
Re: Support of SUB20214-0006/USE 2024-0012/ADU0053-0061 KCLT Incentive Plan Development of 2912 Birchwood Ave

From Mike and Kristina Heintz <mikeheintz@msn.com>

Date Fri 9/27/2024 1:52 PM

To HE - Shared Department <hearing@cob.org>; Grp.PL.Planning Mail (planning@cob.org) <planning@cob.org>

Some people who received this message don't often get email from mikeheintz@msn.com. [Learn why this is important](#)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Dear Ms. Rice,

Good Morning & thank you for your work on this project. I was unable to connect to the virtual meeting for the Incentive Program for Innovative Affordable Homeownership Projects(SUB202-0006) and City Sprouts Farm(Agricultural Nursery Use USE 2024-0012) on Wednesday 9/25/2024 and would like to provide post-hearing comment.

1. I would like the record to show that I strongly oppose the SEPA appeal of the above-named project.

KCLT has already performed all due diligence for this project including the SEPA. This attempt to slow the process will be costly to the city, state & property owners & will in the end benefit no one. Nearly every neighbor I know supports KCLTs Incentive Plan project and is eager and excited to see this affordable housing infill plan come to fruition. We have waited nearly 7 years to see the blighted property demolished & the housing development proceed.

2. I am asking that any public comments made by any participants lasting longer than their allotted 2 to 5 minutes be stricken from the record. It is inequitable & unfair to allow persons to exceed their allotted time slot for comment. Keeping people to their allotted time slot prevents the conversation from being commandeered. It allows equal time for all to share their input without creating fatigue and preventing others from having the time & chance to comment & feeling co-opted by the dominance of another.

Thank you kindly Ms. Rice for all your efforts on behalf of our neighborhood & your service to our community.

Have a lovely day,

Kristina Heintz
Birchwood

From: Mike and Kristina Heintz <mikeheintz@msn.com>

Sent: Wednesday, September 25, 2024 10:06 AM

To: hearing@cob.org <hearing@cob.org>; planning@cob.org <planning@cob.org>

Subject: Support of SUB20214-0006/USE 2024-0012/ADU0053-0061 KCLT Incentive Plan Development of 2912 Birchwood Ave

Good Morning, Sharon Rice,

I am providing comment for tonight's Hearing Examiner's meeting for the above project located at 2912 Birchwood Ave..

I strongly and joyfully support KCLT's proposed development of this property. We need to increase density and create novel land-use adaptations to adequately address our housing crisis. Our neighborhood and community desperately need affordable housing infill. The 9 single family homes with attached ADUs will provide much needed affordable housing for 18 families along with continuing the wonderful City Sprouts Farm farming efforts on the parcel. It will also resolve the long overdue removal of the abandoned business buildings that have blighted our neighborhood for years.

This project is a win-win. It will provide much needed affordable housing and improve property values for neighbors and the neighborhood by eliminating the scar of these dilapidated unsafe abandoned structures.

I whole-heartedly support this necessary, appropriate and exciting use of the Incentive Plan and ask you as the Hearing Examiner to approve this great project.

Cheers and thank you for your service to our community.

Kristina Heintz
2522 Cedarwood Ave.
Birchwood Neighborhood

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

From: joel kronenberg <kronenbergjoel@hotmail.com>

Sent: Saturday, September 28, 2024 9:57 PM

To: Bell, Kathy M. <kbell@cob.org>

Subject: 2912 Birchwood

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

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Dear Ms. Bell,

I was working out of town and am sorry I could not attend the hearing or submit my written response earlier. Hopefully, you will still consider my comments about the proposed density increase at 2912 Birchwood. My address is 3009 Cottonwood, just 'around the corner' from the proposed development. For the past 20 years, I have loved the rural nature of this neighborhood and watched in dismay as so many of the properties, once small farms, have mutated from pastures and chicken coops to tight clusters of cheaply built 'spec' homes, many crowding ADUs in as well.

According to my math, there will be 18 dwellings on less than three acres. That equates to an additional 60 - 90 or more people and an additional 50-100 cars. Birchwood and Cottonwood are already highly trafficked roads, with hundreds of cars using them as high-speed corridors between I-5 and Northwest Avenue on a daily basis. The proposed plan would exacerbate this and create an extremely dangerous environment for Birchwood elementary school, located just 300 yards from the proposed increased density development. This school is already at capacity, and I have personally witnessed many close calls between students walking home from school (usually accompanied by a parent) and vehicular traffic. Do we really want to worsen an already bad situation?

The roads in this neighborhood were never designed for the huge increase in traffic that we are already experiencing, and this proposed project will be endangering the lives of our children and other pedestrians, who are already forced to walk in the road, due to the fact that there are no formal sidewalks in most of the Birchwood neighborhood. Could it not retain its quieter, rural nature and let substance and breathing space win out over this substandard squeezed-into-every-space model?

Sincerely,

Joel Kronenberg

3009 Cottonwood

SUB2024-0006/USE2024-0012/ADU2024-0053 Thru 0061

From MaryLou White <marylou@wildfishconservancy.org>

Date Wed 9/25/2024 3:39 PM

To Bell, Kathy M. <kbell@cob.org>

 11 attachments (9 MB)

#1 Flow Chart.pdf; Hearing Testamony.pdf; Health Articles.zip; Mining.zip; Spot Zoning.zip; WA State Law.zip; Crime Rates.pdf; Attachment A1 Narrative and Criteria.pdf; _Exhibit 1- Staff Report 2912 Birchwood Avenue(3)_highlighted.pdf; 2912 Birchwood - SEPA Checklist UPDATED 04.24.24.pdf; SEPA Appeal.pdf;

Hi Kathy,

Attached are the documents for the Hearing Examiner. Let me know if there are any concerns or if I need to send these to another location. Thanks for all your help through this process.

Sincerely,

Mary Lou White

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Mary Lou White

Project Manager / Biologist

Wild Fish Conservancy

marylou@wildfishconservancy.org

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Home Office 360-671-8839

Request for Modifications

BMC 20.29

Project Complies with applicable Washington State Laws.

Request must have supporting documents for all appropriateness & need for modification

Project applicants must meet all other applicable development regulations in BMC pertaining to single family detached or attached houses.

Requests for regulatory modification must accompany the preliminary plat, short plat, binding site plan, or lot line adjustment application and must be noted on submitted site plans.

RCW 42.21C.20 (SEPA) – under appeal.

RCW 7.48.130 (Public Nuisance)

RCW 7.48.150 (Private Nuisance)

WA State Constitution Section 12.

Spot Zoning.

Narrative – BMC 23.12.030 Design Criteria – Sec.5

- 1) Applicants design does not meet BMC 20.28 the Birchwood Neighborhood Plan criteria as it does not have a cluster attached qualifier.
- 2) Applicant states the design is “almost entirely” compliant with BMC 20.29. However, “almost compliant” is not compliant and, therefore, does not fulfill the BMC 20.29 Criteria of fulfilling **All** other applicable development regulations
- 3) Applicant states that it can “reasonably be compliant with BMC 20.30 (Single Family Residence)”; reasonably compliant is not compliant.

BMC 20.32.45 Single Family attached

1) Does not meet ADU criteria to request minor modifications

2.) Minimum Site Area. Each lot shall contain a minimum site area not less than one-half of the area specified in the applicable neighborhood

To Hearing Examiner:+

My name is Mary Lou White, I live at 2905 Birchwood Ave. approximately 180ft. from the proposed development. For Public Disclosure Purposes: I am an MNAC alternate and sit on the Birchwood Neighborhood Board. However, I speak today as a 35 year resident in the Birchwood Neighborhood.

I am opposed to this application for the Home Ownership Approval pursuant to chapter 20.29 for the following reasons: 1.) the project does not meet two of the four criteria to be granted home ownership approval 2) the application is misleading and omits information in both the SEPA and Narrative.

Refer to Flow Chart.

As proposed the project will have a negative effect on the standard of living, health, safety and amenities of myself and the Birchwood Community.

1. BMC 20.29.030F specifically allows minor changes **if all applicable Washington State Laws are met**. The city mentions that Bellingham is in an affordable housing crises, however, we are also in an acute physical and mental health crisis, climate change crisis and global biodiversity crisis. To put precedence on the affordable housing crises while ignoring the overall impact of the proposed development on other crises and adjacent neighbors is imprudent and harmful to the surrounding community.

Refer to Nuisance Laws

SEPA

-The legislature recognizes that a human being depends on biological and physical surroundings for food shelter and other needs, and for cultural enrichment...it is the continuing policy of State of WA in cooperation with fed. and local gov. and concerned public to: a) Foster and promote general welfare b) create and maintain conditions under which human beings and nature can exist in productive harmony....

-In order to carry out the policy ...the state **and its citizens may**:

- a) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations
- b) assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings.
- c) attain the widest range of beneficial uses to the environment without degradation, risk to health or safety, or other undesirable and unintended consequences
- d) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities
- e) Maintain, wherever possible, an environment which supports diversity.

-The legislature recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the enhancement of the environment.

Refer to Health Articles

- Microbiome (article – narrative comments now – attached.).
 - Urban Green Space and its Impact on Human Health
 - Biodiversity and health.
 - RCW 42.21C.20 – Legislative Recognition of the State Environmental Policy
-

Spot Zoning

Refer to Affordable Housing timeline (need to print and bring)

Refer to emails (need to print and bring).

Refer to conditional use recommendations.

Comprehensive Plan Land Use:

Background:

- The incentive program was first approved in 2004 which included a sunset clause for 2014.
- To encourage greater use of the program changes were made in 2015 which included such things as not restricting all housing to permanently affordable housing...other changes included 75% of the units be affordable vs. 100%; requiring projects to be within ¼ mile walking distance of a transit route or urban village, design standards, and final decisions moving from the City Council to Hearing Examiner (with appeals to City Council).
- In 2019 the Planning Department was contacted by Kulshan Community Land Trust in hope of reinstating the program for their up and coming project (note – see handouts).
- In 2020 “based on discussion with Kulshan CLT and past public comment, staff recommended the following three changes to the 2015 ordinance:
 - 1) “Modify the 75% affordability requirement to 51%...
 - 2) Eliminate the requirement to be located with ¼ mile walking distance to transit or urban villages.
 - 3) Expand the allowed areas the program can be utilized to include urban villages residential zones. These areas are intended to have more intense development and are closer to services.

Note – Public notice was provided for the 2015 amendments. My attempts through public disclosure have been unsuccessful with regard to providing proof of any public notice for amendments after 2015.

Note – of significance – Staff recommended that the Council pass the ordinance as proposed to ensure the program was readily available to Kulshan CLT’s upcoming project and to help stimulate the production of low income housing.

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- a) **Subject Site / Project Description** – Please see narrative comments.
- b) **Critical Areas:** In the narrative the applicant stated no critical areas identified on property although as admitted by the city they were aware that the property was within a geological hazard area

Coal Mines – Please see my narrative comments and supporting documents.

Subsidence potential

- Court Case - Peters vs. Bellingham Coal Mine
 - Subsidence – optimum zoning p. 34
- *Alternatives to protect homeowners from subsidence (optimum control recommendations)*
 - *Zoning*
 - *Subdivision regulation (Title 23 in B’ham)*
 - *Small, box style homes*

***Medium Seismic Activity Area** (please see Appendix A-3 map) – The permit application, permit review comment and SEPA evaluation neglect to review the Seismic activity critical area or the cumulative effect of having both coal mine hazard and seismic activity hazard.

BMC 23.08.030 Performance Standards

- c) **Subdivision Criteria** – applicant stated that there are no specific neighborhood character or open space policies that are directly applicable to the project:
- a) Residential single low density
Refer to comprehensive plan definition for single family homes.
Lot size 20,000 sq. ft. (neighborhood plan); 5 dwellings/acre (comprehensive plan)
 - b) Detached mixed qualifier which specifically calls out it is intended to be allowed for agriculture and raising of farm animals provided that they are not a commercial endeavor.
 - c) Clustering - No
 - d) Comprehensive plan for single residence advises promoting open space (as proposed this project does not plan on maintaining the open space and thus should not be allowed to cluster).

d) Natural Features

C. Natural Features

Natural features, that may or may not be regulated by other code provisions, including but not limited to trees, topography, shorelines, streams, wetlands, habitat, geologically hazardous areas, and associated critical area/shoreline buffers, should be incorporated into the overall land division design through preservation to the extent feasible.

- e) applicant stated that there are no natural features on the property, however, they mention that 38 significant trees are proposed for removal.

BMC – 16.60.040 defines significant as “tree of any species that is six inches in DBH or greater.

Loss of cottonwoods Figure 1 Exhibit A

Figure 1. Exhibit A

Comparison of 36” cottonwood; 1” Douglas-fir; 2.5” Chinese dogwood over 20 year period.

Cottonwood: 9,884 miles worth of CO2 from gas powered vehicle; 6X more Chinese dogwood; 48x more DF to make-up for the loss of the one 36” cottonwood

- f) In the SEPA application Ali State’s: The City Sprouts community garden, which is proposed to be retained on site, is exploring grant funding to build a small outbuilding with restrooms for **the visitors** and students at the farm and to add a produce processing area with running water and storage space. This would also be permitted as a separate action.

Recommendations:

1. Use early plan which save natural features with 6 dwellings or less (mlw pass to examiner).
2. Tax Credit – MLW’s plan.
3. Approve of conditional use permit if additional parking in on site designs, a set number of additional people which parking supports (and set time limit), No additional expansion of site, if conditional permit is not granted property should be left as open space or offered as a true community garden.