

SUB2024-0008: List of Attachments

EXHIBIT 1 Planning and Community Development Department Staff Report including the following Attachments:

- Attachment A Short Plat Map
- Attachment B Vicinity Map
- Attachment C Zoning and Comprehensive Plan Designation Map
- Attachment D Land Use Application materials
 - D1 Short Plat Land Use Application
 - D2 Response to Subdivision Performance & Decision Criteria & One and One-half Rule Subdivision Rounding Criteria & Departure Request
- Attachment E Notice of Application/Mailing List/Affidavit of Mailing
- Attachment F Aerial Map
- Attachment G School Map
- Attachment H Coal Mine Hazard Evaluation from David Jellum of Sound Geology dated 5/1/24

CITY OF BELLINGHAM

PLANNING AND COMMUNITY DEVELOPMENT
STAFF REPORT

HEARING EXAMINER

June 26, 2024

PROJECT NO.: Finney Short Plat (SUB2024-0008)

APPLICANT: Alex Chose – Jepson and Associates, 222 Grand Ave., Suite C, Bellingham WA 98225

OWNER: Brannon P. Finney, 2933 Lindbergh Ave., Bellingham WA 98225

I. OVERVIEW

A. PROPOSAL - Attachment A

The proposal includes a short subdivision application to create one additional lot for future construction of a single family residence. The applicant has proposed to utilize the rounding provisions under BMC 23.08.040.D.2 to create an additional lot under the one and one-half rule which requires Hearing Examiner approval. Access for the existing residence will be from constructed parking off the existing alley. Access for the proposed future residence will be from the existing driveway off Lindbergh Ave.

Lindbergh Ave. abuts the subject property. Lindbergh Ave. is a residential street which meets the minimum street standard and serves existing single family residences and Bellingham Technical College on the opposite side of the street which has curb gutter stormwater and a sidewalk. A stormwater utility easement is required to provide access to the existing stormwater main in Lindbergh Ave. otherwise the proposal could require a stormwater main extension through a Public Facilities Construction Agreement. Both lots abut a water main in Lindbergh Ave. and a sewer main in the existing alley.

Stormwater management for the future single family residence will be reviewed for compliance with 15.42 of the BMC prior to final plat approval as conditioned below.

B. LOCATION

2933 Lindbergh Ave., Bellingham WA 98225 Birchwood Neighborhood Area 16, Residential Single Detached with a 7,200 sf minimum detached lot size. The subject parcel size is currently 11,059 sf according to the Whatcom County Assessor (**Attachment B**).

Assessor's parcel number: 380223 519114 0000

Land use and comprehensive plan designations: Land use: Residential-Single; Comprehensive plan: Residential Single, Low Density. (**Attachment C**)

II. STAFF RECOMMENDATION

Approve the Finney Short Plat application (**Attachments D1 & D2**) with the recommended conditions in Section IX of this report.

III. JURISDICTION

The Hearing Examiner is granted authority to hold hearings and make decisions on short subdivisions utilizing the rounding provisions under BMC 23.08.040.D.2.

IV. BACKGROUND

A pre-application meeting and neighborhood meeting are not required for a preliminary 2-lot short plat using the rounding provisions pursuant to BMC 21.10.090, .120 and .170.

The subject property is composed of one lot and portions of the abutting lots from a subdivision that was platted prior to the adoption of the Subdivision Ordinance in Bellingham. Based on the City's records the subject property is a legal lot of record which was created prior to the adoption of the City's Subdivision regulations.

Pursuant to BMC 23.06.020, Lot of record means a parcel of land officially approved by the city of Bellingham through the subdivision process or a parcel of land established by a recorded deed with the county auditor prior to September 10, 1964. The subject property is composed of one lot and two fractional portions of the abutting lots and therefore considered multiple lots of record which were created prior to the adoption of the City's Subdivision Ordinance based upon a staff analysis of deeds dating back to 1950. Therefore, the subject property is composed of multiple lots of record and therefore is eligible for the subdivision rounding provisions under BMC 23.08.040.D.

2/21/24: A Short Subdivision application (SUB2024-0008) was submitted.

5/3/24: Staff issued a Notice of Complete Application.

5/3/24: A Notice of Application and Notice of Public Hearing was issued (**Attachment E**). As of the date of writing this staff report (6/12/24) no public comment has been received.

V. EXISTING SITE CHARACTERISTICS

A. LAND USE AND ZONING DESIGNATION

The property is located in Area 16 of the Birchwood Neighborhood, Residential Single Detached zoning with a 7,200 sf minimum detached lot size. The land use designation of the subject site is Single Family Residential, Low Density.

B. EXISTING CONDITIONS

The site is 11,059 sf in size and developed with a single family residence and detached accessory building (2933 Lindbergh Ave.) with access provided from Lindbergh Ave. (**Attachment F**). The subject property contains a few mature trees near Lindbergh Ave. Staff anticipates the existing trees will be able to be maintained during the development of a future

residence. Pursuant to BMC 20.00.130, Area 16 contains “access” and “view” special conditions under the table of zoning. Access to the site will be from the existing street and alley. The reason for the access special condition is associated with Eldridge Ave. and the existing nonconforming driveways which do not meet the minimum driveway spacing requirements on arterial streets. Proposed future construction will be required to comply with the development requirements under BMC 20.30 including building height. The BMC does not specifically regulate views under the short subdivision ordinance. The applicant will be required to document compliance with the rounding provisions under BMC 23.08.040.D.2.

The surrounding properties to the south, east and west are developed with single family residences. The property across Lindbergh Ave. is developed with Bellingham Technical College (BTC), which is zoned Public with a School use qualifier (**Attachment G**). There is an existing sidewalk adjacent to BTC along Lindbergh Ave. The proposed two lot short plat does not require installation of sidewalks or additional improvements to Lindbergh Ave.

Whatcom Transit Authority provides bus service to the site from across the street in Lindbergh Ave. and along Eldridge Ave.

A public water main abuts the property in Lindbergh Ave. and a sewer main abuts the property in the alley. There is a stormwater main that abuts the northeast property corner. The applicant has proposed a private stormwater utility easement to provide abutment for the newly created lot in the event a lateral service line is required to connect to the public stormwater main.

Based on City IQ there are coal mine hazard areas regulated under the Critical Areas Ordinance (BMC 16.55) on the subject property. The applicant provided a Coal Mine Hazard Evaluation from David Jellum of Sound Geology dated 5/1/24 (**Attachment H**) which evaluated the proposed future development in relation to the coal mine hazards and determined there appears to be a relatively low risk of damage and low risk of life from the underlying mine. This level of review is adequate for the land division process.

Based on the information provided by the applicant they have no specific plans for the development of the subject property at this time. Future development on the newly created lot will require a Critical Area Permit for development within a coal mine hazard area prior to issuance of a Building Permit. Based on the Jellum Evaluation, staff does not foresee potential issues that cannot be mitigated for with subsequent residential development.

VI. APPLICATION

Please refer to **Attachment D** for the submitted land use application.

VII. SHORT SUBDIVISION – Chapter 23.12 BMC

Pursuant to BMC 23.08.040.D.2, proposals for subdivision that result in 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.

23.08.040.D.2 Rounding Provision Criteria for the One and One-half Rule:

- a. It is consistent with the general policies and specific objectives of the comprehensive plan;

Applicant's response: **See Attachment D2.**

Staff analysis: The proposed infill development maximizes the development potential of underdeveloped property in an area where utilities and services can be provided in an efficient manner and is supported by multiple comprehensive plan goals and policies specified below in the staff report.

- b. It enables the continued orderly and reasonable use of adjacent properties by providing a means for expansion of public roads, utilities, and services;

Applicant's response: **See Attachment D2.**

Staff analysis: The existing and proposed residences will be served by existing public infrastructure located in Lindbergh Ave. and the alley. The proposal will include using the existing driveway for the future residence and relocating parking for the existing residence to code compliant onsite parking accessed from the ally. The proposal as designed enables continued orderly and reasonable use of adjacent properties.

- c. It is designed to be compatible with the essential character of the neighborhood;

Applicant's response: **See Attachment D2.**

Staff analysis: There are multiple ~6,000 sf existing legal lots of record on the same block as the subject property. The existing residence is setback from the front property line closer to the alley with significant trees providing a privacy barrier from Lindbergh Ave.

- d. It is adequately served by public facilities and utilities including storm water provisions; and

Applicant's response: **See Attachment D2.**

Staff analysis: The subject property abuts a minimum standard street, alley and sewer/water mains for the existing and proposed residences. Staff anticipates the short plat will be limited to not more than 5,000 sf of total new impervious surface coverage on both lots combined based on a note on the face of the plat. The proposal includes a private stormwater easement to provide abutment on a stormwater main for the newly created lot. Development of a future single family residence will require documentation identifying compliance with the stormwater regulations under BMC 15.42 at the time of Building Permit submittal.

- e. It will not result in the destruction, loss, or damage to any natural, scenic, or historic feature of major consequence.

Applicant's response: **See Attachment D2.**

Staff analysis: There are no known or potential impacts to natural, scenic or historic features of major consequence as a result of the proposed development. Views of Bellingham Bay can be obtained from portions of Eldridge Ave. Development on the newly created lot shall be required to comply with development regulations including building height at the time of Building Permit submittal. There is a surface parking lot associated with BTC located across Lindbergh Ave., therefore development on the newly created lot is not anticipated to significantly impact views in the vicinity.

Staff concludes that the proposed one and one-half rule short plat is consistent with the criteria above.

Pursuant to BMC 23.08, short subdivisions shall be given approval, upon finding by the Hearing Examiner that all of the following have been satisfied:

Staff analysis: The following is staff's code compliance review of Chapter 23.08 BMC.

23.08.030 Performance standards: Staff concurs with the applicant's analysis and would like to add the following information to the record.

The proposed design incorporates one additional single family residence in a low density zone, which as conditioned will not detract from the surrounding neighborhood character. Additionally, the proposal utilizes the existing utility infrastructure to eliminate the added cost, operation and maintenance for unnecessary utility main extensions.

23.08.040 Maximum number of lots:

The zoning and site area for the subject property yield a maximum unit count of two residential units using the 7,200 sf density under Area 16 of the Birchwood Neighborhood and One and One-half Rule rounding provisions specified under BMC 23.08.040.D.2. The Proposal consists of one additional single family lot for a total of two residences on the subject property.

The subject property is 11,057 sf in size and when divided by the minimum 7,200 sf density for Area 16 of the Birchwood Neighborhood results in 1.53 units and is therefore eligible for the one and one-half rule subdivision.

23.08.050 Minimum lot size:

All of the proposed lots comply with BMC 23.08.050.A.5.

23.08.060 Lot design standards:

(A & B) Logical Boundaries/Reasonable Use. The proposed Lots are designed with right angles to the abutting street and avoid awkward configurations. A small jog is included on the interior lot line. The proposed lot design accommodates the location of the existing residence while creating two lots which meet the minimum building envelope requirements with the exception of the departure request in accordance with BMC 23.48.030 analyzed under section D below.

(C) Alley Access. There is an existing developed alley abutting the subject property. The proposal will relocate parking for the existing residence to be accessed from the alley. The proposal will utilize the existing driveway accessed from Lindbergh Ave. to provide access to the future residence. The majority of residences on the subject block have driveways off Lindbergh Ave.

To ensure compliance with the required on-site parking under BMC 20.30.060, the proposal will require the development of two code compliant on-site parking stalls for the existing residence to be accessed from the alley. The proposed on-site parking stalls accessed from the alley do not meet the required 22' of maneuvering behind the parking spaces. There appear to be options for creating code compliant parking accessed off the alley for the proposed lot with the existing residence. The applicant will be required to obtain a stormwater permit and construct the required code compliant on-site parking prior to final plat approval.

(D) Building Envelope. Proposed Lot 1 contains a building envelope 48.98' wide by 80' deep which meets the requirement for lots less than 10,000 sf and greater than or equal to 5,000 sf, which may be reduced to 40' by 50' when vehicular access is provided from an alley. Proposed Lot 2 contains a building envelope 45' wide by 45' deep which is less than the required 50' by 50' envelope required when vehicular access is not provided from an alley. In accordance with BMC 23.48.030, the applicant has requested a 10% land division departure from the required building envelope.

Based on the information provided by the applicant in **Attachment D2**, the proposed departure reduces the size of the jog in the shared boundary line between the lots and allows the necessary building envelope to maintain the existing driveway access off Lindbergh Ave. to service the future home on Lot 2. The proposed jog also ensures the two, 24" deciduous trees will be located on a single lot (Lot 2). The proposed departure generates less waste and impact from new construction by allowing utilization of the existing driveway for the future, single family residence. Additionally, the reduced building envelope allows for a larger front yard for the existing residence on Lot 1, which will be beneficial as the rear yard of Lot 1 will largely be allocated to parking following completion of the subdivision. Following review of the information provided by the applicant in **Attachment D2**, the Director has approved the departure from the building envelope as proposed by the applicant.

(E) Abutment – Public Infrastructure. All lots are proposed to provide abutment on a water, sewer and stormwater main located in both Lindbergh Ave. and the alley.

23.08.070 Public infrastructure, dedications and improvement requirements:

(A) Dedication. The Proposal is located adjacent to existing platted right-of-way in Lindbergh Ave. and the alley. Following review from Fire, Public Works, Planning and Parks staff, no additional right-of-way is required to be dedicated.

(B) Street standards. The proposed short plat includes 2 lots and therefore pursuant to BMC 13.08.030.B.2 is only required to provide abutment on a minimum standard street. Lindbergh Ave. meets the minimum standard street requirement.

(C) Access. The proposed future residence will be served by an existing driveway accessing on-site parking for 2 vehicles outside of the required front yard setback. As

recommended in the condition of approval the applicant shall be required to provide two code compliant parking stalls for the existing residence accessed off the alley. Pursuant to BMC 23.08.060.C.2, a pedestrian walkway shall be provided from the entrance of the residential building to the abutting street as proposed in **Attachment A**.

(D) Water, Sewer and Stormwater management. Public water/sewer/stormwater mains are existing within Lindbergh Ave. and the alley.

Stormwater management is proposed to comply with City code, Chapter 15.42 BMC, which will be reviewed for compliance prior to final plat approval and with building permit submittal.

(G) Parks and Recreation. There are no identified recreational amenities on the subject property in the Parks and Recreation Open Space Plan.

23.08.080 Landscaping and design of infrastructure:

Single family construction does not require landscaping and stormwater associated infrastructure will be reviewed at the time of Building Permit for consistency with applicable requirements.

Staff analysis: The following is staff's code compliance review of Chapter 23.12 BMC.

23.12.30 Short Plat Decision Criteria

1. The Proposal satisfies the intent of the land use, housing, capital facilities and utilities, environmental and economic development chapters of the comprehensive plan by furthering the following goals and policies:

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-3 Encourage well-designed infill development on vacant or underutilized properties.

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.

2. The proposal is consistent with the applicable provisions of BMC 23.08 as identified above.

Applicant's response: **See Attachment D2.**

Staff analysis: Based on staff's review of the existing pattern of development, the proposal appears consistent with development in the surrounding neighborhood. The subject property is located across the street from Bellingham Technical College and Little Squalicum Park which provides public access to the shoreline and is a desirable location for an additional housing unit. The proposal meets this criterion through compliance with BMC 23.12.030.A.3, above.

3. 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;

Applicant's response: **See Attachment D2.**

Staff analysis: Based on staff's review of the proposal, development of a new single family residence can reasonably be accommodated on the proposed lot while taking into account the required yard setbacks and street/utility abutment requirements.

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;

Applicant's response: **See Attachment D2.**

Staff analysis: The application materials provide sufficient information to conclude this provision is met and development of the proposed lots will not require approval of future variances.

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.

Applicant's response: **See Attachment D2.**

Staff analysis: The proposal is a newly created infill lot in an area that is fully developed with single family residences, streets and utilities. Lindbergh Ave. is developed with a sidewalk on the opposite side of the street. The subject property is well served by multimodal transportation in the form of bicycle lanes and trails and is in close proximity to Little Squalicum and Squalicum Parks which offer a multitude of recreational amenities.

The existing and proposed residences are not anticipated to impact the ability to provide City utilities and services.

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.

Applicant's response: **See Attachment D2.**

Staff analysis: Compliance with the current zoning and the City's subdivision regulations for short plats ensures that appropriate provisions are made for open spaces, drainage ways, streets and alleys, potable water supplies, and sanitary wastes.

Staff finds that if the short subdivision is properly conditioned, as necessary to determine compliance with the subdivision codes, the provisions of RCW 58.17 are met and the public's use and interest will be served.

VIII. CONCLUSION

Based upon staff's analysis of the short subdivision and all supporting materials referenced in this staff report, staff finds the short plat application and departure from the building envelope requirement compliant with the municipal code if properly conditioned and recommends the Hearing Examiner issue an approval, with conditions.

The Proposal furthers the goals and policies of the Comprehensive Plan by providing an infill development opportunity in an area with existing infrastructure and services adequate to service the proposal. Additionally, the Proposal is consistent with the current zoning. An approval would not excuse the applicant from complying with any other federal, state or local statutes, ordinances or regulations that may be applicable to this project.

IX. CONDITIONS

Based upon staff's analysis above, staff recommends the Hearing Examiner approve the short plat application for the Proposal as described herein and as provided in **Attachments A, D and H**, subject to the following conditions:

A. GENERAL REQUIREMENTS

1. The plat shall be developed generally consistent with the lot layout on **Attachment A** as conditioned below.
2. Modifications to this decision shall be processed in accordance with BMC 23.12.080.
3. Development of the property shall be consistent with the provisions of BMC Title 23, and with the description of the Proposal, except as otherwise provided herein.
4. Impact fees for transportation, schools and parks shall be paid in accordance with applicable BMC requirements.
5. Preliminary short plat approval shall expire as provided in BMC 23.12.070.

B. CONDITIONS FOR FINAL PLAT APPROVAL

The applicant shall obtain all necessary permits and/or approvals from the City necessary to satisfy the following conditions prior to final plat approval pursuant to Chapter 23.12 BMC.

1. The following shall be shown on the face of the plat, as applicable:
 - a. All existing, required, and proposed easements.
 - b. A note stating that all lots are subject to those conditions set forth in this Hearing Examiner Order, and as may be amended in accordance with the municipal code.
 - c. The applicant shall be required to provide code compliant on-site parking for two vehicles accessed from the existing alley for proposed Lot 1 prior to final short plat approval.

- d. Pursuant to BMC 23.08.060.C.2, the applicant shall be required to provide a pedestrian path from the existing residence to Lindbergh Ave. prior to final plat approval.
- e. The applicant shall be required to obtain a demolition permit and final building inspection for the demolition of the existing detached accessory building on proposed Lot 2 or obtain an assignment of funds approved by the City for 150% of the cost to demolish the building prior to final plat approval.
- f. The applicant shall be required to submit a private utility access easement for City approval to provide the required stormwater main abutment for proposed Lot 2 located in Lindbergh Ave. The easement shall be required to be recorded prior to or concurrently with the final short plat and shall include provisions for maintenance and legal description and map exhibits prepared by a licensed surveyor.
- g. Future construction on proposed Lot 2 shall be required to obtain a Critical Areas Permit documenting compliance with BMC 16.55 for coal mine geologically hazardous areas.
- h. Stormwater limitations.

Prepared By:



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Planner II

Approved By:



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