June 4, 2023 7:07 AM
To: Sundin, Steven C. <ssundin@cob.org>
Subject: VAC2022-0002?

Steve,
Where is the public notice and supporting docs for this?
I saw the posted notice a week ago and cannot find it in the COB public notices and could not find Supported docs on Planning website.
Keith
Sent from [Mail](#) for Windows

Bowker, Kristina J.

From: Sundin, Steven C.
Sent: Wednesday, June 28, 2023 5:43 PM
To: Bowker, Kristina J.
Subject: FW: Taylor dock parking

Steve Sundin, Senior Planner. 360-778-8359 Planning and Community Development Department Please note that all incoming and outgoing emails are subject to public disclosure requests.

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

From: Daryl H <daryl98229@yahoo.com>
Sent: Sunday, June 4, 2023 5:17 PM
To: Sundin, Steven C. <ssundin@cob.org>
Subject: Taylor dock parking

I'm responding to a Nextdoor post that said the city was going to eliminate the parking on 10th south of the Crysalis. If this is true, then why? Lots of people use it for accessing the trail, and it's one of the few spots in Bellingham where you can leave a car for an hour and not get your windows smashed .

You let the homeless park for months on Cornwall AND you pump out their sewage tanks for free. Why not let the people who pay for that have a walk along the waterfront without the city trying to screw them over at every turn? The people parking to walk that trail make it safer and more pleasant. These are the types of people you want down there.

I'd come down to the public meeting on this, but I don't want my car vandalized .

Sent from my iPad

Bowker, Kristina J.

From: Sundin, Steven C.
Sent: Wednesday, June 28, 2023 5:44 PM
To: Bowker, Kristina J.
Subject: FW: Questions about VAC2022-0002

Steve Sundin, Senior Planner. **360-778-8359**
Planning and Community Development Department
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eTRAKiT portal: <https://permits.cob.org/etrakit> 24/7.

From: sonja max <sonjamx@gmail.com>
Sent: Monday, June 5, 2023 9:28 AM
To: Sundin, Steven C. <ssundin@cob.org>
Subject: Questions about VAC2022-0002

Good morning Steve,

I have a few questions about a vacation hearing notice that I received in the mail and was hoping to talk to you before I submit any public comments (just so I don't get any facts wrong or comment inappropriately). I tried to leave a voicemail but it seems your voicemail box is full.

If you don't mind calling me at your convenience that would be great. 206.331.0348.

Thank you!

sonja max

Bowker, Kristina J.

From: Sundin, Steven C.
Sent: Wednesday, June 28, 2023 5:44 PM
To: Bowker, Kristina J.
Subject: FW: Street Vacation Petition

Steve Sundin, Senior Planner. **360-778-8359**
Planning and Community Development Department
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eTRAKIT portal: <https://permits.cob.org/etrakit> 24/7.

From: Kim Hines <kimsoderberghines@gmail.com>
Sent: Sunday, June 11, 2023 11:48 AM
To: Sundin, Steven C. <ssundin@cob.org>
Subject: Street Vacation Petition

You don't often get email from kimsoderberghines@gmail.com. [Learn why this is important](#)

Hello Steve Sundin,

I am unable to find information describing what the developer is proposing for this Street Vacation Petition. I'm unable to weigh in on the issue, without an explanation of the proposal for this development.

Please direct me to where I can see the proposal or email a copy of the proposal to me so that my husband and I can review it. We live on Taylor just above 10th and this will definitely impact our neighborhood.

Respectfully,

Kim Hines
kimsoderberghines@gmail.com
360-510-3016
822 11th St, Bellingham, WA 98225

Bowker, Kristina J.

From: Sundin, Steven C.
Sent: Wednesday, June 28, 2023 11:15 PM
To: Bowker, Kristina J.
Subject: FW: VAC2022-0002 (10th Ave petition)

This one is missing

Steve Sundin, Senior Planner. **360-778-8359**
Planning and Community Development Department
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eTRAKIT portal: <https://permits.cob.org/etrakit> 24/7.

From: JAMES IVERSON <jmisea@comcast.net>
Sent: Friday, June 16, 2023 10:03 AM
To: Sundin, Steven C. <ssundin@cob.org>
Subject: VAC2022-0002 (10th Ave petition)

You don't often get email from jmisea@comcast.net. [Learn why this is important](#)

Hi Steve, I've been watching this street situation for quite a few years. Taxpayers need to be able to park and use Blvd park. It's basically gotten out of hand because my efforts to get the parking restricted to "no overnight parking" have been unsuccessful. It's basically young and healthy trailer/camper people choosing to "live" there due to the view. They'll move a few feet every 72 hrs. The chain link fence was put up by the owner on the water side, but appears to be way too close to the paved road as is required - further messing up parking positioning and availability. I think that no parking at night signs, forcing the landowner to move the fence more toward the water side, and some lane and parking striping might be a first-try solution/compromise effort that just might be agreeable to the petitioners... and also not be too costly! Thanks, Jim I