



ATTACHMENT E

Planning and Community Development Department

210 Lottie Street, Bellingham, WA 98225

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Email: planning@cob.org Web: www.cob.org

June 25, 2024

Gabe Rogel
425 Ridgeway Dr.
Bellingham WA 98225

RE: TRC review of a Street Vacation Petition for the Army Street right-of-way

Mr. Rogel,

I am writing with an update on your street vacation petition. On March 13, 2024, the City's Technical Review Committee (TRC) reviewed your petition to vacate the Army Street right-of-way abutting your property at 315 W. Holly St. and the neighboring properties at 401 W. Holly St. and 1220 Central Ave. The petition seeks vacation of the full 80-foot width of Army St. abutting the properties legally described in **Attachment 1**. The subject Army St. right-of-way is in Area 5 of the City Center Neighborhood and the Old Town Overlay District.

The TRC is comprised of representatives from the Planning, Parks, Public Works, Fire, Police and Legal Departments. The TRC reviewed a petition signed by yourself, John Meyer (owner of 401 W. Holly St.) and Martha Bray (owner of 1220 Central Ave., parcel #3803300751940000) and supporting materials including maps and a letter to the city council that explains the overall project scope.

You are petitioning to vacate the Army Street right-of-way and improve it with surface vehicle parking to be used by the proposed development of your property at 315 W. Holly St. The proposed development at 315 W. Holly St. is a combination climbing gym and residential uses.

The TRC determined that the petition, with conditions, is consistent with the criteria for granting a street vacation in BMC 13.50.110. Accordingly, the TRC recommends approval of the street vacation petition subject to the following conditions:

1. Submit a revised map that shows the area of the right of way to be vacated, to not include the northwesterly 40-foot portion of Army St. that is abutting the property owned by BNSF Railway Company (**Attachment 2**).
2. Easements for public or private utilities shall be retained, unless the owners of said utilities allow for relocation at the sole expense of the petitioner. At a minimum, a 20-foot easement (10 feet on each side) will be required over the sewer main located in the right of way.
3. In accordance with the Old Town Subarea Plan, and to comply with BMC 13.50.110(A)(5), the petitioner will be required to dedicate a view easement over the Army Street right of way to maintain the view to the waterfront looking south from W. Holly St.
4. Prior to the public hearing with the Hearing Examiner, submit written confirmation from Martha Bray and John Meyer that they intend to sell their portions of the Army St right of way to the petitioner, if the street vacation is approved by city council.

Please note that under BMC 13.50.110(B), “the city council may consider any other fact or issue that is part of the record from the public hearing it deems relevant when deciding whether to vacate a street or alley, including, but not limited to, the street or alley’s proposed use after vacation.” The city council may accept the recommendation of the hearing examiner or reject the same in whole or in part. If city council rejects the recommendation in whole or in part, then it shall make findings of fact and conclusions of law explaining its decision. BMC 13.50.110(C).

If you decide to proceed with the street vacation petition, please complete the following:

1. Notify the staff planner so that application fees (\$4,131.00) can be assigned to your street vacation petition.
2. Submit an amended response to each of the street vacation criteria in BMC 13.50.110 that incorporates the conditions in this TRC letter.
3. An appraisal will be required to determine the fair market value of the subject right-of-way. After the application fee is paid, the city will arrange for the appraisal from an on-call appraisers list. The petitioner is responsible for paying the fee for the appraisal.
4. Prior to the public hearing for the vacation request before the hearing examiner, the appraised value of the subject right-of-way shall be computed, incorporated into the draft street vacation ordinance, and deposited with the finance director. The amount deposited with the finance director may be adjusted by the planning department director if the petitioner and city staff have tentatively agreed to a lesser deposit amount or no deposit at all based on the value of the public amenity provided by the petitioner as part of the proposed vacation. In the event the city council does not approve the vacation, the deposited amount (exclusive of the application, public hearing, and appraisal fees) shall be refunded to the petitioner.

The city will notify private utility providers that your street vacation petition has been submitted. If there are private utilities within the subject right-of-way, those easements with the provider(s) must either be retained OR relocated / reconfigured at your expense.

Please note also that if the street vacation is ultimately approved by city council, you will be required to apply for a lot line adjustment (with the owners of 401 W. Holly St. and 1220 Central Ave.) to move the centerline of Army St. to the north side of the vacated right of way to reflect the new property line after vacation.

If you decide to move forward with the street vacation application, city staff will contact you with potential dates for the public hearing before the Hearing Examiner. Please note that the city council must pass a resolution that sets the public hearing date at least 20 days before said hearing. If you have questions, please contact me directly at 360-778-8369 or lkershner@cob.org.

Sincerely,



Lindsay Kershner

Planner II

Planning and Community Development Department

ATTACHMENT 1

- **315 W HOLLY STREET, ABBREVIATED LEGAL DESCRIPTION:**

NEW WHATCOM NW 100 FT OF LOTS 1-2 BLK 8-ALL TIDELAND LOTS 193-194-TOG WI LOT A CHAMPION STATION LLA AS REC AF 2017-1201645-SUBJ TO COVENANT TO BIND PROPERTIES AS DESC AF 2023-0201217

- **401 W HOLLY STREET, ABBREVIATED LEGAL DESCRIPTION:**

FRAC OF LOT 6 BLK 17 CENTRAL WHATCOM-THAT PTN OF LOTS 177-178 NEW WHATCOM TIDELANDS LY ELY OF WLY LI OF SD LOT 6 EXT SWLY-SUBJ TO PERPETUAL ESMT TO CITY OF BELLINGHAM FOR FILL REC AF 847082

- **ASSESSOR'S PARCEL NUMBER:** 3803300751940000 (abutting 1220 Central Ave.):

NEW WHATCOM TIDELANDS LOT 176-TOG WI VAC ELY 1/2 ALLEY ABTG

ATTACHMENT 2

