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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.

***Response: The proposed Northwest Village Townhomes preliminary cluster plat is in the Meridian Neighborhood, an area defined by the City Council in 1997 to manage significant commercial and residential development in north Bellingham. Various annexations and further growth gave rise to renaming the area in 2008 as Guide Meridian/Cordata Neighborhood. In 2010, City Council refined the boundaries to provide better development management to the current Guide Meridian Neighborhood. The subject site is in Area 2, an area in proximity to industrial and commercial employment centers, and nearby residential housing on Northwest Ave. Area 2 is designated as appropriate for a mix of single family and multifamily development (Meridian Neighborhood Plan, p. 17). The proposed preliminary plat implements this goal by developing as an infill toolkit townhouse project.***

**Neighborhood Character**

***Nearby subdivisions employ similar development characteristics used in the Northwest Village Townhouse proposal - attached cluster houses, common open space, arterial frontage, private internal circulation, coordinated landscaping and common design theme. Infill Toolkit townhouse standards were employed to achieve greater density and a common architectural theme.***

**Open Space**

***A large, common private green space is provided along the south portion of the site with additional private open space between buildings. Each unit has the required private open space. Northwest Ave provides multimodal links to surrounding City open space tracts. The City PRO Plan shows now proposed facilities on the subject site.***

**Stormwater**

***On-site storm water facilities via underground vaults and treatment are proposed to serve the plat per the City Stormwater code BMC 15.42. The system discharges into the existing City stormwater system. Each townhouse will have a separate stormwater sewer connection.***

**Water: *Water service is provided by looping between the existing City water mains on Northwest Ave through the site to the existing Dover St terminus. The proposed new water***

**main provides fire flow and domestic supply to all proposed lots in compliance with City standards. Each townhouse will have a separate water service connection.**

**Sewer**

**Gravity sewer service is provided by installing a new sewer main from the north property line, through the site to the southwest corner connecting to an existing sewer main in the Dover St terminus. Each townhouse will have a separate sewer service connection.**

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.

**Response: Critical areas were identified on adjacent parcels, as noted on attached Sheets SH2 and SH3. A modest buffer reduction is shown on the site's western property line. Other critical areas such as shoreline, streams, wetlands, habitat or geologically hazardous areas are not on site.**

D. *Clearing and Grading.*

1. In addition to demonstrating compliance with the land clearing (Chapter [16.60](#) BMC), grading (Chapter [16.70](#) BMC) and Lake Whatcom Reservoir (Chapter [16.80](#) BMC) regulatory provisions, as applicable, the proposed layout of a land division should include the following standards:

a. Clearing and grading limits are established to avoid impacting critical areas and/or their associated buffers, natural features as identified in subsection [\(A\)](#) of this section and adjacent properties;

**Response: Per above, no critical areas are on site. The overall clearing and grading plan will provide the required slopes for stormwater facilities, vehicular lanes, pedestrian paths, and building pads. The proposed landscaping achieves a Green Factor score greater than .4 per the Townhouse development standards.**

b. Good engineering practices have been implemented to ensure the proposed grading:

**Response: Generally accepted engineering standards for safe roads and residential lots were employed in the design. Subsequent detailed grading plans will be prepared per the Public Facilities Contract design requirements. The Preliminary Stormwater Report (July 2021) details the facilities capacity, location, and size in coordination with other infrastructure systems. The preliminary plat site plan conforms with City code to provide the required arterial connection, internal lanes, City utilities, power/phone/cable utility easements, and residential lots for the proposed density.**

i. Is the least necessary to protect slope stability and prevent erosion;

**Response: The site is relatively flat with minimal change in elevation. No steep slopes are on site. Engineering design incorporated City road standards to achieve safe arterial access and internal residential lanes all conforming to design requirements for slope, vertical and horizontal alignment, and road cross section. Erosion control will be achieved by adherence to City stormwater requirements (BMC 15.42) and WA Department of Ecology 2019 Stormwater Management Manual for Western Washington, as referenced in the revised Preliminary Stormwater Report. Project will include full Stormwater Pollution Prevention Plan (SWPPP) and NPDES permit at the Public Facilities Contract stage.**

ii. Will not result in the excessive use of retaining walls and/or rockeries along lot lines, project's exterior boundaries, streets and the exterior boundaries of the plat;

**Response: The relatively flat site minimizes the need for retaining walls. Lower (<4' high) landscaping walls may be used in few locations to enhance building presence and define open space uses.**

iii. Establishes suitable building sites, driveways, public streets, pedestrian corridors, and utilities that are not located on fill. The city may impose a condition of preliminary approval requiring the submittal of a geotechnical report prepared by a Washington State licensed geologist or geotechnical engineer for city review and approval; and

**Response: Development to be constructed on native ground graded per standard construction practices to reach required compaction metric and backfilled per standard construction practices. Utility lines to be bedded on fill layer per standard specifications, road base consists of gravel fill per City road standards.**

iv. Will not distribute site material resulting from grading to areas within the land division that would cause additional clearing or grading that would otherwise be unnecessary.

**Response: Lots will be graded to achieve building pad per construction code. Lanes and utility corridors will be graded to City Public Works standards.**

E. *Dedication.* Land dedicated for public infrastructure, including but not limited to right-of-way, utility, and parks and recreation purposes, is incorporated in the land division as necessary to:

1. *Rights-of-Way and Utilities.* Serve all lots proposed within the subdivision and to provide for orderly extension of public infrastructure for anticipated development in accordance with BMC Title 13 and the comprehensive plan; except this requirement may be waived if the city engineer determines that additional right-of-way will not be necessary for the future traffic circulation of the city, or for future road widening to accommodate anticipated development in the vicinity.

**Response: Dedication of 10' along the Northwest Ave arterial frontage; possible minor dedication at the Dover St terminus; utility easement dedication as needed for water and sewer mains; dedication of the stormwater facility to the City.**

2. *Parks and Recreation.* Provide open space, trail, and recreation facilities pursuant to the adopted parks, recreation, and open space plan of the comprehensive plan and construct the facilities according to the city's design standards for park and trail development, as amended.

**Response: The Parks Recreation and Open Space Plan (PRO) does not propose recreational facilities on the subject property. Private, common open space is provided for the new homeowners within the plat. Linkage to existing City trails and bike lanes is provided along the frontage to Northwest Ave.**

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.

**Response: Existing multimodal access is provided via the site frontage along Northwest Ave, designated a "High Frequency Transit Corridor" (Comp Plan Land Use Chapter, p. 12 of 34) and connection to sidewalks on Dover St. Existing City transportation routes provide access to nearby industrial and commercial employment centers, public open space tracts, and public 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:

1. *Compliance with Comprehensive Plan and Neighborhood Plan.* The alignment of arterial streets should be included in a location as nearly as possible with that shown in the most recently adopted city of Bellingham comprehensive plan, the appropriate neighborhood plan and zoning table (Chapter 20.00 BMC).

**Response: The site has arterial frontage along Northwest Rd. and is adjacent to a residential access street at the Dover St. terminus. Each proposed lot has frontage or an easement access to internal lanes per the Infill Toolkit standards.**

2. *Vehicular and Pedestrian Circulation.* Streets and trails proposed within a land division should:

- Extend to and connect with existing streets abutting its perimeter to provide for the logical extension of streets and utilities for coordinated development of contiguous tracts or parcels of undeveloped land.

**Response:** *Site access is provided via shared access easement to Northwest Ave and connection to the existing Dover St terminus.*

b. Include a street network that provides multiple routes within and in/out of a proposed division of land with a grid pattern or a network modified grid of curvilinear streets and/or alleys unless there are physical limitations including critical areas, significant natural features, conflicts with the existing built environment, or adverse topography that prevents such a street pattern.

**Response:** *The proposed site access is via one shared access from Northwest Ave and connection to the existing Dover St terminus. Private lanes from the two access points are the logical paths to serve each of the proposed lots. No critical areas are impacted by the road and lane access routes.*

c. Avoid single points of access, cul-de-sacs, and dead-end streets, unless the city determines such extension is not necessary due to physical conditions that exist on or adjacent to the site.

**Response:** *The two access points are sized to provide the logical access into the townhouse development lanes and turnaround areas. The proposed layout meets the fire access requirements while providing the maximum area for residences.*

d. Public and private trails should also be considered in the design of a street network.

**Response:** *Private trails connect to each unit and to the common open space areas within the preliminary plat. Public sidewalks are along Northwest Ave and Dover St.*

3. *Access to Local and Arterial Streets.* The land division should show all access locations for all lots and proposed streets to maximize safety consistent with BMC Title 13.

**Response:** *Arterial access is provided from Northwest Ave.*

4. *Safety.* Street layouts shall be designed to maximize safety for all modes of transportation. The applicant shall provide, to the extent feasible, a street layout that promotes visibility and reduces user conflicts through the placement of parking areas and the use of curb bulb-outs, landscaping strips, meandering sidewalks and other means of ensuring pedestrian safety and reducing vehicular speed through residential areas.

**Response:** *Internal lanes are compliant with the Infill Toolkit development regulations with easement access to each proposed lot.*

5. *Street Trees.* The overall street network is designed to accommodate street trees that can be evenly spaced through all existing and proposed street frontages. To ensure the location of these trees will not conflict with proposed utilities, the required street tree permit and landscape plan shall be reviewed concurrently with the public facility contract application for the required infrastructure. If a location conflict arises, the priority is to redesign the utility location first to ensure a consistent planting schedule for the required street trees. An alternative planting plan should only be allowed if the city determines that

there are no other alternative utility designs that would avoid a conflict between the utilities and trees.  
[Ord. 2018-12-036 § 2 (Exh. A)].

***Response: Street trees located on preliminary plat design in conformance with adopted City standards.***

## 23.16.030 Decision criteria.

A. Preliminary plats shall be given approval, including preliminary plat approval subject to conditions, upon finding by the hearing examiner 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;

**Response: Vogel Northwest Townhomes is a proposed 2.2 acre preliminary cluster plat of single family residential uses consistent with:**

- a. **Bellingham Comprehensive Plan, designates the site as Residential Single (Land Use Chapter p. 4 of 34)** <https://cob.org/wp-content/uploads/2016-land-use.pdf>
- b. **Meridian Neighborhood Plan, designates the site in Area 2, Residential Single, Low to Medium Density (Meridian Neighborhood Land Use Map , 11/8/2021)**  
<https://cob.org/wp-content/uploads/Meridian-bwLandUse.pdf>
- c. **Maximizing residential density along Northwest Ave, a “High Frequency Transit Corridor” (Comp Plan Land Use Chapter, p. 12 of 34). Baseline density allowed in Meridian Area 2 increased by developing as Infill Toolkit housing per BMC 20.28.140, allowing up to a 50% density bonus per BMC 23.08.040.C(1).**
- d. **The proposed cluster plat is consistent with the following Comp Plan Goals:**

### Land Use

- GOAL LU-5 Support the Growth Management Act's goal to encourage growth in urban areas.
- Policy LU-66 Encourage design flexibility (e.g., clustering and low impact development) to preserve existing site features, including trees, wetlands, streams, natural topography, and similar features.

### Housing

- Policy H-2 Encourage mixed housing types for new development on greenfield sites, a benefit of which is the integration of people from various socio-economic backgrounds.
- Policy H-3 Encourage well-designed infill development on vacant or underutilized properties.
- GOAL H-3 Promote sense of place in neighborhoods (see Land Use Chapter).
- Policy H-28 Protect and connect residential neighborhoods to retain identity and character and provide amenities that enhance quality of life.

### Capital Facilities and Utilities

- GOAL CF-8 Promote the delivery of adequate utilities and encourage the design and siting of private utility facilities in a manner that minimizes impacts on adjacent land uses and the environment.
- Policy CF-3 Encourage and support development in areas where adequate public facilities and services exist or can be provided in an efficient manner.
- Policy CF-4 Protect public health, enhance environmental quality, and promote conservation of natural resources through appropriate design and installation of new public facilities.

***e. Preliminary Cluster Plat is consistent with development regulations:***

- a. Infill Toolkit BMC 20.28.140 for townhouses.***
- b. Preliminary Plat regulations in BMC 23.08 Plat Design, Lot Standards, and Improvement Standards; BMC 23.16 Preliminary Plats and Cluster Plats and related plat development standards.***
- c. Critical Areas BMC 16.55.***
- d. Multimodal Transportation Concurrency Management BMC 13.70.***
- e. Water, sanitary sewer, and stormwater management per BMC 15.***

2. It is consistent with the applicable provisions of Chapter 23.08 BMC;

***Response – See separate statement submitted for consistency with BMC 23.08.***

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;

***Response: The proposed plat connects to existing City utilities in Northwest Ave (east frontage) and Dover St (southwest corner). A new water main is looped from Northwest Ave through the site to Dover St to meet fire flow and individual water service requirements. Gravity sewer begins at the north property line (with access for adjoining parcel) proceeding through the site to Dover St per sewer design standards. Shared vehicular access is along the north property line with the adjacent parcel to Northwest Ave. Existing curb, gutter and sidewalk are along the site frontage on Northwest Ave and southwest corner at Dover St., and private sidewalks and paths within the site provide connectivity for all units to the public streets.***

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;



**Response:** *Each proposed lot can be reasonably developed in compliance with the BMC:*

***Critical areas – buffer averaging incorporated along the project west boundary; remainder of site is free of critical areas.***

***Setbacks – Lots designed to comply with standard townhouse setbacks. Infill toolkit site plan application submitted simultaneous with the preliminary plat application.***

***Parking – Required parking provided on each lot in compliance with the townhouse standard parking regulations.***

***No variances anticipated for the present preliminary cluster plat application.***

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; and

***Response:*** *Cluster plat open space requirement is 15% (BMC 2308.060.F(2)), proposed plat has 17.3% common area open space and 9.4% private landscaped area (See Sheet SH2). Stormwater and drainage plan compliant with standards in BMC 15.42 with underground vaults and conveyance to the City drainage system. Internal sidewalks and walkways connect to each unit with connectivity to existing public sidewalks on Northwest Ave and Dover St. Water and sanitary sewer services are within common access and utility easements leading to each townhouse. The site includes active and passive recreational space within the designated open space areas. The site is served by Bellingham School District 501.*

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.

***Response:*** *The project serves the public use and interest by developing in accordance with City regulations and providing a diversity of housing types to address the growing housing shortage experienced by Bellingham residents.*

B. Notwithstanding approval criteria set forth in subsection [\(A\)](#) of this section, in accordance with RCW [58.17.120](#), as amended, a proposed subdivision may be denied because of flood, inundation or presence of environmentally sensitive areas as regulated by Chapter [16.55](#) BMC. Where any portion of the proposed subdivision lies within both a flood control zone, as established pursuant to Chapter [86.15](#) RCW, and the area of special flood hazard as defined in Chapter [17.76](#) BMC, the city shall not approve the preliminary plat unless it imposes a condition requiring the applicant to comply with the applicable regulations in Chapters [16.55](#) and [17.76](#) BMC and any written recommendations from the Washington Department of Ecology. In such cases, no development permit associated with the proposed subdivision shall be issued by the city until flood control problems have been resolved.

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**Response:** *The project conforms with RCW 58.17.020 as no portion of the site is designated in a flood plain. Environmentally sensitive areas per BMC 16.55 are on adjacent property and previously reviewed by the City in 2019. The proposed plat does not disturb the critical areas on the adjacent parcel.*

C. An applicant for a preliminary plat may request that certain requirements established or referenced by this title be modified. Such requests shall be processed according to the procedures and criteria for administrative modification or variances in Chapter 23.48 BMC. [Ord. 2018-12-036 § 2 (Exh. A)].

**Response:** *Administrative modifications or variances were not requested in the application.*