



Proposed 2 Lot Short Plat: **2933 Lindbergh Avenue**
Prepared by: **Jepson & Associates** for **Brannon P. Finney**
Date: **February 19, 2024**
Project Narrative

Subject Property Information

Address: 2933 Lindbergh Avenue, Bellingham, WA 98225

Tax Parcel Number: 380223 519114 0000

Owner(s): Brannon P. Finney

Applicant: Alex V. Chose | Jepson & Associates – 222 Grand Ave. Suite C, Bellingham, WA 98225

Agent: Chris M. Jepson, PLS | Jepson & Associates – 222 Grand Ave. Suite C, Bellingham, WA 98225

Subject Property Description:

The subject property sits across from Bellingham Technical College. The property is comprised of multiple historic platted lots within Block 3 of the 1927 Eldridge Donation Claim Addition Supplemental Plat – the easterly 29 feet of Lot 11, all of Lot 12, and the westerly 9 feet of Lot 13.

The property is in Area 16 of the Birchwood neighborhood and is zoned Residential Single with a 7,200 square foot minimum detached lot size. The subject property totals 11,057 square feet, or 0.25 acres approximately. The ground surface is generally flat with minimal elevation changes.

Existing on-site features include a single-family residence with a patio, a detached garage, and off-street parking accessed off Lindbergh Avenue. The total amount of impervious surface area on-site equals 3,913 square feet, approximately, with 919 square feet slated for demolition/removal. A stormwater catch basin is located along the south edge of pavement on Lindbergh Avenue near the subject property's northerly corner. Potable water is provided via a water main running along the center of Lindbergh Ave. The property is equipped with two lateral sewer service lines running from the sewer gravity main in the alley. Power is provided via existing power utility poles along the property's frontage.

Project Overview:

The short plat project as proposed suggests subdividing the current property into two relatively balanced lots: Proposed Lot 1 – 5,915 sqft, Proposed Lot 2 – 5,142 sqft. Due to the size of the property, the proposed subdivision will require the application of the One and One-Half Rounding Provision. The existing single-family residence will remain on Proposed Lot 1. The garage on Proposed Lot 2 is slated to be demolished. The proposed location of the division line has been designed to accommodate the existing structures on site and BMC side yard setbacks, while also maintaining relative balance in the square footage of the lots.

The owner, Brannon P. Finney, would like to maintain the existing driveway apron off Lindbergh Avenue in place to access the future residence on Proposed Lot 2 with a minimum 18'x18' parking pad provided. Finney proposes a future single-family residence be built south of said parking pad and suggests leaving the south end of Proposed Lot 2 open, undeveloped yard space.

To re-establish access to Proposed Lot 1, Finney is prepared to install a parking pad on the south end of said lot to service the existing single-family residence with the existing patio to function as a carport, as necessary.

A private stormwater easement across Lot 1 for the benefit of Lot 2 will be recorded concurrently with the plat so that Lot 2 will have access to the stormwater catch basin to the north. Additional project elements include the establishment of a 3' wide pedestrian pathway developed to Parks Trail Standard connecting the existing single-family residence to Lindbergh Ave as a condition of final approval.

BMC 23.08.030 Performance Standards
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- 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.

Comment:

The subject property is in Area 16 of the Birchwood Neighborhood, which has a land use designation of Single Family Residential, Medium Density.

The Birchwood Neighborhood is uniquely characterized by myriad land use designations and includes single-family residences, apartments, condominium complexes, large commercial and industrial areas, recreational open spaces, and critical habitats. The Plan for this neighborhood emphasizes the restoration and preservation of Open Space areas, through the development and maintenance of parks and the ecological protection of the neighborhood's waterways. The Neighborhood Plan speaks to public facilities and utility maintenance, as well as transportation recommendations that accommodate multimodal infrastructure.

Plans and policies for Area 16 of the Birchwood Neighborhood support single-family detached residential development while encouraging view protections and access considerations where a sight distance problem exists.

The proposed project is consistent with the goals of the Birchwood Neighborhood Plan and the policies specified for Area 16. Project plans adhere to applicable utility specifications, do not negatively impact any favorable views, and do not contribute to the identified sight distance concerns.

- 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.

Comment:

The proposed project does not entail impacts to shorelines, streams, wetlands, protected habitats, or any associated buffers. The project plans do not propose the removal of site vegetation. Eighty-eight feet (88.02') of the subject property abuts the Lindbergh Avenue Right-of-Way. The six (6) existing trees on-site near the Lindbergh Avenue Right-of-Way will remain and fulfill the City's requirement to have one street tree for every 50' of street frontage. The subject property is within a Coal Mine Hazard Area. We understand that the project site's proximity to this geologically hazardous area triggers the requirement for a Critical Area Permit at the time of building permit submittal.

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;
 - b. Good engineering practices have been implemented to ensure the proposed grading:
 - i. Is the least necessary to protect slope stability and prevent erosion;
 - 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;
 - 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
 - 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.

Comment:

The subject property is quite level. Topographic data shows very little change in surface elevations throughout the site, which will limit cuts and fills required for the future build of a single-family residence on Proposed Lot 2. Stormwater runoff management will likely require some ground impact, though specific plans have not yet been decided.

- 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.
 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.

Comment:

The project as proposed does not entail the dedication of land for public infrastructure. The subject property abuts the south thirty (30) feet of the Lindbergh Avenue right-of-way. Abutting the southerly property line is a 16' ft. alley right-of-way. The existing single-family residence on Lot 1 is equipped with water and sewer service. Lot 2 is equipped with a connection to the sewer main from the alley and will require an extension of a lateral service line from the water main in the center of Lindbergh Avenue to be stubbed to the property.

- 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.

Comment:

The project as proposed does not require the consideration of public pedestrian features. We understand that, pursuant to the Bellingham Municipal Code, each Lot will be required to provide a minimum 3' wide pedestrian pathway to the fronting street designed to the Parks trail standard. It is our understanding that the installment of a pedestrian pathway over Lot 1 will be a condition of final plat approval, and the pedestrian pathway over Lot 2 will be addressed at the time of a building permit.

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

- a. 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.
 - 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.
 - 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.
 - d. Public and private trails should also be considered in the design of a street network.
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](#).
 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.
 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 (Ex. A)].

Comment:

The project proposed does not require the consideration of new street infrastructure. The subject property abuts a minimum standard street (Lindbergh Ave) to the north and an alley developed to minimum standard to the south. We propose to use the existing apron access off Lindbergh Avenue to service the future residence on Lot 2. The existing residence on Lot 1 will be provided with on-site parking accessed off the alley. Please see the shaded blue areas on the Preliminary Map exhibit for spatial dimensions of the proposed Lot 1 parking area. Vehicular circulation is not an issue for this site, due to the street network that provides access options to Marine Drive to the west, Eldridge Avenue to the south, and Nequalicum Avenue to the east.

It is our understanding that the existing on-site trees near the Lindbergh Avenue right-of-way may be used to meet the requirement to have one street tree for every 50' of street frontage. The subject property has 88.02' of street frontage with six trees present, and therefore, the street tree requirement is met.

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;

Comment:

The project proposed is consistent with the applicable provisions of Title 23, the Bellingham Comprehensive Plan, and all applicable sections of the Bellingham Municipal Code. Per Bellingham Municipal Code, alley access will be established on Lot 1 to service the existing single-family residence. The existing apron and driveway off Lindbergh Ave will remain in place to service Proposed Lot 2.

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

Comment:

The project proposed is largely consistent with all applicable provisions of Chapter 23.08 BMC. We are proposing a Departure from BMC 23.08.060(D) per BMC 23.48.030(C)(2)(b). We seek to lessen the size of the required building envelope by reducing dimensions by a maximum of 10 percent. Our departure seeks to reduce the building envelope from 50'x50' to 45'x45'. For additional details, please refer to the formal departure application.

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;

Comment:

The project as proposed is designed to accommodate the existing infrastructure of the neighborhood, specifically stormwater drainage and water and sewer main connectivity, in accordance with development goals for the newly created lot. An easement will be recorded concurrently with this subdivision to establish a 5' wide private utility easement across Lot 1 for the benefit of Lot 2 to connect Lot 2 to necessary stormwater drainage facilities in the northern corner of the subject property. Lot 2 will need to have water service stubbed to the property line from the water main running along the center line of Lindbergh Ave. Both lots are connected to the sewer main running through the alley to the south via lateral service lines. Overhead power service runs along the frontage of the subject property. No additional extension of public infrastructure is required.

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;

Comment:

Each lot in the proposal can reasonably be developed and meet applicable development criteria related to critical areas, setbacks, and parking without requiring a variance that is not processed

concurrently with the subdivision 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;

Comment:

All provisions listed are adequately met, as applicable. Utility infrastructure will be established via easement (stormwater) and extension (water) to serve the newly created lot (Lot 2). Public pedestrian infrastructure is not a project consideration due to the proximity to established pedestrian infrastructure surrounding the BTC campus, the existing street network, and the location of a WTA transit stop along Lindbergh Avenue.

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.

Comment:

The project proposed will serve the public use and interest and are consistent with public health, safety, and welfare. The subdivision is consistent with applicable zoning regulations, Neighborhood Plan standards, and other relevant codes.

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. [Ord. 2018-12-036 § 2 (Ex. A)].

Comment:

The proposed subdivision does not lie within either a flood control zone or a special flood hazard area, as defined in Chapter 17.76 BMC. As such, we do not anticipate any necessary resolutions to meet compliance with Chapters 16.55 and 17.76 of the Bellingham Municipal Code.

BMC 23.08.040.D.2 | Rounding Provisions – One and One-Half Rule

D. *Rounding Provisions.* When a proposal consisting of (1) more than one existing lot of record or (2) a parcel of land legally established and described by metes and bounds that has not been previously subdivided, the maximum number of possible lots determined in subsection (A) of this section may be increased by rounding up to the next higher whole number under the following scenarios:

1. *One and One-Half Rule*. Proposals with a fraction equal to at least one-half and less than three-fourths may be rounded to the next higher whole number upon site plan approval by the hearing examiner, provided the proposal meets all of the following criteria:
 - a. It is consistent with the general policies and specific objectives of the comprehensive plan;
 - b. It enables the continued orderly and reasonable use of adjacent properties by providing a means for expansion of public roads, utilities, and services;
 - c. It is designed to be compatible with the essential character of the neighborhood;
 - d. It is adequately served by public facilities and utilities including storm water provisions; and
 - e. It will not result in the destruction, loss, or damage to any natural, scenic, or historic feature of major consequence.

Comment:

The subject property contains one full legal lot of record, established by a 1927 historic plat, and abuts the Lindbergh Avenue right-of-way. The density of the subject property is greater than 1.5 and less than 2.0. The short plat project proposed is consistent with criteria a-e, as follows:

- The subdivision has been designed to be consistent with the general policies and specific objectives of the Bellingham Comprehensive Plan. The project proposed supports infill development measures as outlined in the Land Use Chapter of the Comprehensive Plan, such as the utilization of underdeveloped property, the efficient use of existing infrastructure, and the benefit of increased housing opportunities.
- The proposed subdivision is designed to enable the continued orderly and reasonable use of adjacent properties. The project would not impede any opportunity for future extension or expansion of public infrastructure in the neighborhood.
- Area 16 of the Birchwood Neighborhood is largely comprised of detached single-family residential uses on varying lot sizes. The addition of the new lot proposed will not alter the essential character of the neighborhood.
- The proposed lots are adequately served by public facilities and utilities including stormwater provisions, as discussed within the project overview and responses to BMC performance standards and decision criteria.
- The approval of the project proposed will not result in the destruction, loss, or damage to any natural, scenic, or historic feature of major consequence.

BMC 23.48.030(B) | Decision Criteria

B. *Departures Permitted.* Departures from the identified land use and subdivision standards as listed below may be permitted as part of a lot line adjustment and land division application. To obtain a departure, an applicant must demonstrate that the overall development, including departures from the standards, would **better serve the public interest**, and the city must find that each proposed departure meets or exceeds the intent of the respective standard as compared to a strict application of the established standard.

C. *Maximum Departure.*

2. *Land Divisions.* A departure not to exceed 10 percent of each measurement for a land division from the following standards may be requested:

b. Building envelope (BMC [23.08.060\(D\)](#));

Comment:

The proposed subdivision project incorporates a building envelope with the dimensions of 45'x45'. We seek a departure from BMC 23.08.060(D) to accommodate the reduction in building envelope size from the applicable standard of 50'x50' to 45'x45'. We seek this departure per BMC 23.48.030 (C) – Maximum Departure. Zoned Residential Single with a minimum density requirement less than 10,000 square feet and greater than or equal to 5,000 square feet, Brannon Finney's property is subject to the 50'x50' building envelope standard. We seek a maximum departure of 10% of each measurement of the building envelope, effectively reducing each dimension by 5' and resulting in a 45'x45' building envelope on Proposed Lot 2. The proposed departure from BMC 23.08.060(D) reduces the size of the jog in the shared boundary line between Lots 1 & 2 and allows Ms. Finney the necessary building envelope to maintain the existing apron access off Lindbergh Avenue to service the future home on Lot 2 of the proposed Finney Short Plat. We believe that the proposed departure best serves the public interest in that it generates less waste and reduces the need for construction materials by allowing for the existing driveway to stay in place. Additionally, the reduced building envelope allows for a larger front yard for the existing residence on Lot 1, which is particularly favorable now that the backyard will largely be allocated to parking.