

ORDINANCE NO. _____

AN ORDINANCE RELATED TO LAND USE PLANNING AND ZONING, AMENDING THE TITLE 20 ZONING TABLES FOR THE GUIDE MERIDIAN/CORDATA, KING MOUNTAIN, MERIDIAN AND MT. BAKER NEIGHBORHOODS TO ESTABLISH DEVELOPMENT REGULATIONS THAT ALLOW PAYMENT OF A FEE TO THE LAKE WHATCOM WATERSHED PROPERTY ACQUISITION PROGRAM IN EXCHANGE FOR DENSITY BONUSES IN SPECIFIC TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONES.

WHEREAS, the City of Bellingham has implemented a number of measures to protect and improve water quality in the Lake Whatcom Watershed; and

WHEREAS, a transfer of development rights program (TDR), was established by the City and Whatcom County to reduce the overall development capacity in the Lake Whatcom Watershed; and

WHEREAS, several years ago, the City and Whatcom County worked together to identify and designate portions of Bellingham's urban growth area as transfer of development rights receiving zones; and

WHEREAS, these TDR receiving zones provide a density bonus option for property owners who use the TDR program to transfer development rights from the Lake Whatcom Watershed; and

WHEREAS, the current TDR program requires private property owners in the receiving zones to work with private property owners in the Lake Whatcom Watershed to use the TDR program; and

WHEREAS, the current TDR program is not accomplishing the watershed protection and density transfer goals of the City for a number of reasons; and

WHEREAS, the City has recently annexed a number of these TDR receiving zones, and

WHEREAS, in 2009 the City commissioned a "feasibility analysis" to determine why the current program is not being used and to identify actions that the City might take to make the program more successful; and

WHEREAS, the feasibility analysis found that market conditions make use of the TDR program, as it is currently designed, unlikely in the recently annexed receiving zones; and

WHEREAS, one of the recommendations from the feasibility analysis was to establish a "fee in lieu of" option whereby property owners/developers in the receiving zones could purchase

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the rights to build a limited number of additional housing units by contributing an established amount to the City's Lake Whatcom Watershed Property Acquisition Program; and

WHEREAS, amendments to the Title 20 zoning tables for the receiving zones are needed to establish the fee in lieu of density bonus option; and

WHEREAS, the State Department of Community, Trade and Economic Development was notified of the proposed development regulation amendments on April 7, 2009, and the City has received no comments from the State; and

WHEREAS, the Bellingham Planning Commission held a duly noticed public hearing on April 9, 2009 and thereafter adopted Findings of Fact, Conclusions and Recommendations to approve the zoning amendments establishing a fee in lieu of option; and

WHEREAS, the fee in lieu of density bonus option is consistent with Bellingham Comprehensive Plan goals and policies that recommend implementation of programs, regulations, and/or incentives that would protect the water quality of the Lake Whatcom Watershed; and

WHEREAS, the Council has reviewed and concurs with the Planning Commission's Findings of Fact document.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BELLINGHAM:

Section 1. The Guide Meridian/Cordata Neighborhood zoning table (BMC 20.00.080), King Mountain Neighborhood zoning table (BMC 20.00.095), Meridian Neighborhood zoning table (BMC 20.00.110) and the Mt. Baker Neighborhood zoning table (BMC 20.00.120) are hereby amended as shown in Attachment 1. The amendments establish a transfer of development rights fee-in-lieu-of option.

Section 2. Additional density acquired under this optional development regulation shall be on a one to one ratio as specified in the zoning tables in Attachment 1. That is, one unit of additional residential density shall be allowed for each unit purchased.

Section 3. Fees collected in this program shall be deposited in the Lake Whatcom Watershed Property Acquisition Program Fund as specified in the zoning tables in Attachment 1.

PASSED by the Council this _____ day of _____, 2009.

Council President

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APPROVED by me this _____ day of _____, 2009.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

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