

Project Narrative

Alteration to Lot 2 of Luna Short Plat
530 38th St.
APN: 370 306 487 445 0000

The subject property is located at 530 38th St, east of Interstate 5, and west of 40th St in Bellingham, WA (the "Property"). The Property is generally rectangular in shape and is approximately 30,994 square feet (.72 acres) in size. It is located within Section 12, Township 37 North, Range 2 East, W.M.

The Property is in the Samish Neighborhood in Area 4, which has a Residential Single zoning designation. This zone requires a density of 12,000 square feet minimum for detached lot sizes.

The Property is developed with one single family dwelling and one driveway. Access to the property is from 38th St.

The Property is located within a gently, to moderately sloping, mid-slope setting and is bordered by sparsely spaced single-family residences in all directions. The southern half of the site is generally vegetated with landscaped grasses, while the northern half generally contains overgrown blackberry and other low-lying bushes. Adolescent to mature deciduous trees were observed to be scattered across the entire parcel. Mature trees were observed to be vertically oriented.

Overall, gradual slopes of less than 30 percent gradient extend down towards the north and west from the elevation of 38th Street. The northwestern most portion of the project site is considered to contain Erosion Hazard Areas per Bellingham Municipal Code.

The Property does not contain Landslide Hazard Areas as defined by Bellingham Municipal Code and is not considered a seismic hazard area per BMC, (Geo Technical report dated march 1st, 2023).

Based on Bellingham Geologic Hazards Map (1991), the project site is not located within the near vicinity of any mine areas, and therefore does not meet the criteria of a Mine Hazard Area as defined by BMC 16.55.420D (Geo Technical report dated march 1st, 2023). As such, no mitigations for this specific hazard are required.

The Property has a restrictive sub soils layer, as defined by the 2019 Stormwater Management Manual for Western Washington. Thus, the site is not suitable for conventional stormwater infiltration (Geo Technical report dated march 1st, 2023).

Storm sewer, water, and sanitary sewer utilities exist in 38th St. The Property is currently connected to water and sewer on 38th St. There is an existing storm sewer main line at 38th St. The frontage of the Property along 38th St. has an improved minimum street standard. There are no curbs or sidewalks north of Adams Ave to Fielding Ave. The nearest fire hydrant is at the corner of 38th St and Ridgemont Ct, approximately 175 lineal feet away.

This proposal is for a 2-Lot Plat Alteration to the Property for future development of two single family residences. The new lots will be approximately 17,687 square feet (.41 acres) and 13,306 square feet (.31 acres) in size. The existing residence would be demolished and 2-new single-family residences would be built, both accessed via 38th St., both connecting to the existing public water, sanitary and storm sewer.

The city of Bellingham would not require main extensions for the 2-new single family residences. All surrounding lots are abutting water and sewer, so there is no benefit to an extension "Scott Jorissen, Senior Permits Reviewer, c.o.b. 11/21/2022".

BMC 23.08.030 Performance standards.

A. Purpose. This section implements the goals and policies of the Bellingham comprehensive plan by establishing the minimum performance standards to guide the layout and design of all actions required to comply with this title while attempting to maximize unit yield. While alternative solutions can be proposed to meet these performance standards, none of the standards may be disregarded unless the director determines that a particular standard is not applicable to a specific proposal.

B. Community Design. The city of Bellingham has adopted neighborhood plans for each of its 25 unique neighborhoods. Each applicant for a subdivision must make reference to the applicable policies for the neighborhood as outlined in the appropriate neighborhood plan and describe how the proposed adjustment or land division addresses the policies within the neighborhood plan.

This proposal is consistent with the SAMISH NEIGHBORHOOD PLAN:

I. Neighborhood Character- The proposal conforms to the current minimum lot size of the Samish Neighborhood with the purpose and intent of the residential single use type.

II. Open Space and Recreation- Not Applicable

III. Public Facilities and Utilities- The existing infrastructure is in place to serve the proposal and would not need further development.

C. 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.

The proposed development has an Erosion Hazard Area which is addressed in the Geo Technical report dated March 1st, 2023.

D. Clearing and Grading.

The proposal will not have any significant clearing. The future development will allow most of the existing significant trees to remain.

E. Dedication.

Not Applicable, no land is necessary for dedication for any purpose.

F. Pedestrian Features. Incorporate pedestrian features into the overall plat design that provide for networks of walking and bicycle facilities that create access to community services and amenities such as schools, parks, shopping centers, public transportation stops, bicycle and pedestrian corridors identified in the city's bicycle and pedestrian master plans within the proposed land division and to adjoining property that is not subdivided. Pedestrian features should be spaced at 500-foot intervals unless such an interval is not feasible due to a physical hardship that is not a result of the overall plat design.

This proposal does not trigger any frontage improvements; a minimum standard street is the required improvement for a two lot subdivision. The property is served by Happy Valley Elementary School, Fairhaven Middle School and Sehome High School; bus service is provided to these schools.

- G. Streets. In addition to demonstrating compliance with BMC Title 13, Streets and Sidewalks, and the city's development guidelines and public works standards, the overall street layout for a division of land should incorporate the following:

Not Applicable

BMC 23.12.030 Decision criteria.

- A. A short subdivision application shall be given preliminary approval, including preliminary approval subject to conditions, upon finding by the director that all of the following have been satisfied:
1. It is consistent with the applicable provisions of this title, the Bellingham comprehensive plan and the Bellingham Municipal Code;
The project application has shown consistency with the applicable provisions of this title, the Bellingham comprehensive plan and the Bellingham Municipal Code.
 2. It is consistent with the applicable provisions of Chapter 23.08 BMC;
The project application has provided written responses showing consistency with the applicable provisions of Chapter 23.08 BMC.
 3. The division of land provides for coordinated development with adjoining properties or future development of adjoining properties through, where appropriate, the extension of public infrastructure, shared vehicular and pedestrian access, and abutment of utilities;
The project has no effect on the coordinated development with adjoining properties or future development of adjoining properties.
 4. Each lot in the proposal can reasonably be developed in conformance with applicable provisions of the BMC, including but not limited to critical areas, setbacks, and parking, without requiring a variance that is not processed concurrently with the subdivision application pursuant to Chapter 23.48 BMC;
The proposal shows the lots can reasonably be developed in conformance with applicable provisions of the BMC. The applicant is concurrently requesting a variance from BMC 23.08.060 *Alley Access*.
 5. There are adequate provisions for open spaces, drainage ways, rights-of-way, sidewalks, and other planning features that assure safe walking conditions for pedestrians, including students who walk to and from school, easements, water supplies, sanitary waste, fire protection, power service, parks, playgrounds, and schools;
The proposal shows that all requirements of this criteria can adequately be addressed through the building permit process.
 6. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The director shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter 58.17 RCW, as amended.
The only change by the proposal in public use and interest or consistency with the public health, safety, and welfare is to advance the City goal of infill in areas already served by the City.

Land Use Variance Application Appendices

Short Plat to Luna Short Plat w/variance from BMC 23.08.060

530 38th St.

APN: 370 306 487 445 0000

Project Data:

1. Nature of Request

The applicant is requesting a variance to BMC 23.08.060 *Alley Access* for a proposed 2-Lot Short Plat of the property located at 530 38th St. The proposed 2-Lot Short Plat will create one additional lot in the subdivision, to be accessed via 38th St. The parcel currently contains (1) single-family residence accessed via 38th St.

BMC 23.08.060 Lot design standards

C. Alley Access

3. If the division of land displaces parking for existing development that is accessed from the fronting street, the parking shall be relocated off the alley unless the director determines:

- a. The configuration of an existing residence is not conducive to alley-loaded parking;
- b. The site is constrained due to unusual shape, topography, environmentally sensitive areas; or
- c. There are other extraordinary situations inherent with the site or its improvements.

BMC 23.48.040 Subdivision Variance

A. Variance. The hearing examiner may grant a variance from any term of this title, except minimum lot size, if it is shown that the proposal is consistent with the following criteria:

1.
 - a. Because of unusual shape, the location of pre-existing improvements, other extraordinary situation or condition, or physical limitation including, but not limited to, exceptional topographic conditions, geological problems, or environmental constraints, in connection with a specific piece of property, the literal enforcement of this title would involve difficulties, result in an undesirable land division or preclude a proposal from achieving zoned density; or

Limited areas of the site exceed 30 percent grades within the northwestern most portion of the project site (Geo-Test Report March 1st, 2023). Therefore, this portion of project site is considered to contain **Erosion Hazard Areas** per Bellingham Municipal Code. The proposed variance would prevent detrimental impact to other properties by allowing the preservation of the existing Erosion Hazard Area.

b. The granting of the variance will establish a better lot design resulting in a development pattern found to be consistent with the neighborhood character including, but not limited to, development orientation to the street, setbacks, lot orientation, or other contextual element associated with the proposed development; and

The existing development pattern has front access via 38th St. Granting of the variance would be consistent with the current development pattern and less impactful to the surrounding environment as the trees, bushes and fencing currently existing along the western boundary would remain intact and create a land use buffer from adjoining and adjacent single-family homes.

2. The granting of any variance will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity and subarea in which the subject property is located. [Ord. 2018-12-036 § 2 (Exh. A)].

The granting of the variance will not be detrimental to the public welfare nor injurious to the property or improvements in the vicinity. The granting of the variance would be beneficial to the neighborhood by preserving trees and vegetation in this small development. Failure to grant the variance would result in unnecessary environmental impacts.