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TRANSMITTAL MEMORANDUM

DATE: April 24th, 2024

FROM: Ali Taysi, AVT Consulting LLC

TO: Kathy Bell, City of Bellingham

RE: Request For Information (RFI) 03.08.24, for 2192 Birchwood Ave Project

Dear Mrs. Bell,

Please find attached with this Transmittal Memorandum a complete response to the RFI issued on March 8th, 2024 for the 2912 Birchwood Avenue Project (SUB2024-0006/SEP2024-0006). The Applicant team has prepared a response to all RFI comments. Updated attachments to this response include:

- RFI response letter.
- Updated Project Plans.
- Updated Consolidated Application forms, including Critical Areas Permit Application, Accessory Dwelling Unit Applications and Conditional Use Permit Applications.
- Updated Critical Areas Report (Coal Mine Hazard Evaluation).
- Updated Project Narrative.
- Updated SEPA Checklist.

This RFI response package is not intended to fully replace the original application package. The attached materials fully replace the prior versions, however any materials submitted with the original application that are not included in this RFI package can be re-used for continued project review.

Please review the attached materials and do not hesitate to contact me with any questions or requests for additional information. Thank you for your timely consideration of these materials.

A handwritten signature in blue ink, appearing to read 'Ali Taysi', is positioned above the printed name.

ALI TAYSI

KCLT LAFRENIERE COURT HOUSING
9-LOT SHORT SUBDIVISION
RFI#1 RESPONSE LETTER

On March 8th 2024, the Applicant received a Request for Information (RFI) on the proposed project at 2192 Birchwood Avenue (SUB2024-0006/SEP2024-0006). This RFI Response Letter provides an in-line response to each of the action items for which staff are requesting additional information. In addition to this Letter, please find attached supplemental information, including updated plans and reports, which support these responses.

RFI Comments and Action Items*:

*please note that City comments from the RFI#2 are identified in *italics*, and Applicant responses are identified in standard text.

Conditional Use Permit application for an Agricultural Nursery (BMC 20.16.020 (J)(2)). The narrative for the proposal includes retention of the existing agricultural nursery use. The City does not have any record of issuing a conditional use permit for the agricultural nursery. An agricultural nursery on a residential single zoned property requires approval of a condition use permit.

ACTION ITEM: Submit a Conditional Use Permit application for the proposed agricultural nursery or revise the narrative to remove this use from the proposal.

Applicant Response: The Applicant team has incorporated a Conditional Use Permit application for the proposed agricultural nursery into the overall project. The narrative, application forms and plans have been updated to reflect this use and are attached with this RFI response.

Accessory Dwelling Unit (ADU) applications (BMC 21.10.040(B)(31)). Land use applications are required for accessory dwelling units and require either a Type I or II review process. A Type I review process is required when the proposal does not include request for minor modifications pursuant to BMC 20.10.036(B)(3). Otherwise, ADUs are processed as Type II land use applications. The subject site appears to be more than ½ mile from a high frequency transit line and, therefore, parking for the ADU units is required.

ACTION ITEM: Submit ADU applications for each unit and revise the application materials as necessary to provide the required parking for the ADUs, unless minor modifications from parking are requested.

Applicant Response: The Applicant team has incorporated Accessory Dwelling Unit applications for the 9 proposed ADU's into the overall project. The narrative, application forms and plans have been updated to reflect these uses and are attached with this RFI response. The Applicant has confirmed that the property is greater than ½ mile from a high frequency transit line and has amended the project documents to reflect code compliant parking for the ADU's and primary residences.

In addition to the two items identified in the RFI, the City provided notice to the Applicant after the RFI was issued, that the provided critical areas geohazard report lacked necessary information. The report is required to be updated prior to building permit submittal for construction of the project. The Applicant team has chosen to address this comment with the RFI response so that it is closed out with the land use permits. An updated Coal Mine Hazard Evaluation is attached with this RFI response. This updated Evaluation addresses the specific project proposal, including subdivision and land use development activities, and makes reference to relevant code sections. Please incorporate this Evaluation into the record for the land use permit review.

KCLT LAFRENIERE COURT HOUSING
9-LOT SHORT SUBDIVISION
PROJECT NARRATIVE

I. Subject Site / Properties Information

Address: 2912 Birchwood Ave, Bellingham, WA 98225

Tax Parcel Number(s): 380223 562531 0000

Owner: KCLT, 1715 C St #201, Bellingham, WA 98225

Applicant: Ali Taysi, AVT Consulting LLC, 1708 F Street Bellingham, WA 98225

Agent(s): Same as applicant

II. Subject Site / Property Description

The subject property consists of one parcel and is currently addressed as 2912 Birchwood Ave, located east of Laurelwood Ave and west of Pinewood Ave, in Bellingham, WA (the "Property"). The Property is approximately 121,532 square feet, or 2.79 acres in size. It is located within Section 23, Township 38 North, Range 02 East, W.M.

The Property is located in the Birchwood Neighborhood, Area 1, and is zoned Residential Single, Detached and Mixed. The density in this area is 20,000-square-foot, with a 20,000 square foot minimum lot size. The property therefore has a base density of 6 residential units.

The Property is currently developed with an old barn/building along Birchwood Ave at the front of the Property, and a driveway back to a second barn in the center of the Property. The Barn and the Property were historically used for agricultural and commercial purposes, including farm related activities. In 1933 Poultrymen's Hatchery Inc., opened at the Property, and operated there through the early 1970s. The original farm and store burned in 1967 and were rebuilt in 1968. The current barn near the front of the Property is the rebuilt structure, which was used for agricultural and commercial farm stand purposes. City Sprouts Farm currently uses the northern portion of the Property for their operations. This portion of the site includes several greenhouse structures. The remainder of the site that is not farmed is undeveloped and is vegetated with grasses, shrubs, invasive blackberry, and a number of mature deciduous trees (predominantly Cottonwood).

The Property abuts a 60' right-of-way (Birchwood Ave) that is partially developed with paved drive lanes, but no curbs or gutters. There is a setback asphalt pedestrian sidewalk that runs along this section of Birchwood, separated from the travel lane by an extruded curb. There are water, sewer and storm mains in Birchwood Ave abutting the Property. The nearest fire hydrant is approximately 180 feet from the Property's southwest corner, on the north side of Birchwood Ave. There are no critical areas identified on the Property or on adjoining properties.

Neighboring properties in all directions are developed with single-family residences. A multi-family residential development is directly north of the Property. To the east, across Pinewood Ave, is Birchwood Elementary School.

Legal Description:

380223 562531 0000:

LOT A, AS DELINEATED ON LAFRENIERE LOT LINE ADJUSTMENT, ACCORDING TO THE PLAT THEREOF, RECORDED UNDER AUDITOR'S FILE NO. 2050806012, RECORDS OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

III. Project Description

The proposed project includes the demolition of the existing structures on the site and the development of an 18-unit residential single family housing plan. The development will be clustered in the middle of the site and will consist of 9 attached single-family residences, each situated on a separate legal lot (a 9-lot short subdivision is proposed), together with 9 attached Accessory Dwelling Units (ADU's). Each unit, including the ADU's, will be for sale with a condominium being placed over the entire Property to create ownership opportunity. A reserve tract will be created to encompass undeveloped portions of the site, including the City Sprouts farm, retained open space in the northeast portion of the site, retained future development area in the southern portion of the site fronting Birchwood Ave, and common access, utility, stormwater, parking, and garbage facilities.

Units will be clustered in groupings of four (two attached single-family residences each with one attached ADU). The clusters will be oriented towards common yard and pedestrian access features, which will extend to a common access lane with pedestrian facilities connection to Birchwood Avenue. Each unit will be two stories in height (with the exception of one ADA unit which will be one story) and each unit will have a private covered front porch, and a private rear yard. Each unit will have separate water, sewer, and power utility connections, with meter banks situated along the common access lane. Common surface parking will be located along this access lane. 26 parking stalls are proposed, 17 for the single-family residences (2 per unit greater than 1,000 sq ft in size, and 1 per unit for the ADA unit, which is less than 1,000 sq ft in size) and 9 for the ADU's (1 per unit). A common garbage enclosure will also be located along this access lane. A temporary overflow staging area will be improved in the southern portion of the Property. Stormwater will be managed on site in bioretention cells and will be conveyed to the City system in Birchwood. Water and sewer mains will be extended in the access lane from Birchwood. A fire and garbage turnaround will be incorporated into the access lane. The design prioritizes green space and community, with all units oriented towards pedestrian facilities and landscaping, limited vehicle infrastructure, with consolidated parking (no garages). Landscaping will be provided around units, parking, storm facilities, yards and along the access lane. New street trees are proposed along Birchwood

Ave and along the access lane. The project proposes to remove 38 mature “significant” trees, all but one of which are deciduous. Most of these trees are Cottonwood, and many present a hazard due to their size and location. Only one of these trees exceeds 30” in dbh. 10 additional “significant” trees are proposed to be preserved in the northeastern portion of the Property. The landscape design incorporates mitigation for the proposed removal trees, with 50 new trees to be planted throughout the project area (a ratio of 1.3:1).

The overall project proponent is Kulshan Community Land Trust, and the project intends to use the provisions of BMC 20.29 Incentive Program for Innovative Affordable Homeownership Projects, to develop a 100% affordable housing project. Through BMC 20.29 several design modifications are proposed including reduced lot sizes (discussed in greater detail in Section V of this narrative) and a 50% density bonus is also proposed (pursuant to BMC 20.29.030.F.1.).

The project also incorporates retention of the existing City Sprouts Farm (the “Farm”). Farming activity has been ongoing for decades on the Property, with a more formalized Staff and program established in 2018. The Farm began as a mission-driven business and transitioned to be a program of Western Washington University in 2023. The Farm is currently operated as a program embedded within Western Washington University's Center for Community Learning. The Farm operates in the northern portion of the Property and intends to take access from the proposed new lane within the site. There is an existing 1” irrigation meter that serves the Farm, which will be maintained. No new impervious surfaces or other improvements directly associated with the Farm are proposed. No tree removal is proposed associated with the Farm. The Farm currently operates with 1 full-time employee and 4-6 part-time seasonal employees. Typically, a team of 4-6 employees will work on the Farm from 8 am to 4 pm three days a week from April to October. Hours are decreased to around 4 hours per day at the beginning and end of the growing season. The Farm grows diversified vegetables and fruit using regenerative and organic practices, including tomatoes, watermelon, winter squash and beans. The Farm also grows flowers and is implementing perennial fruit/berry crops.

The Farm sells and donates crops for the benefit of the Birchwood Neighborhood, which is a “food desert” area with a lack of access to fresh, affordable, culturally appropriate food. This has particularly impacted low-income communities and communities of color. Since the Farm began in 2018, it has worked to address this problem by getting fresh produce into the hands of the communities most food insecure neighbors. The produce grown at the Farm is generally free/affordable for the people who consume it. Food is distributed to Sea Mar Community Health Center’s FARMacia free food stand, the Birchwood Food Desert Fighter’s free food share spot, through WWU Food Pantry Donations, and through a sliding-scale CSA program. The employees at the Farm occasionally drive personal vehicles to the site; these vehicles will be parked adjacent to the Farm operations at the end of the lane. Funding for employees' wages comes from WWU departmental funds and funds sourced from WWU grants. Operational costs are sourced from vegetable sales and occasionally local/regional grants.

The mission of the Farm is to build community resilience by stewarding a productive farm space where people can come together to learn, increase food access, and demonstrate how community vitality can grow through our food system. Primary goals are to grow nutritious produce that is accessible for food-insecure members of our community, to cultivate soil health and biodiversity, and to create opportunities for student learning, engagement and belonging.

The Farm operates as an “Agricultural Nursery” pursuant to City code; this use is allowed conditionally in the Residential Single zone, and as such a Conditional Use Permit (CUP) is required for the Farm’s operations. A CUP application is incorporated into this permit and discussion of compliance with CUP criteria is provided in this narrative in Section VII below.

IV. Subdivision Criteria

The project includes a 9-lot subdivision with one reserve tract. The lots are proposed to be clustered, utilizing the allowances in BMC 20.29 for variation from minimum lot sizes. A cluster short subdivision requires a Type III process and must show compliance with various standards and criteria contained in BMC 20.23, including the Performance Standards and other regulations in BMC 20.23.030 - .080, and the Decision Criteria in BMC 23.12.030.

BMC 23.08.030 Performance Standards

Any subdivision of land is required to meet certain Performance Standards outlined in BMC 23.08.030. The following is a discussion of the project’s compliance with these Standards.

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.

Applicant Response: The Property is located in the Birchwood Neighborhood, Area 1. The Plan for this Neighborhood identifies neighborhood character, open space, public facilities and utilities and circulation policies. The land use designation for Area 1 is residential single, low density. There are no specific neighborhood character or open space policies directly applicable to the project, however both sections of the Plan discuss the contrasting development patterns (low density/rural feeling single family and higher density multifamily) which permeate the neighborhood, and the focus on preserving the rural character and open spaces. The project as designed includes clustering of lots in order to facilitate preservation of open space areas and the existing City Sprouts farm. The design of the units from a materials and massing standpoint maintains the single-family character in the area and is in scale with surrounding development. There are also no specific policies related to public facilities, utilities or circulation that are directly applicable to the

project, however the project does incorporate access and utility improvements that are consistent with the expectations for infrastructure development in the area. Stormwater analysis has been completed and the use of low impact design elements are incorporated into the project design to the greatest extent possible.

C. Natural Features

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.

Applicant Response: There are no natural features of significance on the Property. The site is relatively level, with no wetlands, streams, shorelines, steep slopes, or habitat areas. The Property does have several clusters of mature “significant” trees, the majority of which are deciduous Cottonwood. Many of these trees present a hazard to surrounding and proposed development through their size and location. The project proposes to preserve almost 70% of the site in its natural condition, including the existing farm and a large open space area in the northeastern portion of the site. Due to their clustered nature, 38 of the “significant” trees are proposed for removal. Mitigation for this tree removal is proposed through the project landscaping, with 50 new trees proposed for planting (a ratio of 1.3:1). In addition, a cluster of existing mature “significant” trees is proposed for retention in the northeast portion of the Property.

D. Clearing and Grading

1. *In addition to demonstrating compliance with the land clearing, grading, and Lake Whatcom Reservoir 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.*

Applicant Response: The proposed development limits grading to only that which is necessary for the new access road, utilities and building foundations. Grading will be designed by a licensed civil engineer and will take into account the site's soil and infiltration capacity. Appropriate grading plans including SWPPP, TESC, and other BMP's will be implemented during construction.

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.*

Applicant Response: No new dedications of land are necessary for development of the Property. New public easements are proposed for water and sewer utility mains and for Fire/Life Safety accessibility.

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.

Applicant Response: The project design incorporates pedestrian facilities, providing access from Birchwood along the private lane to each unit entry, parking, open spaces, and garbage facilities.

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.*
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.*

Applicant Response: The proposed site design incorporates vehicular and pedestrian design components to ensure safe travel for all modes of transportation. Street trees and other landscaping will be incorporated around the site. Access to the City Sprouts farm will be incorporated into the common access lane.

In addition to the Performance Standards identified in BMC 23.08.030, additional standards are also identified in BMC 23.08.040 (Maximum number of lots), BMC 23.08.050 (Minimum lot size), BMC 23.08.060 (Lot design standards), BMC 23.08.070 (Public infrastructure, dedications and improvement requirements and BMC 23.08.080

(Landscaping and design of infrastructure). The project is designed to be consistent with the majority of these requirements, and in limited instances, where the project will vary from these requirements, modifications are requested pursuant to BMC 20.29.030.F. These modifications are discussed in Section V below, and include:

- The project is requesting a modification from density in BMC 23.08.040. A 50% density bonus is allowed pursuant to BMC 20.29.030.F.1, increasing the density from the base allowance of 6 densities to 9 total densities.
- The project is requesting a modification from minimum lot size in BMC 23.08.050. Lot sizes are proposed to be reduced from the standard 20,000 sq ft minimum to be more consistent with typical “cluster” or Infill Toolkit lot sizes, with lots ranging from 2,609 square feet to 5,901 square feet in size, pursuant to BMC 20.29.030.F.2.A.
- The project is requesting a modification from building envelope requirements in BMC 23.08.060.D. Building envelope areas are proposed to be reduced below the 60’ x 60’ minimum area requirement, with some lots having widths ranging from 35’ to 50’, pursuant to BMC 20.29.030.F.2.G.
- The project is requesting a modification from the abutment on private easement requirements in BMC 23.08.060.E.2. The project includes 9 lots that abut on a private easement (maximum allowed is 4), pursuant to BMC 20.29.030.F.2.B.

The project is designed to meet all other applicable requirements contained in BMC 23.08.030 - 080.

BMC 23.12.030 Decision Criteria

In addition to compliance with Performance Standards, any subdivision is required to show compliance with Decision Criteria identified in BMC 23.12.030. The following is a discussion of the project’s compliance with these 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;

Applicant Response: The subdivision has been designed to be consistent with the applicable provisions of Title 23, the Comprehensive Plan, and all applicable sections of the BMC, with the exception of the modifications that are requested pursuant to BMC 20.29. The subdivision is designed to be consistent with the criteria for these modifications, as discussed in Section V of this narrative. The Comprehensive Plan includes many Goals and Policies encouraging urban infill, affordability, consistency with neighborhood character, open space preservation, support for urban farming, and other relevant actions. The project as designed supports or implements many of these Goals and Policies, particularly those related to Affordable Housing.

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

Applicant Response: The subdivision is consistent with the provisions of Chapter 23.08 BMC as discussed in this narrative and illustrated in the project plans, except in those instances where a modification is requested pursuant to BMC 20.29.030.F.

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;

Applicant Response: The subdivision provides for the extension of public infrastructure and utilities into the site to serve the development. The Property is surrounded by developed parcels and there is no requirement or need for through connectivity for public access or infrastructure.

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 Response: Each lot can reasonably be developed in conformance with the requirements in BMC 20.30 (Residential Single), BMC 23 (Subdivisions) and BMC 20.29 (Incentive Ordinance). A detailed discussion of the project design compliance with BMC 23 and BMC 20.29 is provided in this narrative. The project is designed to be almost entirely compliant with BMC 20.30; each lot and unit will meet setback and height requirements (except for one side yard setback modification), and the project will meet open space and lot coverage requirements contained in BMC 20.30.040. Parking requirements will be met, with 2 parking stalls provided for each single-family residence over 1,000 sq ft in size, 1 stall for the ADA unit smaller than 1,000 sq ft in size, and 9 stalls for the ADU's for a total of 26 stalls. No variances are proposed, and the limited number of modifications proposed pursuant to BMC 20.29 are being 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; and

Applicant Response: All provisions listed are adequately met. Each lot will provide adequate open space, stormwater management, private access, and sidewalks for safe walking conditions. The project site is served by Birchwood Elementary School, Shuksan Middle School, and Bellingham High School. Both Birchwood and Shuksan are within walking distance of the Property with existing sidewalk infrastructure extending from the site east along Birchwood Avenue to Pinewood Avenue and then along Cottonwood Avenue and Maplewood to the relevant schools. There is a bus pick up and drop off at Shuksan along W Maplewood that provides service to Bellingham High School.

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 Response: The proposed subdivision will serve the public use and interest and is consistent with public health, safety, and welfare. It is designed to be safe for residents and the public and accommodating of environmental features in the vicinity, while providing adequate open space and maintaining the surrounding character from a materials and massing standpoint. The project provides the opportunity for additional permanently affordable residential housing in a portion of the City that is adequately served with utilities and infrastructure.

V. Incentive Program Criteria (BMC 20.29)

The project is proposed as a 100% permanently affordable housing project and intends to utilize the Incentive Program for Innovative Affordable Homeownership Projects contained in BMC 20.29. Through this program the project is required to meet certain standards outlined in BMC 20.29 and may also request certain modifications from underlying standards in other applicable code sections. The use of this program requires review of the project through a Type III process. The applicant proposes to consolidate this review into the cluster subdivision review with a single decision on the project. The following is a discussion of the projects' compliance with the applicable BMC 20.29 standards and also a discussion of the proposed modifications.

BMC 20.29.010 Authority and Purpose

A. Authority. The Growth Management Act requires the city to provide housing opportunities for all economic segments of the community. Similarly the city's comprehensive plan encourages revisions to the city's development regulations to increase the supply of affordable housing.

Applicant Response: The proposed project is an entirely affordable housing project on a property that is well situated to accommodate the density of development proposed.

B. Purpose. The purpose of this chapter is to facilitate the construction of innovative owner-occupied affordable homes by organizations or applicants that can demonstrate an ability to finance, manage, and monitor affordable home sales to assure continued affordability. This chapter replaces Chapter 20.27 BMC, Demonstration Program for Innovative Permanently Affordable Homeownership Projects, which expired on December 31, 2014. [Ord. 2020-03-005 § 1].

Applicant Response: The project represents an innovative approach to providing affordable housing units in a for sale model and is being proposed by Kulshan Community Land Trust, an organization that has a demonstrated history of development and implementation of permanently affordable housing projects in Bellingham and throughout Whatcom County. KCLT has the ability to finance, manage and monitor affordability requirements in-house to assure continued affordability.

BMC 20.29.30 Approval Requirements

A. Project Applicant.

1. The organization or applicant can demonstrate experience in the creation and retention of owner-occupied, resale-restricted affordable, income-qualified homeownership.

Applicant Response: KCLT is a veteran affordable housing developer in the community and has demonstrated experience in creating and retaining owner occupied, resale-restricted affordable housing, in a for sale model, while managing income qualification requirements for prospective buyers.

2. Notwithstanding the requirement in subsection (A)(1) of this section, an organization or applicant that can demonstrate experience in providing market rate housing and a mission statement of its intent to use that experience toward achieving the goal of providing affordable housing shall be deemed to have met this requirement.

Applicant Response: KCLT meets the requirements as an organization with demonstrated experience in developing and managing affordable housing projects.

3. The organization can demonstrate the ability to employ restrictive resale covenants, or other acceptable mechanisms, to retain the affordable low-income units to income-qualified buyers as defined by BMC 20.29.020.

Applicant Response: KCLT can demonstrate (and has demonstrated) the ability to employ restrictive resale covenants or other similar mechanisms to ensure that all units are offered to qualified buyers. It is assumed that this and other similar affordability requirements will be memorialized in the conditions of approval of the project.

4. The organization can demonstrate an ability and commitment to submit reports to the city documenting compliance with the requirements pursuant to BMC 20.29.050.

Applicant Response: KCLT can demonstrate (and has demonstrated) the ability to submit reports to the City documenting compliance with all applicable affordability requirements.

B. Single-Family Homeownership. The project must create no less than 51 percent of the dwelling units as affordable low-income single-family residences that are individually owned by their occupants. It must have controls in place, subject to approval by the planning director or his/her designee, to ensure that the residences remain owner-occupied.

Applicant Response: 100% of the proposed housing units, including all of the ADU's (which will be sold separately as condominium units) will be offered as affordable low-income single-family residences that are individually owned by their occupants. KCLT will implement required controls to ensure owner occupancy.

C. *Guarantee of Affordability. The project must have controls in place, subject to approval by the planning director or his/her designee, to ensure that the required affordable owner-occupied units remain affordable for 50 years from final plat approval, and in accordance with the definition of affordable homeownership in BMC 20.29.020. The controls shall include:*

1. Agreements or covenants restricting resale to qualified low-income households through the affordability period which can be enforced by the city; or

2. Other methods approved by the planning director, or his/her designee, to ensure that the project's low-income single-family residences remain affordable in accordance with this chapter.

Applicant Response: 100% of the proposed housing units, including all of the ADU's (which will be sold separately as condominium units) will be offered as affordable low-income single-family residences that are individually owned by their occupants. KCLT will implement required controls to ensure owner occupancy.

D. *Project Location. Affordable dwelling units developed under this chapter must be located:*

1. In a residential single-family or multifamily zone within the city of Bellingham, except within the Lake Whatcom watershed; or

2. Within an urban village residential transition zone.

Applicant Response: The project is located on a Property that has residential single-family zoning (Birchwood, Area 1). The Property is not located within the Lake Whatcom watershed.

E. *Design Review. Projects developed under this chapter must comply with the following design standards to protect, maintain, or enhance neighborhood character and compatibility. This is intended to be accomplished with site and building designs that improve the streetscape public realm and sense of security by providing greater opportunity for more eyes on the street and social interaction, and minimizing the presence of garages. Where these standards conflict with other provisions in BMC Title 20, these standards shall apply. Modifications to these standards may be considered through subsection (F) of this section, provided the alternative designs proposed are consistent with the purpose of this section.*

1. Emphasize single-story massing elements on front facades by incorporating porches, stoops, balconies, bays and trim work to provide greater visual interest from the fronting street, lane or pedestrian corridor.

Applicant Response: The unit designs emphasize single-story massing elements on front facades. Each unit will have a covered front porch with a roofline at the first story, as well as other design elements like trimmed windows and varied siding material, with a change at the second story. All units will be two stories in height (except ADA units which will be one story in height), maintaining a massing and profile that are consistent with surrounding single-family development. Each unit porch will orient to a common pedestrian corridor (not an alley, lane, or parking area) creating a sense of community space and encouraging interaction with neighbors.

2. Employ a change of materials, colors or textures on front facades of individual homes to provide further articulation and additional variety and character.

Applicant Response: All units will incorporate a change in material between the first and second story, as well as a change in color. Porches and roof eaves will further articulate units.

3. Apply trim details used on the front facade in a consistent manner to all elevations of a building.

Applicant Response: Trim details will be applied on all facades and each unit will have both a covered front and rear porch.

4. Each dwelling shall have a covered front porch or stoop with main entry facing a street, lane, or pedestrian corridor.

Applicant Response: Each unit will have a covered front porch with the main entry oriented to a common pedestrian corridor. Each unit will also have a covered rear porch oriented to a private rear yard.

5. Front porches and stoops shall have no dimension less than five feet and shall occupy no less than 30 percent of the front facade of a building. The longest dimension of a porch or stoop shall be parallel to the fronting street, lane, or pedestrian corridor.

Applicant Response: Each unit front porch will be 4' in depth and will extend for greater than 30% of the façade. The reduction in front porch depth is proposed as a modification (see below).

6. Each residence shall include a front swing door (no slider) access to the corresponding front porch or stoop.

Applicant Response: Each front entry is designed with a swing door. No sliders are proposed along the front facades of any units.

7. A walkway shall be provided from the front porch or stoop to the abutting public street, lane or pedestrian corridor.

Applicant Response: A pedestrian walkway is proposed extending from each front porch to common walkways that extend throughout the site, including parallel to the main access lane, ultimately providing pedestrian connectivity to the public sidewalk along Birchwood Ave.

8. Minimize the impact of the garage on the streetscape or lane by the following:

a. Set garages back at least four feet from the front face of the building (excluding front porches and stoops).

b. Restrict garage width to no more than 40 percent of the front facade of a building.

Comment: N/A – No garages are proposed. Parking is located along the lane, predominantly to the north (past) the proposed units so that it does not dominate the streetscape.

9. Fencing located between the primary building and the street, lane or pedestrian corridor is limited to 42 inches in height and may be no more than 60 percent opaque. Chain-link or cyclone fencing is not allowed adjacent to a street, lane, or pedestrian corridor.

Applicant Response: Any fencing proposed around unit entries, front porches or private front yards will be limited to 42” in height with 60% opacity. No chain link or cyclone fencing is proposed.

10. Landscaping.

a. Use planting materials and landscape structures such as trellises, raised beds and fencing adjacent to streets, lanes and pedestrian corridors to unify the overall site design and enhance the public realm.

b. Landscape beds shall include trees and a mix of small, medium and large plantings for a “layered” appearance, except where landscaping standards require a hedge, or an alternative design is approved by the planning and community development director.

Applicant Response: The project landscape plan will incorporate a mix of lawn, ground cover, shrubs, and trees (small, medium and large) located around parking areas, storm facilities, the access lane, and units. These landscape beds will help frame and delineate private and common spaces.

F. Request for Regulatory Modification. Project applicants may request modification of city regulatory requirements listed below; provided, that the project complies with applicable Washington State laws. Requests for modification must be accompanied by detailed supporting documentation regarding the appropriateness of, and the need for, the modification. Project applicants must meet all other applicable development regulations in the Bellingham Municipal Code pertaining to single-family detached or

attached houses. Requests for regulatory modification must accompany the preliminary plat, short plat, binding site plan, or lot line adjustment application and must be noted on submitted site plans.

Applicant Response: The project is designed to meet the majority of the applicable design and development requirements contained in BMC 23 (Subdivisions) and BMC 20.29 (Incentive Ordinance). Compliance with these requirements is detailed in this narrative and in the application plans and reports. However, due to the desire to reduce the project footprint on the site, decrease the cost of developing infrastructure for the project, preserve open space, and increase affordability, the project does include modification requests. These requests are detailed below.

1. Minimum Density. Increased density of up to 50 percent over the otherwise maximum density allowed in the applicable residential zone may be granted to a project;

Applicant Response: The project is requesting a modification from the density maximums in BMC 23.08.040. The underlying density for this Property is 6 units, based on the 20,000 square foot minimum density/lot size requirement in the zoning table for Area 1 of the Birchwood Neighborhood. A 50% density bonus is allowed pursuant to BMC 20.29.030.F.1, increasing the density from the base allowance of 6 densities to 9 total densities. The project includes 9 single family attached residential units, each on a separate fee lot. The density increase is appropriate as it facilitates additional permanently affordable housing units in the project. The incentive ordinance requires only 51% of the units be affordable. This would be 4 units utilizing the underlying base density, and 5 units utilizing the bonus density. The project proposes 9 affordable primary units, and through the use of the ADU provisions in BMC 20.10.036 and the condominium option, will provide 18 affordable units for homeownership. Without the density bonus the maximum number of affordable units that could be provided utilizing the incentive ordinance + ADU's would be 12. The additional units contribute significantly to the affordability of the overall project; without the additional units the fixed costs of the project (design, permit fees, infrastructure costs) would be amortized over fewer units, increasing their cost per unit, and hampering efforts to achieve a 100% affordable project.

2. Other modifications:

a. Minimum lot size;

b. Minimum street frontage;

c. Minimum front, side, and rear yard setbacks;

d. Minimum parking requirements;

e. Maximum lot coverage;

f. Minimum usable open space;

g. Other regulations to allow demonstration of innovative approaches to affordable homeownership, energy conservation, low-impact development, and stormwater management.

Applicant Response: The project design incorporates various other modification requests from BMC 23.

- The project is requesting a modification from minimum lot size in BMC 23.08.050. Lot sizes are proposed to be reduced from the standard 20,000 sq ft minimum to be more consistent with “cluster” lot sizes, with lots ranging from 2,609 square feet to 5,901 square feet in size, pursuant to BMC 20.29.030.F.2.A. The proposed lot sizes are consistent with the “cluster” lot size or Infill Toolkit lot sizes that would otherwise be allowed if the zoning table included a “cluster attached” use qualifier. In many single-family zones throughout the City, a “cluster attached” use qualifier is included in the zoning table. This qualifier allows attached single-family residences similar to those that are proposed, and allows lot sizes to be reduced, using the cluster regulations in BMC 23.08.050.A.3, to 4,000 square feet, or using the Infill Toolkit regulations pursuant to BMC 23.08.050.A.4 (Infill Toolkit uses are allowed in single family zones that have a “cluster” designation pursuant to BMC 20.30.030.A.13). Allowing clustered and attached single family lots furthers the goals of preserving open space, limiting infrastructure cost, reducing impervious surface, and increasing affordability for the project, facilitating a 100% affordable project.
- The project is requesting a modification from building envelope requirements in BMC 23.08.060.D. Building envelope areas are proposed to be reduced below the 60’ x 60’ minimum area requirement, with some lots having widths ranging from 35’ to 50’, pursuant to BMC 20.29.030.F.2.G. The same analysis regarding “cluster” allowances and/or Infill Toolkit design allowances applies to the proposed building envelope reduction request. The building envelope table in BMC 23.08.060.D allows a reduction in dimensions for cluster attached housing to 20’ x 40’ (all proposed lots meet these dimensional requirements).
- The project is requesting a modification from the abutment on private easement requirements in BMC 23.08.060.E.2. The project includes 9 lots that abut on a private easement (maximum allowed is four), pursuant to BMC 20.29.030.F.2.B. If this standard were to be met, then a public road would need to be extended into the Property to serve the proposed lots. A public road would require more right of way dedication, utilizing more land area, generating more impervious surface area, and would result in more infrastructure that would be required to be maintained in perpetuity by the public. There is no need for a public road for through-connectivity or for Fire/Life Safety needs and no benefit to burdening the site or the public with this more significant infrastructure improvement. As noted, the project functions similarly to an Infill Toolkit project. Pursuant to BMC 20.28, Infill Toolkit subdivisions can be developed with private lanes serving greater than 8 units if approved by Fire. This design is therefore consistent with

many other similar project designs located in residential single zones throughout the City.

- The project is requesting a modification from the design standard in BMC 20.29.030.E.5 requiring porches to have no dimension less than 5'. As proposed, units have covered front porches that are 4' deep. These porches extend across the majority of the face of each unit, so while they are less than 5' deep they are much wider than 5'. These porches also have eaves that extend beyond the porch line, creating a covered area close to 5'. The proposed 4' depth is a result of roof pitch combined with ceiling height for the first story, and if a larger porch were incorporated it would lower the eave line of the porch to an undesirable height.
- The project is requesting a modification from the interior side yard setback requirement contained in the table in BMC 20.30.040, which requires a 5' side yard setback. The design of the project includes attached ADU's with each single-family residence. The ADU's are attached to the single-family residences on their side, and each ADU is also attached to the adjacent lots ADU, such that they have a zero-lot line on the interior side yard. This is consistent with an attached single-family product, allowed with a "cluster attached" designation throughout the City or through the use of the Infill Toolkit. By permitting a zero-lot line attached product on the Property, the overall development can reduce footprint on the site, and also the cost of construction can be reduced for each unit. This facilitates the affordability of the project.

G. Recommendation for Regulatory Modification. The planning and community development director, or his/her designee, may issue a recommendation to the hearing examiner for modification of regulatory requirements listed in subsection (F) of this section for projects applying under this chapter if the planning director, or his/her designee, determines that approvals of requested regulatory modifications are necessary to facilitate the construction of as many affordable homes as allowable.

Applicant Response: The Applicant is requesting that the Hearing Examiner review the proposed modifications concurrently with the Type III subdivision application and incorporate approval for the modifications, with planning and community development director recommendations of support, into the preliminary subdivision approval. The Applicant believes that it is clear from the record that the modifications, which are predominantly focused on increasing density and clustering development to reduce cost and site impact, will facilitate the construction of as many affordable homes as allowable. Without the modifications it is unlikely that a 100% affordable project could be achieved.

H. Request for Exemption from Impact Fees and Stormwater Fee. Project applicant may request an exemption from impact fees for the affordable low-income units as allowed under applicable sections of the Bellingham Municipal Code. [Ord. 2021-10-044 § 8; Ord. 2020-03-005 § 1].

Applicant Response: The Applicant is requesting, on behalf of the owner, an exemption from impact fees and stormwater fees for the entire project. 100% of the units in the project will be set aside as permanently affordable (requirement is only 51%). This strong commitment to affordability warrants an impact fee and stormwater fee exemption.

VI. Accessory Dwelling Unit

The project incorporates 9 ADU's into the design with one attached to each single-family residential unit. Current ADU regulations, contained in BMC 20.10.036, permit up to two ADU's with each single-family residence. The ADU's are an integral part of the overall project design and will contribute to the affordability of the project (each ADU will be condominiumized so that it can be sold to a separate owner as an affordable unit). As designed the ADU's will require one modification, which is being proposed through the BMC 20.29.030.F.2.C modification allowance (discussed above). ADU's that require modifications from code require a Type II land use permit and must be shown to be in compliance with applicable regulations in BMC 20.10.036.

BMC 20.10.036(B) Accessory Dwelling Unit Standards

Pursuant to BMC 20.10.036(B)(1), the construction of an ADU is permitted on each proposed lot, accessory to each existing single-family residence, so long as standards and criteria in BMC 20.10.036 (B) are met. A discussion of compliance with these regulations is provided in this section of the project narrative.

4. Ownership and Occupancy

Applicant Response: Each proposed ADU will be located on the same fee lot as a primary single-family residence. However, each ADU is proposed to be segregated in ownership from the primary dwelling unit through a condominium in order to facilitate the sale of the ADU as an affordable housing unit. This will result in 18 affordable units in the project.

5. Site Requirements

Applicant Response: Each lot will have one ADU. The ADU's are not counted towards the overall project density. Each ADU is designed with a main entrance facing the common pedestrian corridor, with direct pedestrian connection (lighted) extending to the common access lane.

6. ADU Size

Applicant Response: Each ADU will be less than 1,000 square feet in size.

7. Minimum Yards for D-ADUs

Applicant Response: Each ADU is proposed to meet the front and rear yard setback requirements for the primary single-family residences as detailed in BMC 20.30. One ADU, the ADA unit, will meet all setback requirements. The remaining ADU's are proposed to be attached to the primary residence on one side, and also attached to an adjacent ADU on the other side (effectively, each single-family residence will be a zero-lot line attached unit, with the attachment occurring on the ADU side of the structure). It is not clear if this code section is applicable to attached ADU's, however a modification from the side yard setback requirements for the attached ADU's is provided in Section V of this narrative, utilizing the modification allowances in BMC 20.29.030.F.2.C.

8. Building Height for D-ADUs

Applicant Response: This section is not applicable. The proposed ADU's will be two stories in height, consistent with the primary single-family residences.

9. Parking

Applicant Response: The Property is not located within a ½ mile of a high frequency transit line (WTA 15-minute Go Line is located on Northwest Avenue slightly over ½ mile away), and there is limited informal street parking along Birchwood. As a result the ADU's will each require one parking stall, for a total of 9 stalls. The project design includes adequate parking for the ADU's.

10. Privacy

Applicant Response: Each ADU is designed with a private rear yard and a covered front porch, in a similar style to the primary single-family residences. ADU's will have front and rear windows but no side windows that would look into neighboring units. Landscaping will be provided around units to screen porches and rear yards.

11. Design Standards

Applicant Response: N/A – Section repealed by Ordinance 2023-08-022.

12. Utilities

Applicant Response: Each ADU will have a separate water and sewer connection and a separate electrical meter. All controls will be accessible by the ADU owner, independent from the primary single-family residence.

13. Compliance with Applicable Codes

Applicant Response: The ADU will be designed and constructed in compliance with all applicable building code requirements.

14. Accessibility

Applicant Response: One of the ADU's is proposed as an accessible unit. This ADU will be one story and will meet ADA requirements.

VII. Conditional Use Permit

The project includes the retention of the existing City Sprouts Farm, which has been operating on the Property in its current form since approximately 2018, and informally prior to that for many years. The Farm was never formally permitted on the site; through this land use permit process the Applicant intends to permit the Farm to memorialize current and future operations. The Farm functions as an "Agricultural Nursery" which is a conditionally allowed use in the Residential Single zone, pursuant to BMC 20.30.030.B.13.

Agricultural Nurseries are defined in BMC 20.08.020:

"Nursery, agricultural" means an establishment where trees, shrubs, vines and other plant stock are grown, propagated, and/or stored for the purpose of sale or wholesale.

The Farm activities include growing, propagating and storing vegetables, fruits and berries, trees, and shrubs, and harvesting the produce from these plants for the purpose of sale, wholesale, and donation. A description of the Farm and the function of the Farm is provided in the Project Description in Section III of this narrative.

Uses that are conditionally permitted in a zone are required to procure a Conditional Use Permit (CUP), which is a Type III process. The Applicant is requesting consolidated review and decision for the Type III processes for this project (the Cluster Short Subdivision, CUP, and BMC 20.29 regulatory modifications) pursuant to BMC 21.10.060. The Applicant is not requesting a consolidated decision for the required SEPA determination, Critical Areas Permit and ADU permits. Through the CUP permit review process a conditionally permitted use must be shown to be in compliance with criteria identified in BMC 20.16.010.B and E. These criteria are identified as questions 6-16 on the City CUP application form. Responses to these criteria are provided in this section of the narrative as follows:

BMC 20.16.010.B 1-3:

1. The proposed use will promote the health, safety, and general welfare of the community.

Applicant Response: The Farm provides critical food resources at low or no cost for underserved populations while also providing educational opportunities in partnership with our local University. The Farm builds community resilience by stewarding a productive farm space where people can come together to learn, increase food access, and demonstrate how community vitality can grow through our food system. Primary goals of the Farm are to grow nutritious produce that is accessible for food-insecure members of our community, to cultivate soil health and biodiversity, and to create opportunities for student learning, engagement and belonging. The Farm operations do not generate significant impacts on the surrounding properties through noise, light, glare, emissions to air or other impacts; the

Farm has operated for over 5 years with no known complaints from neighboring properties. The Farm does not generate life safety or human health concerns and generally contributes to the welfare of the community.

2. The proposed use will satisfy the purpose and intent of the general use type in which it is located.

Applicant Response: The Purpose and Intent of the Residential Single zone is laid out in BMC 20.30.020. The primary function of this zone is to accommodate single family residential uses in detached or attached forms (the primary project includes this type of housing form). Conditional Uses in this section are discuss in BMC 20.30.020.D which states:

Conditional Uses. Certain uses have been designated as conditional uses because they directly benefit or provide services to families within the immediate area or because they are uses of a community nature which function best if located within RS areas. Because such uses are usually more intense than the principal uses, review and scrutiny is required to determine if the proposal would cause substantive detriment to the quality of life within the RS area.

The proposed Farm is consistent with and satisfies this stated Purpose and Intent. The use provides direct benefit to families within the Birchwood Neighborhood and is of a community nature, providing food and food education for residents of the community. By locating in the Birchwood Neighborhood, in an RS zone, the Farm can operate near its primary users, many of whom live within walking distance of the Farm itself and/or several of the distribution locations for the products grown at the Farm. The Farm is small in scale, and does not generate detrimental impacts to the quality of life of residents in the RS area; instead, the Farm generates beneficial impacts to the quality of life of these residents.

3. The proposed use will not be detrimental to the surrounding neighborhood.

Applicant Response: As noted above, and described throughout this narrative, the Farm will not generate detriment to the surrounding neighborhood. The Farm has been operating at this location in its current form for over 5 years with no known complaints. The Farm does not generate significant impacts from noise, light, glare, emissions to air or other impacts. The Farm does not operate in an industrial or commercial scale at the Property. The Farm provides benefit to the neighborhood, and the broader community, not detriment.

BMC 20.16.010.E 1-8:

1. Be harmonious with the general policies and specific objectives of the comprehensive plan.

Applicant Response: The operation of the Farm at this location is entirely harmonious with applicable general policies and specific objectives of the Comprehensive Plan. The Comprehensive Plan includes many statements, goals and policies in support of small-scale

farming operations within the City limits and espouses the benefits of these types of operations on local communities and neighborhoods. The following references from the Comprehensive Plan reflect some of the supportive language for the operation:

- *From the Introduction Section:*

Not only does healthy community design provide a number of benefits across a broad spectrum of community issues, but the GMA also requires inclusion of health-related policies in the Comprehensive Plan.... The updated plan not only addresses these requirements, but it also includes policies supporting investments in existing neighborhoods, accessible health services, and access to healthy food (e.g. urban farms, healthy mobile food vendors and farmers markets).

- *From the Land Use Chapter:*

Policy LU-11 - As neighborhood plans are developed and updated, important priorities and issues should be identified, including:

Spaces for small-scale community gardens, healthy mobile food vendors, and other opportunities for healthy, local food; and

GOAL LU-10 Foster community connectedness to improve the health of residents.

Policy LU-81 Increase access to healthy food for all Bellingham residents by encouraging and supporting healthy food retail, farmers markets, and small-scale urban farms (e.g. residential and community gardens).

Policy LU-84 Encourage healthy food purveyors, such as grocery stores, farmers markets and community food gardens, to be located near residential areas and public transit.

Policy LU-87 Support and encourage informal community gathering places in existing and new neighborhoods.

- *From the Housing Chapter:*

The community also values healthy and safe neighborhoods. Conditions of homes and neighborhoods can have powerful effects on the short- and long-term health quality and longevity of its residents. A neighborhood's physical characteristics may promote health by providing healthy food choices and recreational opportunities that are free from crime, violence and pollution. Neighborhoods with strong ties and high levels of trust among residents may also strengthen health.

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.

- *From the Economic Development Chapter:*

Policy ED-51 - Encourage locally-based food production, distribution and choice through the support of community gardens, farmers markets, and other small-scale initiatives.

2. Enable the continued orderly and reasonable use of adjacent properties by providing a means for expansion of public roads, utilities, and services.

Applicant Response: The location of the Farm has no impact on the orderly extension of public roads, utilities, and services, or has any impact on the use of adjacent properties. While this is not planned, if for some reason in the future the proposed lane or utility main extensions serving the development portion of the site were needed to extend north through the Farm to adjacent properties, this could be done with minimal disruption to the Farm activities.

3. Be designed so as to be compatible with the essential character of the neighborhood.

Applicant Response: The Birchwood Neighborhood is unique in that it is characterized by larger, long, skinny lots, which are often utilized for hobby agriculture by property owners. There is a long history of “victory farms” in the Neighborhood, and the Farm fits into this pattern of development. The Birchwood Neighborhood zoning table for this Area designates a use qualifier as “detached, mixed” and the special regulations state: *The mixed designation is intended to allow agriculture and the raising of farm animals; provided, that they are not a commercial endeavor.* While the Farm is a semi-commercial endeavor the scale and mission of the facility are consistent with this Neighborhood character.

4. Be adequately served by public facilities and utilities including drainage provisions.

Applicant Response: The Farm will have minimal need for public facilities. There is an existing 1” irrigation meter that serves the Property and will continue to be utilized by the Farm. The proposed private lane will provide access to the Farm portion of the Property. No special stormwater or drainage facilities are necessary for the Farm. However, the project civil engineer has considered the Farm improvements when developing the project stormwater site plan.

5. Not create excessive vehicular congestion on neighborhood collector or residential access streets.

Applicant Response: The Farm is operated by a small team of part-time employees, working seasonally and during portions of the week. Traffic generated by the facility is limited and

no sales occur on site, limiting customer visits to the Property. There is no indication that the Farm does, or will, create excessive vehicular congestion.

6. Not create a hazard to life, limb, or property resulting from the proposed use, or by the structures used therefor, or by the inaccessibility of the property or structures thereon.

Applicant Response: The Farm operations are low-key and small in scale and there are no activities that would generate an unusual hazard of any kind to employees, the Property, or neighboring properties. The only structures developed for the Farm are garden beds and hoop houses, which do not generate any hazard for employees, or neighboring properties. There are no accessibility concerns because of the operations.

7. Not create influences substantially detrimental to neighboring uses. "Influences" shall include, but not necessarily be limited to: noise, odor, smoke, light, electrical interference, and/or mechanical vibrations.

Applicant Response: As noted throughout this narrative, there are no influences from the Farm operations that will be substantially detrimental to neighboring uses. Due to its scale and the approach taken to operations, the Farm produces limited odors and noise, and no smoke, light, electrical interference or mechanical vibrations. There are limited employees, working seasonally, during regular business hours.

8. Not result in the destruction, loss, or damage to any natural, scenic, or historic feature of major consequence.

Applicant Response: There are no natural, scenic, or historic features of major consequence around the portion of the Property utilized by the Farm, or on any adjacent or nearby properties. The Farm activities occur in an open field area and do not require the removal of any "significant" trees.