

Bowker, Kristina J.

From: Bell, Kathy M.
Sent: Friday, September 15, 2023 9:58 AM
To: Bowker, Kristina J.
Cc: Sundin, Steven C.; ali@avtplanning.com; Nick Palewicz
Subject: Queen Mountain September 13, 2023 public hearing - Additional Public Comment
Attachments: KMNA PROS.pdf; Judson Daffern.pdf; J Campbell.pdf; Queen Mountain Cougar, Small.jpg; Cougar Tracks Edit.jpg; IMG_9998.MOV

Ms. Bowker,

Staff was notified by email yesterday that the written record submitted to the Hearing Examiner was missing previously submitted written public comment letters. Staff reviewed the project file for this proposal, including the SEPA record, and determined Attachment C of the staff report is missing the attached comment letters.

Staff confirmed the SEPA record evaluated these public comment letters in the SEPA Report. Therefore, staff believes no additional analysis or response is warranted. Unfortunately, staff inadvertently failed to incorporate these letters into Attachment C of the staff report.

Please forward these comment letters to the Hearing Examiner to complete the written public record.

Thank you.

Kathy Bell | Senior Planner
Planning & Community Development Dept., City of Bellingham
360.778.8347 kbell@cob.org



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Note: My incoming/outgoing e-mail messages are subject to public disclosure requirements per RCW 42.56

Bell, Kathy M.

From: elizabeth anne Chace <e.chace@gmail.com>
Sent: Tuesday, April 25, 2023 8:55 PM
To: Bell, Kathy M.
Subject: Official comments of KMNA on the Queen Mountain Preliminary Plat

Hi Kathy,

On behalf of the Parks Recreations and Open Spaces (PROS) Committee of the King Mountain Neighborhood Association (KMNA), I would like to submit the attached map and comments about 4175 Iron Gate Road SUB2022-0021/VAR2022-0007/CAP2022-0018/SEP2022-0024. We believe that the current iteration of the neighborhood trail proposed by the developer is certainly an improvement, and yet it is a far cry from the tranquil, private, deep forest experience of the current trail beloved by residents of the King mountain neighborhood. We would like to see more of the healthy upland forest preserved and the trail pushed east so as to run through the greenbelt whenever possible instead of along the edge of neighboring properties. Please see our full comments in the attachment below.

Respectfully,
Elizabeth Chace,
KMNA PROS chair



[KMNA PROS Comments on Queen Mountain Prelim. P...](#)

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"It doesn't happen all at once...You become. It takes a long time. That's why it doesn't often happen to people who break easily, or have sharp edges, or have to be carefully kept. Generally by the time you are Real, most of your hair has been loved off, and your eyes drop out and you get loose in the joints and very shabby. But these things don't matter at all, because once you are Real you can't be ugly, except to people who don't understand."

The Skin Horse (speaking to the Velveteen Rabbit)

Bell, Kathy M.

From: Jud <tendingthewild@gmail.com>
Sent: Thursday, September 14, 2023 8:20 PM
To: Bell, Kathy M.
Subject: Fwd: Comments Regarding Queen Mountain Subdivision (4175 Iron Gate Road)

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

Kathy,

I sent the following in April about the proposed Queen Mountain tract. I just learned that my comment hasn't made it into the record at the recent hearing. Wondering what went wrong there. Here it is again; please include it.

Judson Daffern
240-446-7238

----- Forwarded message -----

From: Jud <judsondaffern@gmail.com>
Date: Tue, Apr 25, 2023 at 9:27 AM
Subject: Comments Regarding Queen Mountain Subdivision (4175 Iron Gate Road)
To: <kbell@cob.org>

As residents of King Mountain Neighborhood, and property owners whose residence is ~ 425 meters from the proposed cluster development and whose property boundary is ~ 250 meters of the proposed development, we feel inclined to comment. We also regularly use the walking paths in Queen Mountain park and those within the tract proposed for development, so we are very aware of the ecosystem features under discussion here.

King and Queen mountain are iconic legacy greenspaces for the northside of Bellingham. They provide habitat corridors and islands of non-urbanized space within the suburban industrial matrix that is the north end of Bellingham. Neither tract should have gone into high density zoning for contextually inappropriate suburban tract development to begin with. But since they did...

Please consider requiring the preservation of more than 60% tree cover in the proposed Queen Mountain development. Furthermore, the 60%-plus tree cover should not be at the discretion of the developer to retain only the trees on the unbuildable land, but rather should focus on the legacy 70+ year old trees on the ridge and slope. There are very large trees and habitat trees in that area that merit preservation. Furthermore the 60+ percent retention rate should apply more uniformly across the tract and subdivision, including within the proposed infill and cluster developed areas, not allowing for a massive clearcut on the ridge and slope, and retention only in low-value pockets.

We ask that clearing of trees corresponds to the phasing of tract development. Please require the developer to leave the future proposed infill tracts 1-5 undisturbed until after the first cluster has been developed and all future permits and applications have been reviewed and approved. We have seen how the pace of these cookie-cutter developments fluctuates with the housing market and interest rates. Our neighborhood does not want clear cutting to occur across all proposed areas of the parcel only to sit bare for years, as has happened elsewhere in the area. This would be a terrible outcome for habitat, soil retention, water quality, noxious weeds, and the quality of life for surrounding neighbors.

We ask that the approval of this tract development be made subject to the soon to be complete Urban Forestry Management Plan to provide guidance and controls on what can be done in this forested area.

We ask that planners require a significant buffer of 100 meters between the proposed tree removal areas and the neighboring residences belonging to Eiden and Queen Mountain LLC. This buffer should be made available as an easement to COB Parks for a greenspace access foot trail linking Queen Mountain Park to the north and the Kramer Ln neighborhood to the south, with the

developer required to pay for trial construction. The proposed extension of Montgomery Rd to the border of the Eiden property should be kept on hold until necessary for development of tracts 4 and 5.

We understand that COB policy is pushing for dense urban infill within its growth boundaries, but it makes little sense in this context. First because this will be a high sales value ridge and hilltop development there is little chance of this providing any sort of increased affordable access to housing for Bellingham residents. So called "view lots" benefit no one but the rich. Second, because this is a forested area with a semi-functioning ecosystem, an increasing rarity, there should be little-to-no policy incentive to create density in places like this. Just the opposite. As the city densifies, the need for islands of green space will only increase. Third, why should there be any rush to over-develop a legacy green space such as Queen Mountain right now when there are many tracts of undeveloped, open, flatter land with lower ecosystem value (and better affordability prospects) available along Bakerview, Kellog, Telegraph, James, Van Wyck, Horton, Meridian, and Hannegan?

Thank you for your attention in this matter.

Judson Daffern & Rachel Medley
611 Montgomery Rd

Bell, Kathy M.

From: Jane Campbell <jane.of.the.campbells@gmail.com>
Sent: Tuesday, April 25, 2023 9:31 PM
To: Bell, Kathy M.
Subject: Offical Comments on 4175 Iron Gate Road
SUB2022-0021/VAR2022-0007/CAP2022-0018/SEP2022-0024
Attachments: Queen Mountain Cougar, Small.jpg; Cougar Tracks Edit.jpg; IMG_9998.MOV; 4-6-22 ltr
to Freeland.pdf; Comments on QMHomes Plat.docx

Hello Kathy!

Thanks again for the informative phone call last week.

Attached you will find three things:

- Our official comments on the proposal as neighbors.
- A letter written and sent last spring to Freeland and Associates on behalf of us and our neighbors by our lawyer, Dannon Traxler. The concerns outlined in that letter still stand and we would like it to be included in the record.
- 2 Photos: one of a cougar and the other of cougar prints,
- and lastly, a short video of one of the current residents of the Queen Mountain Homes Parcel. She's a beauty.

Do I need to send in a signed hardcopy of the notice to request future notification or can I ask to be notified here?

I would like to be notified about any decisions made relating to this parcel.

I would also like to be notified about any requests for more information that the city makes and any information brought forward as part of the SEPA review process.

Thank you, Kathy.

Sincerely,

Jane Campbell

LANGABEER & TRAXLER P.S.

A Professional Services Corporation

Dannon C. Traxler

Richard J. Langabeer
(Retired 2017)

EMAIL: dtraxler@langabeertraxler.com

April 6, 2022

**SENT VIA REGULAR
MAIL AND VIA EMAIL**

Tony Freeland
Nick Palewicz
Freeland & Associates
220 West Champion Street, Suite 200
Bellingham, WA 98225

**Re: 4175 Iron Gate Road, Bellingham
Plat of Queen Mountain**

Dear Mr. Freeland and Mr. Palewicz:

I am writing on behalf of my clients Mac and Wendy Setter, Tom and Teresa Eiden, Jane Campbell and Paul Kearsley, and Elizabeth and Ryan Chace regarding the development of the Plat of Queen Mountain at 4175 Iron Gate Road, Bellingham, for 96 residential units (the Project). As you know, my clients reside on property adjacent to or near the area proposed for development and have grave concerns about negative impacts to critical areas, the removal of habitat conservation areas, and the obstruction of wildlife corridors, among other environmental issues. Additional areas of concern include but are not limited to potential upslope drainage problems, the diminution of privacy, and community trail connectivity. We are writing to request your cooperation in preserving and protecting as much of the natural existing forest cover and habitat as possible, along with implementing additional measures to protect privacy and connect trails, all of which we believe would alleviate most if not all of my clients' misgivings about the Project.

As currently proposed, it looks like the Project will result in the clearing of approximately 16.5 acres of heavily forested area. We believe, for a variety of reasons, that such significant destruction of this healthy, mature upland forest and associated critical areas impacts violates provisions of the City's Critical Areas Ordinance (CAO), including but not limited to, BMC 16.55.250 related to mitigation sequencing, BMC 16.55.350 related to restrictions on allowable mitigation, BMC 16.55.470-.500 related to fish and wildlife habitation conservation areas, and several other CAO provisions related to clearing and wetland protection. We also believe that the drainage issues it will likely cause will create further critical areas issues potentially in violation of BMC 16.55.450-.460, among other CAO provisions related to geologically hazardous areas. In addition, there are almost two acres of the property that will likely require clean-up of legacy toxic industrial waste, adding further to regulatory compliance and environmental issues. Thus, extensive environmental review is crucial.

We understand from the City's January 8, 2019, Pre-Application letter that the Project must undergo SEPA review. However, from my discussion with Mr. Freeland, it does not appear that the developer is anticipating anything more than the issuance of a mitigated determination of non-significance with impacts addressed through a simple mitigation plan. It appears to us, however, that the extensive environmental impacts of

Tony Freeland and Nick Palewicz
Re: 4175 Iron Gate Road, Bellingham
Plat of Queen Mountain
April 6, 2022
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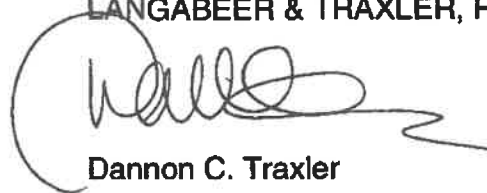
this project, including removal of habitat, destruction of wildlife corridors, increase of impervious surfaces that could impact fish-bearing streams and potential downslope flooding all warrant the issuance of a Determination of Significance and the preparation of a full Environmental Impact Statement. Our written submissions during the SEPA comment period will reflect as much.

We believe that retention of the existing forest cover to the greatest extent possible, along with other mitigation measures, would obviate the need for such intensive environmental review, would benefit adjacent properties, and ultimately, enhance the Project. To that end, we are providing the attached site plan, which illustrates our requests to the developer. Specifically, we are requesting that a 150' setback off of the western property line be left intact as a fully forested buffer between new development and existing parcels. Beyond the buffer, we are requesting an additional 50' of Greenways Trail, fulfilling the requirements of the City's Parks Recreation and Open Space Strategic Plan (COB PROS Plan 2020). In addition to the forest space, a 6' tall privacy fence must be constructed between the Greenways Trail and the Forested Buffer. Preservation of the forest to this degree would address our most critical concerns and permit us to consider supporting the Project.

We respectfully request your considered review of the attached map and your agreement to our requests. We will be closely monitoring the permitting process and submitting comments on the SEPA determination and prior to and during the public hearing on the Plat. We sincerely hope that we can reach a cooperative resolution to our concerns to avoid the need to oppose or appeal administrative approvals of the Project. If you have questions or would like to discuss further, please do not hesitate to contact me. My clients and I would also welcome the opportunity to discuss matters with you in person. I look forward to your response and working with you cooperatively to resolve my clients' concerns.

Regards,

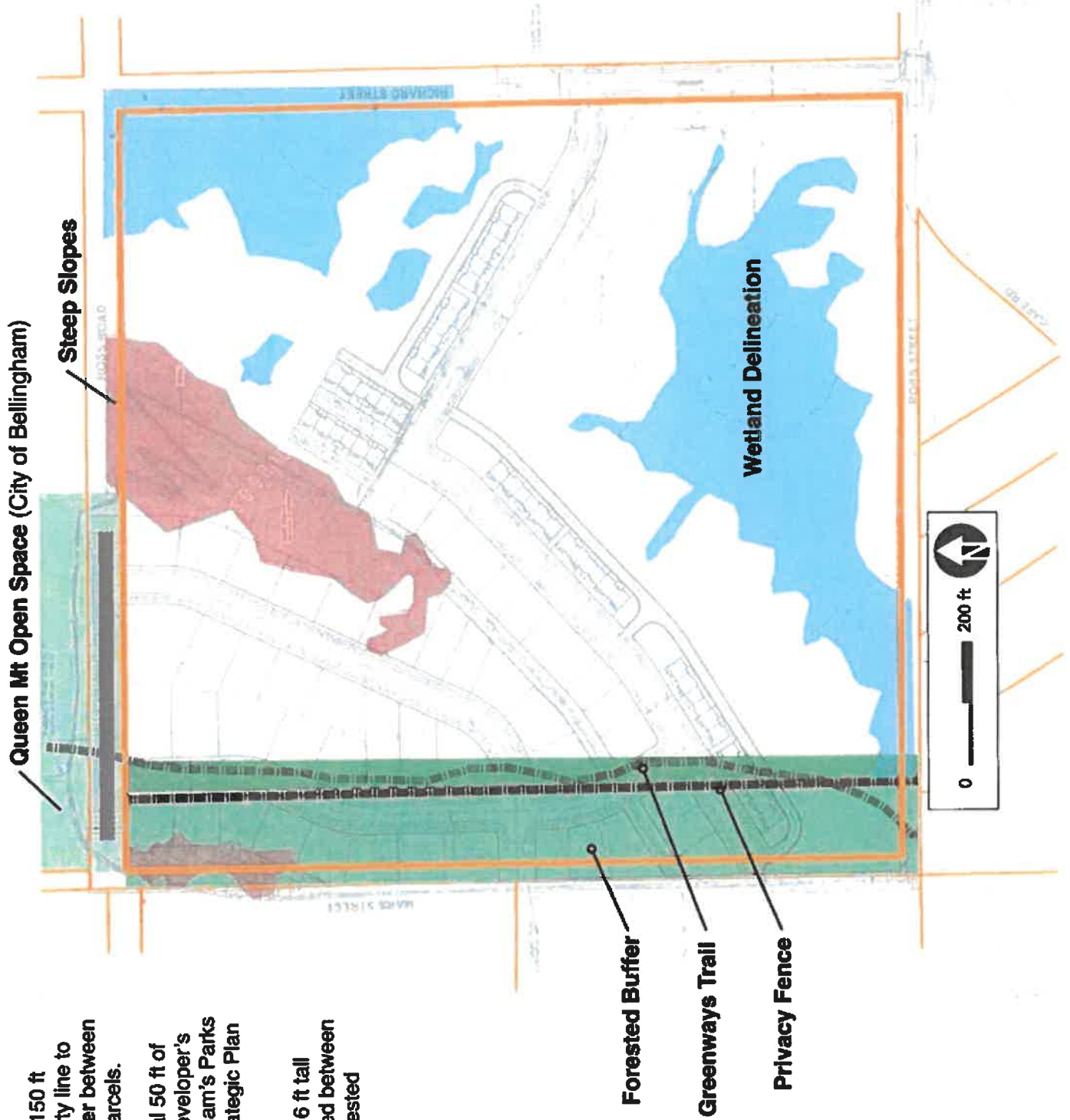
LANGABEER & TRAXLER, P.S.

A handwritten signature in black ink, appearing to read "Dannon C. Traxler", with a long horizontal flourish extending to the right.

Dannon C. Traxler

DCT: ao
cc: client
enclosures

- The Neighbors are requesting a 150 ft setback off of the western property line to be left intact as a **Forested Buffer** between new development and existing parcels.
- Beyond the buffer is an additional 50 ft of **Greenways Trail**, fulfilling the developer's obligations to the City of Bellingham's Recreation and Open Space Strategic Plan (*COB PRO Plan 2020*)
- In addition to the forest space, a 6 ft tall **Privacy Fence** will be constructed between the Greenways Trail and the Forested Buffer.



To whom it may concern:

Greetings from Queen Mountain!

We, Jane Campbell, Paul Kearsley, Elizabeth Chace and Ryan Chace, the resident-owners of 660 Montgomery Rd, Bellingham Wa., 98226, which abuts the north half of the Queen Mountain Homes Plat's western boundary, would like to respectfully submit the following comments:

First off, we would like to express our support for several changes made since earlier drafts of this plat. We strongly support the preservation of the sandstone knob as an open space and appreciate the creativity that went into redesigning Montgomery Road to accommodate the knob's preservation. We also support the move toward multifamily and infill housing styles in order to support a diversity of housing forms in our neighborhood and allow for more forest preservation by reducing the development's sprawl.

It is our opinion that, in general, the current plan for the Queen Mountain Homes Plat is a significant improvement over earlier drafts. That said, we would like to see more of the beautiful, healthy, upland forest preserved. The plan proposes keeping 60% of the current tree cover, however, most of that preserves trees in wetlands or wetland buffers. These trees seem to have been more recently cleared and tend to be young, scraggly, and deciduous. The majority of the larger conifers--firs, cedars and hemlock-- are located on the ridge and, in this current plan, will be cleared. Based on local memory of these trees and tree ring counting done on windfall trees, we believe several of these upland trees to be in their 80's. No replanting, on site or elsewhere, can replace this forest. New plantings will not catch up.

This forest is the closest our neighborhood has to a "mature" forest. It is a healthy ecosystem at the top of a watershed; its importance to the health and hydrology of the entire neighborhood ecosystem cannot be overstated. The flora and fauna are abundant and diverse, some of which can rarely be found elsewhere in the neighborhood or even the city limits (*like the phantom orchid which blooms in June but can lie dormant for up to 7 years and requires a symbiotic relationship with a healthy established forest in which to grow*). As neighbors to this parcel we have seen nesting hawks, mating eagles, Barred and Great Horned owls, bobcats, cougars and many other species in this forest. The impact of this development on their lives will be devastating.

We are aware that the Urban Forestry Management Plan is close to completion, but may not be so in time for the initial approval of this plat. We would like to propose that the development of Tracts 1-6 be subject to approval under the upcoming Urban Forestry Management Plan.

We would also like to support a phased preparation for and implementation of Tracts 1-6. Site preparation, including tree removal and grading should wait until

each individual tract has acquired permits and proof of financing for construction. We strongly object to the possibility of the forest being removed only to sit for years due to global or personal economic circumstances as happened in this city (*north west King Mountain, Barkley Hill*) and county (*western slopes of Semiahmoo*) after the 2008 Recession. We would support the COB creating covenants restricting clearing of tracts 1-6 until permits are obtained.

We support the King Mountain Neighborhood Association's PROS committee's suggested adjustments to the community trail both because of the topography and the future experience of trail users, and, more personally, as neighbors of the trail. We would support the trail being pushed even further east.

The existing trail runs high up on the ridge. Currently, we have lots of privacy from hikers. The new trail location-- even if it is pushed further up the slope as suggested by the KMNA PROS committee-- will give trail walkers a straight line of sight into our kitchen window. We request the developer and/or the city plant evergreen screening trees or shrubs on the west side of the trail in the space that is closest to our house at the earliest stage of development so that the screening plants have time to grow in before traffic increases along our border. We are referring to the section of trail due west of the southernmost portion of Tract 3.

We believe the clearing of Tract 3 will violate BMC 16.60.060 B as it relates to hydrology on our property downslope to the west. Currently, rain falls on mature forest canopy up hill of us, runs down into healthy forest humus and moves onto our property, feeding the groundwater and forest it supports, eventually feeding into wetlands on our property. We believe that the creation of impervious surfaces and the redirection of storm water to the east will affect the health of our land. Changes in weather patterns are already impacting the water available to our forests. Cedars and maples throughout Whatcom County are already struggling.

In a meeting with Tony Freeland and Nick Palewicz on June 13th, 2022, Tony Freeland suggested to us that a split rail fence be installed at the expense of the developer on the western boundary of the community trail with associated signage. We strongly support this idea and would like to see it included in the Queen Mountain Homes proposal. We believe this measure would discourage trail users from wandering down to our, and our neighbors' properties, while allowing wildlife to move freely through the corridor. Tony referenced a development near Lake Padden he was a part of that had taken a similar measure with a split rail fence.

We would also like to support Tony Freeland's suggestion in June of 2022, that covenants be created to ensure the protection of any forest left, or replanted, within the backyards of the subdivisions. We'd also like to request that a covenant be put in place for Tract 3 prohibiting the usage of pesticides and herbicides so as to prevent airborne or water borne poisons from travelling onto our property where we practice organic farming and gardening.

Finally, we have concerns about the possible toxicity of the dump pile located where wetland creation is proposed in the southeastern portion of the parcel. The 1.5 acre mound served as a dumping pile for Northwest Chip & Grind between 1998 and 2016. It contains over 8,000 yards of ground waste material of unknown content and from unknown sources. Though the majority is wood products, many building materials are visible in the pile such as asphalt roof tiles, Trex decking and other composite building materials. We believe comprehensive toxicology analysis should be conducted prior to removal of the mound to ensure safe handling and disposal.

- This link describes the phantom orchid:
<https://goorchids.northamericanorchidcenter.org/species/cephalanthera/austiniae/>
- The attached video was taken from our kitchen window, facing east in the summer of 2022. The bobcat is walking along our eastern property boundary/the western boundary of the Queen Mountain Homes parcel.
- The attached photos were taken on the Queen Mountain community trail that passes over the Queen Mountain Homes parcel. One is from a trail camera and shows an adult cougar on a mid-summer day and the other is of cougar footprints in the snow.

Thank you for considering our feedback.
Sincerely,
The residents of 660 Montgomery Road.

16:60



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