

**DOUGLAS AVENUE**  
**ROAD VACATION PETITION**  
**PRELIMINARY REQUEST**  
**PROJECT NARRATIVE**

**I. Subject Site / Properties Information**

**Address:** 936 21st Street, Bellingham, WA 98225

**Tax Parcel Number(s):** 370201 455247 0000 & 370201 455252 0000

**Owner(s):** 21<sup>st</sup> & Taylor LLC, 1249 Birch Falls Dr, Bellingham, WA 98226

**Applicant:** Jack Bloss, AVT Consulting LLC, 1708 F Street, Bellingham, WA 98225

**Agent(s):** Same as applicant

**II. Subject Site / Property Description**

The subject property is on the west side of 21<sup>st</sup> Street, at the termination of Douglas Avenue (the “Property”). An alley abuts the west side of the Property. The Property is generally rectangular and approximately 0.26 acres (11,325 square feet) in size. The Property is located within Section 1, Township 37, Range 02 East, of the W.M.

The property is zoned Residential Multi and is located in Area 1A of the Happy Valley Neighborhood. Powerlines and a water line run through the Douglas Avenue right-of-way adjacent to the property. The Property is undeveloped and is primarily deciduous trees, ferns, and blackberries. It is accessed via 21<sup>st</sup> Street and the alley. The adjacent right of way is very steep and does not provide any vehicular or pedestrian connection from 21<sup>st</sup> Street to the alley. There is an approved development permit for the adjacent property to the north (the petitioner Property).

**Legal Description:**

Douglas Avenue right of way adjacent to Lots 16, 17, 18, & 19, Block 8, “Lysle’s first addition to Fairhaven, Washington,” as per the map thereof, recorded in Volume 2 of Plats, page 58, records of Whatcom County, Washington.

Situate in Whatcom County, Washington.

**III. Project Description**

The proposed project is the vacation of both the north half and south half of undeveloped Douglas Avenue along the south side of the Property, or alternatively vacation of only the north half of the right of way if the City would permit this. The full vacation would incorporate approximately ~ 7,000 SF of right of way into the Property. Agreement from the neighbor to the south will be necessary for the owner to acquire the entire right of way. If the neighbor to the south desires the south half then only the north half would be attached to the Property (~ 3,500 SF).

#### **IV. Discussion of Vacation Policies**

The City Council has adopted policies for review of street vacation requests. These policies are included with the street vacation request application. A discussion of the proposed request for street vacations' compliance with these policies is provided here:

##### ***CITY COUNCIL ADOPTED STREET VACATION POLICIES***

*It is the policy of the City of Bellingham to grant vacation of a street right of way when it is determined both that such right of way is not needed presently or in the future for public access (including vehicular, pedestrian, and visual access) and that such vacation advances the public good. All of the following policies should be met prior to the vacation of a right of way.*

Comment: Generally, the proposed street vacation is consistent with the adopted policies listed below. The portion of the Douglas Avenue right-of-way proposed for vacation is not needed presently or in the future for public access, including vehicular, pedestrian and/or visual access. The vacation would advance the public good as it would provide additional land to facilitate parking and access for new housing. No structures (housing units) are proposed over the physical right of way to be vacated and a utility easement can be retained underlying this vacated right of way.

*1. The proposed vacation should be determined to be necessary to the public good either in terms of needed development or when such vacation will result in a better or more desirable situation. In some instances a more desirable situation may be a better road pattern in terms of safety, or when an exorbitant amount of land is devoted to unneeded right of way.*

Comment: The proposed vacation is necessary to the public good. The vacation will allow for a better and more desirable situation all with little public impact. The vacation will not generate impacts on views or other public aesthetic considerations. Development of the property will not include relocating any power utilities located on the portion of right-of-way proposed for vacation. There will be no change in height or any other development standard. The development of the adjacent vacant lot will be facilitated by the vacation, providing room for access and parking, which will increase unit yield on the site (the current approved plans are under the allowed density).

There is currently no connection from the alley to Douglas Avenue, or to the continuation of Douglas Avenue at 20<sup>th</sup> Street, and there are no plans to connect this portion of Douglas Avenue to another road. Access is provided from 21<sup>st</sup> Street and the alley.

*2. The right of way must be determined to be of no value to the circulation plan of the City either now or in the foreseeable future. The circulation plan is assumed to include vehicular pedestrian, or other modes of transportation.*

Comment: The proposed portion of right-of-way to be vacated has no value for circulation purposes at this time or in the future. The local streets, including 21<sup>st</sup> Street, Douglas Avenue, prior to the termination, and the alley already include necessary improvements for vehicular and pedestrian access to the Property and adjacent properties. The City does not have any identified future road plans that would require the full right-of-way width to be retained.

*3. No vacation will be allowed if such action landlocks any existing parcel, lot of record, or tract. Access to a right of way of less than 30 feet in width does not constitute adequate access. One ownership of all the lots on a right of way does not circumvent this policy and in this it will be necessary to vacate lots prior or together with vacation action.*

Comment: The proposed portion of right-of-way to be vacated will not generate a scenario whereby any parcel, lot of record, or tract becomes landlocked. The right-of-way will not serve future public access and utility needs. The neighboring properties are developed with apartments that have access from 21<sup>st</sup> Street, 20<sup>th</sup> Street, or the alley.

*4. State law (R.C.W. 35.79.035) "(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 to which the street or alleys sought to be vacated abut, had the properties included in the plan not been vacated. ..."*

Comment: The proposed portion of right-of-way to be vacated does not abut a body of fresh or salt water.

*5. Right of way adjacent or leading to any park, open space, view, natural area, or any other natural or man-made attraction should not be vacated.*

Comment: The portion of right-of-way proposed for vacation does not lead to a park, open space, view, natural area or other natural or man-made attraction.

*6. Notification of street vacation requests will be sent to the Planning Commission. The*

*Commission may choose to schedule review of street vacations that have significant issues related to land use and the implementation of the Comprehensive Plan. The Commission will hold a public meeting and make a recommendation to the City Council on these vacations.*

Comment: The property owner is aware of this requirement and will address Planning Commission review if it is determined to be necessary.

*7. The petition should contain the approval of all the abutting property owners and proof of ownership must accompany the petition.*

Comment: The portion of right-of-way proposed for vacation is abutting the subject property and the property addressed as 1002 21<sup>st</sup> Street. As such, only the approval of the subject property owner and neighbor are necessary for the vacation petition. As this is a preliminary request for City review no proof of ownership or signatures are provided. If the City determines that the vacation can be supported, the two abutting property owners will provide necessary proof of ownership and signatures.

*8. Vacation is not mandatory even though 100% of the abutting owners request the vacation.*

Comment: This criterion is noted by the property owner, who is aware that the vacation is not mandatory and is subject to the discretion of the City Council. The property owner respectfully requests the support of City Planning, Public Works and Parks Staff, the Hearing Examiner and City Council for this vacation, for the reasons identified in this petition.

*9. Proposed or possible use of the vacated right of way is not relevant to City action (court opinion).*

Comment: This criterion is noted by the property owner. The vacation will not significantly change the developable portion of the subject property. Development of the property may include using the vacated right-of-way for access and parking.

*10. Easements for utilities will be retained as a matter of procedure unless vacation of such easement is specifically requested by the petitioners and approved by the City Engineer.*

Comment: Easements for utilities should be maintained in the vacated right of way, including for power and water and any other future utilities. No structures (housing units) are proposed over the vacated portion of the right of way, only access and parking areas, which will not preclude the continued use of existing utilities or the installation of new utilities.

*11. The following may be accepted by the City Council as appropriate trade for a Street Vacation: Payment, land, or major improvements to public facilities. In all cases, fair*

*market value of the right of way and of the item to be traded shall be established. Proposed public improvements shall be reviewed and recommended by the affected City Department(s), and shall exceed the established value of the right of way proposed for vacation. Provision of such compensation or departmental approval of proposed improvements does not mandate street vacation approval by the City Council or Mayor.*

Comment: The property owner proposes to provide the City with payment in exchange for the right-of-way vacation.