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CITY OF BELLINGHAM PLANNING STAFF REPORT

Agenda Topic:	Infill Toolkit: Amendments to the Bellingham Municipal Code (BMC) adopting a new chapter (20.28), and amending BMC 18.04.040, 20.09020 F (3), 20.12.030 E and 21.10.040 C.
For:	April 16, 2009 Planning Commission Public Hearing
Staff Contact:	Nicole Oliver, Communication Coordinator Christopher Koch, Planner II

13 **I. SUMMARY OF PROPOSAL:**

15 This proposal would adopt the Infill Toolkit by Amendments to the BMC:

- 17 1) Adopt a new Infill Housing Chapter (BMC 20.28) that establishes special development regulations for the following housing forms: small and smaller lot single family, carriage house, detached accessory dwelling unit, duplex/triplex, shared court, garden court and townhouse.
- 21 2) Adopt a new “Green Factor” Chapter Subsection (BMC 20.12.030.E). landscaping regulation designed to improve the quantity and quality of planted areas while allowing greater flexibility for designers to meet open space and landscaping requirements. Green factor landscaping would only be required for selected infill housing types.
- 26 3) Modify the definition of Floor to Area Ratio (FAR) (BMC 20.09.020 F.3) to remove references to right-of-way and public spaces.
- 29 4) Modify the Subdivision Ordinance (BMC 18.04.040) to clarify that in the event of a conflict between the Toolkit and the Subdivision Ordinance, the provisions of the Toolkit would prevail.
- 33 5) Modify the Administration of Development Regulations Ordinance (BMC 21.10.040 C) to add infill housing applications to the list of decisions requiring a Type II review process. Type II requires a public notice and comment period.

37 Together, these proposed amendments implement comprehensive plan goals and polices encouraging:

- 40 • infill development,
- 41 • more efficient use of the remaining developable land,
- 42 • protection of environmentally sensitive areas,
- 43 • creating opportunities for more affordable housing,
- 44 • providing a diverse mix of housing options,
- 45 • providing a safe, convenient and attractive pedestrian experience, and
- 46 • decreasing dependence on the auto and the growth rate of auto traffic.

48 New Chapter 20.28 and additional proposed amendments are shown in Attachment B, the proposed ordinance.

1 **II. PLANNING COMMISSION ROLE:**
2

3 The role of the Planning Commission is to make a recommendation on this proposal to the City
4 Council. This proposal is a legislative development code amendment requiring a Type VI
5 process. The Planning Commission must hold a public hearing and issue findings of fact and
6 conclusions along with a recommendation to the City Council. Draft findings and conclusions are
7 included in the staff report, see Attachment A. The Commission should adopt or modify the draft
8 findings as needed to support the Commission's recommendation.
9

10 **III. BACKGROUND:**
11

12 The Comprehensive Plan establishes infill as a key policy to accommodate our projected
13 population growth over the next planning cycle. Bellingham's household size is also shrinking,
14 creating more of a market for smaller home choices. Following a Planning Academy session
15 last year, the Planning and Community Development Department has been developing an Infill
16 Housing Toolkit to create new opportunities for infill housing in Bellingham.
17

18 **IV. ISSUES:**
19

20 Based upon comments staff has received, the major issue regarding this proposal is the
21 relationship between the Toolkit and Single Family Residential Zoning Districts. On one hand
22 some say that the Toolkit should apply across the City in all districts, including Single Family
23 Districts. On the other, some say the Toolkit should never be applied in any Single Family
24 District. The Toolkit, as currently proposed, excludes Single Family Residential Zones but
25 mentions that the Toolkit housing types might be added at a future time via a Type VI legislative
26 process. These issues, and a staff alternative are further described in the Analysis Section of
27 this report (Part VI).
28

29 **V. COMPREHENSIVE PLAN GOALS AND POLICIES:**
30

31 The proposed code amendments are consistent with the City's 2006 Comprehensive Plan,
32 which clearly articulates Bellingham's infill strategy. The Infill Housing Toolkit specifically is in
33 answer to Policy Section B of the Comprehensive Plan's Land Use Chapter:
34

35 **Infill Strategy 1** – Make more efficient use of the remaining City land supply; facilitate
36 development on existing lots of record; develop flexible code provisions that allow a
37 range of housing types; adopt minimum density requirements; other steps necessary to
38 make better use of the remaining land supply.
39

40 Additionally, the use of these new housing types is already being incorporated into master plans
41 for Urban Villages, another key part of the City's infill strategy.
42

43 Several additional Comprehensive Plan policies also support the proposed Infill Housing Toolkit,
44 including:
45

46 **FLU-2** Bellingham's land use pattern should accommodate carefully planned levels of
47 development that promotes efficient use of land, reduces sprawl, encourages alternative
48 modes of transportation, safeguards the environment, promotes healthy neighborhoods,
49 protects existing neighborhood character, and maintains Bellingham's sense of
50 community.
51

1 **FLU-4** Affordable, attractive, stable and diverse residential neighborhoods should be
2 encouraged while providing for a variety of housing opportunities.

3
4 **LU-100** Infill developments that are sized and designed to fit their surroundings are
5 encouraged.

6 **HP-5** Promote the use of innovative development patterns to better utilize land,
7 promote design flexibility, and preserve open space and natural features.

8 **HP-6** Promote the development of housing that is compatible with surrounding land
9 uses, traffic patterns, public infrastructure and environmentally sensitive areas.

10 **HP-20** Encourage infill development on land which remains vacant or underutilized, in
11 otherwise built-up areas.

12 **HP-21** Ensure the availability of lot sizes that are small enough to be cost effective for
13 developers and affordable for potential homeowners.

14 **HP-27** Allow for an adequate supply and more efficient use of land through such
15 methods as substandard lots of record, flexible setbacks, flexible street frontage
16 requirements, cluster-attached wall housing, cluster subdivisions, cottage housing, and
17 skinny streets with alleys.

18
19 See Attachment C for a full list of all applicable Comprehensive Plan Goals and Policies.

20 21 **VI. ANALYSIS:**

22
23 The draft new chapter is attached as Attachment B and includes nine new housing types that
24 are proposed to be allowed in all areas of the city except Residential Single, Neighborhood
25 Commercial and the Lake Whatcom watershed. In applicable areas, the underlying density of
26 those areas would continue to apply, unless two densities are listed, in which case the
27 maximum density would be allowed when using the Infill Housing forms. If the provisions of this
28 chapter conflict with any other provisions of BMC Title 18, Title 20, or Title 21, the new
29 provisions of this Chapter will prevail over the other existing codes. This only applies when a
30 conflict occurs, which specifically will happen in regards to minimum lot requirements and street
31 frontage requirements. All other substantive underlying code will continue to apply to the new
32 housing types.

33
34 Since the draft was made available to the public in February, the City has conducted extensive
35 outreach to neighborhood groups and other boards and commissions, resulting in several key
36 issues that have been raised. Staff is also proposing some minor modifications based on
37 comments and internal staff review. Several minor edits were made to the draft ordinance
38 since it was issued in February to correct typos and improve consistency. Additionally, the
39 diagrams were replaced with higher quality versions.

40
41 All other issues are delineated below for Planning Commission review and recommendation.
42 Below is an analysis of each issue, the proposed change in legislative format, analysis and
43 recommendation.

44
45 **Issue 1: *The applicability of the Toolkit to Single Family Residential Zones.*** There are two
46 distinctly opposing views to this issue. One view suggests that the Toolkit will open the door for

1 multifamily housing in single family neighborhoods, the other is that the door should be opened
2 and that all Toolkit housing types should be allowed in Single Family zones. There are four
3 alternatives available for Planning Commission consideration:
4

5 1. Concern that the Infill Housing Toolkit will allow multi-family housing forms in single-family
6 neighborhoods could be addressed by deleting the second sentence in 20.28.020.A as follows::
7

8 **20.28.020 Applicability**

9 A. The housing types in this chapter are permitted in all zones that allow
10 residential uses except: Residential Single, Neighborhood Commercial, and property
11 regulated by BMC 16.80 Lake Whatcom Reservoir regulatory chapter. ~~In single family
12 zones, these housing types may be permitted if approved as part of an amendment to
13 this title through a Type VI process.~~

14
15 Analysis: Deleting this sentence would not technically preclude one or more of the housing
16 types to be added to existing Residential Single areas. The purpose of the sentence is to be
17 open and transparent about the city's infill strategy and policy, and to clarify that any one of the
18 nine infill housing forms COULD be used in appropriate parts of single-family areas. Deleting it
19 could also create a conflict when a neighborhood or property owner wished to add a particular
20 infill housing form to an area zoned Residential Single when the previous sentence states that
21 these forms are not allowed in Residential Single areas.
22
23

24 2. Concern that by requiring a full Type VI legislative process to add any infill housing forms to
25 Residential Single zoned areas, the City is making it too difficult and the forms should be
26 allowed in all residential areas.
27

28 Proposal: Allow the Toolkit in all areas of the City that allow residential use except
29 Neighborhood Commercial and the Lake Whatcom Watershed by making the following
30 changes:
31

32 **20.28.020 Applicability**

33 A. The housing types in this chapter are permitted in all zones that allow residential
34 uses except: ~~Residential Single~~, Neighborhood Commercial, and property regulated by
35 BMC 16.80 Lake Whatcom Reservoir regulatory chapter. ~~In single family zones, these
36 housing types may be permitted if approved as part of an amendment to this title through
37 a Type VI process.~~

38
39 Analysis: Allowing the Infill Housing Toolkit to apply in all areas of the City would definitely
40 improve the opportunities for infill in our community. However, all of these forms may not be
41 appropriate in all parts of our neighborhoods. The City's Comprehensive Plan clearly states as
42 follows:
43

44 **FLU-1** – It is the City's overall goal to preserve and protect the unique character and
45 qualities of the existing neighborhoods. All policies, proposed development code and
46 zoning changes should be reviewed with this goal in mind.
47

48 Bellingham is built on the diversity of its 24 neighborhoods. By applying the Toolkit unilaterally
49 across all of the residential areas, this implies that all the neighborhoods are the same and that
50 all residential areas are appropriate for all infill housing types. This is not necessarily the case,
51

1 and would apply a blanket approach rather than distinguishing which areas might be appropriate
2 for certain infill forms.

3
4 **3.** As written in the Applicability Section, the process required to add one or more of the
5 infill housing forms to existing Residential Single zones is confusing to a number of citizens.
6 Fear that the toolkit may be applied piecemeal to particular lots in existing neighborhoods has
7 also been articulated.

8
9 Proposal: Amend 20.28.020 A to clarify that adding the Toolkit to single family zones would
10 require a "rezone" and clarify that any additions would need to be area-wide. If the proposal is
11 not area-wide, require that any additions would also require a Comprehensive Plan amendment
12 and be considered as part of the annual review to strengthen the process requirements.

13
14 **20.28.020 Applicability**

15 A. The housing types in this chapter are permitted in all zones that allow residential
16 uses except: Residential Single, Neighborhood Commercial, and property regulated by
17 BMC 16.80 Lake Whatcom Reservoir regulatory chapter. ~~In single family zones, these~~
18 ~~housing types may be permitted if approved as part of an amendment to this title through~~
19 ~~a Type VI process. Each housing type or types in this chapter shall only be permitted in~~
20 any Residential Single zone, as a legislative rezone, with all of the notice requirements,
21 hearings and safeguards afforded by a Type VI legislative process. The housing type or
22 types permitted as a rezone in each residential single zone shall be added as a "Special
23 Regulation" to the Zoning Table in Title 20. Addition of the housing types in this chapter
24 to any Residential Single Area shall not be permitted in only a part of any Area, unless
25 such amendment is considered during the annual review of Comprehensive Plan
26 amendments.

27
28 Analysis: Modifying the process requirements to clarify that any change would constitute a
29 "rezone" clarifies what the change is rather than simply listing it as a "Type VI process."
30 Clarifying how the change would occur in the zoning table further clarifies the intent and what
31 process would be required if the addition was area-wide. If the additions to a Residential Single
32 zone is only for a sub-area of an existing area, this change would also require a Comprehensive
33 Plan amendment, thus increasing the process requirements to do so.

34
35 **4.** Make no changes to the current language.

36
37 Staff Recommendation: Staff recommends that the Planning Commission adopt option #3 to
38 clarify when and how these housing types might be added to Residential Single Family zones,
39 through the rezone process.

40
41 **The following issues are suggested edits received from the public process conducted to**
42 **date. The issues and proposed changes are set forth below. Other suggestions are**
43 **attached with public comment received to date on the proposal.**

44
45 **Issue 2:** Clarify that Small Lot and Smaller Lot forms are a detached single family form of
46 housing rather than simply a lot configuration.

47
48 Proposal and recommendation Modify the titles of Small Lot and Smaller Lot to Small Home
49 and Smaller Home.

50
51 **Issue 3:** The backup requirement in alleys is too large and should be reduced.

1
2 Proposal and recommendation: Reduce the 22' back up distance on alleys to 20'.

3
4 **Issue 4:** Side street parking setback on all forms are too big and will constrain the site.

5
6 Proposal and recommendation: Reduce the side street setback for garages, carports and open
7 parking from 20' to 10 feet. (Revised diagrams contain 10' side street setback).

8
9 **Issue 5:** Open space minimum dimensions in Garden Court should be an average of 20'.

10
11 Proposal and recommendation: Change the section to read: 20.28.140.D.1. Shared open
12 space shall be provided in the amount of 200 square feet for each dwelling unit. It shall be
13 consolidated, ~~no dimension less than 20 feet~~ with an average dimension of 20 feet.

14
15 **Issue 6:** Parking in Garden Court does not allow parking between structures. This should be
16 changed to allow it because it can facilitate better site design and use of available space.

17
18 Proposal and recommendation: Allow parking between structures for Garden Court by
19 changing the section to read: 20.28.140.E.2. Minimal parking may not be located between
20 structures, but may not be located ~~or~~ between structures and a public street; and parking
21 generally shall be located to the rear or side only.

22
23 **Issue 7:** The height limit for the entire Infill Housing Toolkit is 25'. This height limit may be too
24 small for Townhouses, and it may be prudent to allow Townhouses to go up to 35' in some
25 cases. The Planning Commission might consider:

- 26
27 1. Increasing the height for Townhouses from 25' to 35', or
28 2. Adding a new housing type, the Tall Townhouse which could go up to 35' or
29 3. Do nothing and leave the proposal as it is.

30
31 Proposal and recommendation: Staff can live with any of these alternatives but is attracted to
32 alternative #2 because it would provide another alternative for toolkit implementation.

33
34 **Issue 8:** The Green Factor landscaping standards that accompany certain forms of the Infill
35 Housing Toolkit specify a multiplier of only .2 for structured soil systems. These systems have
36 proven to be very effective in our area and the multiplier should be increased to encourage their
37 use in these projects. See Attachment F for example Green Factor worksheet.

38
39 Proposal and recommendation: Increase the multiplier for structured soil systems to 0.4.

40
41
42 **VII. PUBLIC COMMENT:**

43
44 Notice of the Planning Commission hearing was mailed to neighborhood representatives and
45 associations, Washington State Department of Community, Trade and Economic Development,
46 and other parties with an interest in this topic. The draft ordinance was made available on the
47 website and distributed to the neighborhood representatives and associations more than 60
48 days prior to the scheduled Planning Commission public hearing. The notice was also
49 published in the Bellingham Herald.

1 A Town Hall Public Meeting and Discussion on the Infill Housing Toolkit was held in Council
2 Chambers on March 16, 2009, and has been running on BTV10 three times a week since that
3 time. Staff has presented the Infill Housing Toolkit to the Mayor's Neighborhood Advisory
4 Commission and the Code & Character Task Force, as well as to numerous neighborhood
5 association meetings during the last month. A project website was developed early in the
6 process, and all presentation materials were posted as well. Staff emailed the draft ordinance
7 to a dozen local architects, designers and developers, the Board of Realtors, the Building
8 Industry Association and the Design Review Board encouraging comment and feedback.

9
10 Written public comment received to date is attached as Attachment D. Compilations of public
11 comment from the Town Hall and the Code & Character Task Force is also attached.

12
13 Multiple issues and recommended changes are included and recommended for approval in the
14 analysis section above.

15
16 **VIII. STATE ENVIRONMENTAL POLICY ACT (SEPA):**

17
18 SEPA Determination of Nonsignificance attached as Attachment E.

19
20 **IX. STAFF RECOMMENDATIONS:**

21
22 Staff recommends the Planning Commission carefully review the proposal, especially the
23 Applicability Section (20.28.020), adopt appropriate modifications to the proposal and forward
24 your Findings, Conclusions and Recommendations to the City Council.

25
26 **X. LIST OF ATTACHMENTS:**

- 27
28 A. *Proposed Bellingham Planning Commission Findings*
29 B. *Proposed Ordinance adopting BMC Chapter 20.28 and amendments to BMC*
30 *20.12.030.e, 20.09.020.F.3, 18.04.040 and 21.10.040.C.*
31 C. *Applicable Comprehensive Plan Goals and Policies*
32 D. *Public Comment*
33 E. *SEPA Determination of Nonsignificance*
34 F. *Green Factor example worksheet*
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ATTACHMENT A

BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS

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APRIL 16, 2009

SUMMARY

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Following the public hearing and deliberation on the proposed code amendments to create an Infill Housing Toolkit, Green Factor landscaping code, and additional amendments to implement the Infill Housing Chapter, the Bellingham Planning Commission has determined that the proposed amendments comply with, and will implement, the goals and policies of the Bellingham Comprehensive Plan and should be adopted.

I. FINDINGS OF FACT

1. Project Description:

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This proposal would adopt the Infill Toolkit by Amendments to the BMC:

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- 1) Adopt a new Infill Housing Chapter (BMC 20.28) that establishes special development regulations for the following housing forms: small and smaller lot single family, carriage house, detached accessory dwelling unit, duplex/triplex, shared court, garden court and townhouse.
 - 2) Adopt a new “Green Factor” Chapter Subsection (BMC 20.12.030.E). landscaping regulation designed to improve the quantity and quality of planted areas while allowing greater flexibility for designers to meet open space and landscaping requirements. Green factor landscaping would only be required for selected infill housing types.
 - 3) Modify the definition of Floor to Area Ratio (FAR) (BMC 20.09.020 F.3) to remove references to right-of-way and public spaces.
 - 4) Modify the Subdivision Ordinance (BMC 18.04.040) to clarify that in the event of a conflict between the Toolkit and the Subdivision Ordinance, the provisions of the Toolkit would prevail.
 - 5) Modify the Administration of Development Regulations Ordinance (BMC 21.10.040 C) to add infill housing applications to the list of decisions requiring a Type II review process. Type II requires a public notice and comment period.

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Together, these proposed amendments implement comprehensive plan goals and polices encouraging:

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- infill development,
 - more efficient use of the remaining developable land,
 - protection of environmentally sensitive areas,
 - creating opportunities for more affordable housing,
 - providing a diverse mix of housing options,
 - providing a safe, convenient and attractive pedestrian experience, and
 - decreasing dependence on the auto and the growth rate of auto traffic.

1
2 **2. Background Information/Procedural History:**
3

4 The Comprehensive Plan establishes infill as a key policy to accommodate our projected
5 population growth over the next planning cycle. Bellingham's household size is also shrinking,
6 creating more of a market for smaller home choices. Following a Planning Academy session
7 last year, the Planning and Community Development Department has been developing an Infill
8 Housing Toolkit to create new opportunities for infill housing in Bellingham
9

10 **3. Public Comment:**
11

12 Notice of the Planning Commission hearing was mailed to neighborhood representatives and
13 associations, Washington State Department of Community, Trade and Economic Development,
14 and other parties with an interest in this topic. The draft ordinance was made available on the
15 website and distributed to the neighborhood representatives and associations more than 60
16 days prior to the scheduled Planning Commission public hearing. The notice was also
17 published in the Bellingham Herald.
18

19 A Town Hall Public Meeting and Discussion on the Infill Housing Toolkit was held in Council
20 Chambers on March 16, 2009, and has been running on BTV10 three times a week since that
21 time. Staff has presented the Infill Housing Toolkit to the Mayor's Neighborhood Advisory
22 Commission and the Code & Character Task Force, as well as to numerous neighborhood
23 association meetings during the last month. A project website was developed early in the
24 process, and all presentation materials were posted as well. Staff emailed the draft ordinance
25 to a dozen local architects, designers and developers, the Board of Realtors, and the Building
26 Industry Association and the Design Review Board encouraging comment and feedback.
27

28 Issues raised in the public process have been analyzed and selected suggestions should be
29 incorporated into the final recommendations.
30

31 **4. State Environmental Policy Act (SEPA) Determination if applicable:**
32

33 The project was issued a SEPA Determination of Nonsignificance.
34

35 **5. Consistency with the Bellingham Comprehensive Plan:**
36

37 The proposed code amendments are consistent with the City's 2006 Comprehensive Plan,
38 which clearly articulates Bellingham's infill strategy. The Infill Housing Toolkit specifically is in
39 answer to Policy Section B of the Comprehensive Plan's Land Use Chapter:
40

41 **Infill Strategy 1** – Make more efficient use of the remaining City land supply; facilitate
42 development on existing lots of record; develop flexible code provisions that allow a
43 arrange of housing types; adopt minimum density requirements; other steps necessary
44 to make better use of the remaining land supply.
45

46 Additionally, the use of these new housing types is already being incorporated into master plans
47 for Urban Villages, another key part of the City's infill strategy.
48

49 Several Framework Land Use Policies also support the proposed Infill Housing Toolkit,
50 including:
51

1 **FLU-1** – It is the City’s overall goal to preserve and protect the unique character and
2 qualities of the existing neighborhoods. All policies, proposed development code and
3 zoning changes should be reviewed with this goal in mind.
4

5
6 **FLU-2** Bellingham’s land use pattern should accommodate carefully planned levels of
7 development that promotes efficient use of land, reduces sprawl, encourages alternative
8 modes of transportation, safeguards the environment, promotes healthy neighborhoods,
9 protects existing neighborhood character, and maintains Bellingham’s sense of
10 community.
11

12 **FLU-4** Affordable, attractive, stable and diverse residential neighborhoods should be
13 encouraged while providing for a variety of housing opportunities.
14

15 Relevant Comprehensive Plan Goals and Policies and Bellingham Municipal Code review
16 considerations were included in the Planning Commission’s deliberation of the proposal and
17 reflected in the staff report.
18

19 **II. CONCLUSIONS:**

20
21 Based on the staff report and the information presented at the public hearing, the Planning
22 Commission concludes:
23

- 24
25 1. The proposed new Chapter and amendments to the Bellingham Municipal Code will
26 provide essential tools to achieve infill within the City of Bellingham, while protecting and
27 enhancing neighborhoods.
28
29 2. The proposed new Chapter and amendment will result in long-term benefits to the
30 community as a whole and is in the best interest of the community and will not adversely
31 affect the public health, safety or general welfare..
32
33 3. The proposed amendments are consistent with the goals and policies of the Bellingham
34 Comprehensive Plan and is in the best interests of the residents of Bellingham.
35
36 4. Adoption is appropriate because it will implement the Comprehensive Plan
37

38 **III. RECOMMENDATIONS:**

39
40 Based on the findings and conclusion, the Bellingham Planning Commission recommends that
41 the City Council adopt the BMC Chapter 20.28 Infill Housing and associated code amendments
42 as shown in the attached draft ordinance.
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46 **ADOPTED** this _____ day of _____, 2009.
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50 *Planning Commission Chairperson*

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ATTEST: _____
Recording Secretary

APPROVED AS TO FORM:

City Attorney

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ATTACHMENT B

ORDINANCE NO. _____

AN ORDINANCE RELATING TO LAND USE PLANNING AND ZONING, CREATING A NEW CHAPTER “INFILL HOUSING,” AND AMENDING BMC 18.04.040, 20.09.020 F (3), 20.12.030 E, AND 21.10.040 C TO IMPLEMENT THE NEW CHAPTER

WHEREAS, the Bellingham Comprehensive Plan directs that growth in Bellingham will be accommodated through infill as well as in compact “urban centers” or “villages”, while preserving the character of existing single family neighborhoods (FLU-15); and

WHEREAS, the Bellingham Comprehensive Plan directs that the City make more efficient use of the remaining City land supply by facilitating development on existing lots of record; developing flexible code provisions that allow a range of housing types; and other steps necessary to make better use of the remaining land supply (Infill Strategy 1); and

WHEREAS, the Bellingham Comprehensive Plan directs that development regulations, including the allowed density and intensity, should provide for and encourage the efficient use of land (LU-99); and

WHEREAS, the Bellingham Comprehensive Plan encourages infill developments that are sized and designed to fit their surroundings (LU-100); and

WHEREAS, the Bellingham Comprehensive Plan prioritizes the reduction in the number and length of vehicle trips and encourages increasing the opportunity to use public transportation and non-motorized modes of travel (TP-1); and

WHEREAS, the Bellingham Comprehensive Plan directs that the City should promote the use of innovative development patterns to better utilize land, promote design flexibility, and preserve open space and natural features (HP-5); and

WHEREAS, the Bellingham Comprehensive Plan directs that the City should ensure the availability of lot sizes that are small enough to be cost effective for developers and affordable for potential homeowners (HP-21); and

WHEREAS, the Bellingham Comprehensive Plan directs that the City should allow for an adequate supply and more efficient use of land through such methods as substandard lots of record, flexible setbacks, flexible street frontage requirements, cluster-attached wall housing, cluster subdivisions, cottage housing, and skinny streets with alleys (HP-27); and

WHEREAS, the City Council adopted the Bellingham Comprehensive Plan on June 5th, 2006; and

WHEREAS, the Infill Housing Toolkit has been the subject of a community workshop series in Spring 2008 called Planning Academy II; Achieving Infill; Enhancing Character, public meetings and outreach efforts over the last year, culminating in the creation of the draft Infill Housing Chapter and associated code amendments; and

WHEREAS, Planning staff worked closely with residents, businesses, interested parties, and potentially affected interests to identify and obtain general public consensus on main issues, and formulate specific proposals to address them; and

1
2 **WHEREAS**, on March 30, 2009, the City of Bellingham as lead agency under the procedures of
3 the State Environmental Policy Act (SEPA), issued a Determination of Non-Significance; and
4

5 **WHEREAS**, in accordance with the Growth Management Act, the State of Washington was
6 notified in March of 2009 of the City's intent to adopt a Infill Housing Chapter and associated
7 code amendments; and
8

9 **WHEREAS**, the Bellingham Planning Commission conducted a public hearing on April 16, 2009
10 on the proposed Land Use Development Code Amendments with appropriate public notice
11 provided, and held <> additional work sessions on <>, and thereafter made Findings,
12 Conclusions and a Recommendation for adoption of the Infill Housing Chapter and associated
13 code amendments; and
14

15 **WHEREAS**, the Bellingham City Council held a public hearing <> and agrees with and adopts
16 the Planning Commission Findings of Fact, Conclusions and Recommendation; and
17

18 **WHEREAS**, the City Council finds that the Infill Housing Chapter and associated code
19 amendments satisfies the requirements of BMC Chapter 20.22, and are consistent with the
20 State Growth Management Act and the Bellingham Comprehensive Plan; and
21

22 **WHEREAS**, a resolution adopting a fee schedule accompanies this ordinance;
23

24 **NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**
25

26 **Section 1.** Bellingham Municipal Code Section 18.04.040 regarding the scope of the
27 Subdivision Ordinance is hereby amended as follows:
28

29 **18.04.040 - Scope**
30

31 The provisions of this Ordinance shall apply to all division, subdivision, short subdivision,
32 binding site plans and lot line adjustments of land within the corporate limits of the City of
33 Bellingham. If the provisions of this Title conflict with the provisions of BMC 20.28 Infill Housing,
34 the provisions of BMC 20.28 shall prevail.
35
36

37 **Section 2.** Bellingham Municipal Code Subsection 20.08.020.F regarding Specific Definitions
38 is hereby amended as follows:
39

40 **F. 1. – 2.** [Unchanged.]
41

42 **3. Floor Area Ratio (FAR):** The total gross floor area of the building(s) on a site
43 divided by the site area. ~~Site area includes right-of-way and public spaces when~~
44 ~~dedicated to the public or permanently established for public use concurrently with a~~
45 ~~proposed development.~~ For the purposes of calculating FAR, the total gross floor area
46 **includes** the total enclosed area of all floors of a building measured to the outside face
47 of the structural members in exterior walls, including elevator shafts and stairwells on
48 each floor and service and mechanical equipment rooms; **but excluding** exterior decks
49 and balconies, all floor area with ceiling height not more than 3 feet above the adjacent
50 finished ground level, and structured parking (including garbage facilities therein)
51 .

1 4. – 5. [Unchanged.]
2
3

4 **Section 3.** Bellingham Municipal Code Section 20.12.030 regarding Landscaping is hereby
5 amended to add a new Subsection E. Green Factor as follows:
6

7 **E. Green Factor.**
8

9 **1.** The green area factor score for a lot is determined by:

10
11 **a.** Multiplying the square feet, or equivalent square footage where applicable, of
12 each of the existing and proposed landscape elements in Chart A by the green
13 area multiplier shown for that element.

14
15 **b.** Adding together all the products computed under 1.a. above to determine the
16 total green area factor.

17
18 **c.** Divide the total green area factor by the lot area to determine the green area
19 factor score.
20

21 **2.** If multiple landscaping elements occupy an area (for example, groundcover under a
22 tree), the full square footage or equivalent square footage of each element is used to
23 calculate the product for that element.
24

25 **3.** Public right-of-way is not included in parcel size calculation.
26

27 **4.** Landscape elements that are in rights-of-way may be counted to calculate the score if
28 they are contiguous with the parcel.
29

30 **5.** For **vegetated walls**, use the square footage of the portion of the wall covered by
31 vegetation.
32

33 **6.** For all elements other than trees, large shrubs and **vegetated walls**, square footage is
34 determined by the area of the portion of a horizontal plane that underlies the element.
35

36 **7.** Permeable paving may not qualify for more than one-third of the green factor numerator
37 for any one site.
38

39 **Section 4.** Chart A referenced in Bellingham Municipal Code Section 20.12.030 E above is
40 added to the Bellingham Municipal Code as shown in Exhibit B.
41

42 **Section 5.** A new chapter BMC 20.28 entitled “Infill Housing” is hereby added to the
43 Bellingham Municipal Code as shown in Exhibit A.
44

45 **Section 6.** Bellingham Municipal Code Subsection 21.10.040.C. regarding types of land use
46 decisions is hereby amended as follows:
47

48 **C. Type II.** A Type II review process is an administrative review and decision by the
49 Director. Public notice is required. Appeals of Type II decisions are decided by the
50 Hearing Examiner. The following are Type II decisions:
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1. – 11. [Unchanged.]

12. Critical Area permit requiring a SEPA threshold decision; and

13. ~~Type I decisions that require a SEPA threshold decision and all other decisions specifying a Type II process. Infill housing projects under BMC Chapter 20.28; and~~

14. Type I decisions that require a SEPA threshold decision and all other decisions specifying a Type II process.

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

Council President

APPROVED by me this _____ day of _____, 2009.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:

EXHIBIT B

Chart A of Subsection 20.12.030.E - Green Factor Landscape Elements

<u>1. Landscaped areas (select one of the following for each area):</u>	<u>Multiplier</u>
<u>a. Landscaped areas with a soil depth of less the 24"</u>	<u>0.1</u>
<u>b. Landscaped areas with a soil depth of 24" or greater</u>	<u>0.8</u>
<u>c. Bioretention facilities</u>	<u>1.0</u>
<u>2. Plantings (credit for plants in landscaped areas above):</u>	
<u>a. Mulch, ground covers, or other plants less than 2' tall at maturity</u>	<u>0.2</u>
<u>b. Plants 2' or taller at maturity, calculated at 16 sq. ft. per plant (typically planted no closer than 18" on center)</u>	<u>0.3</u>
<u>c. Tree canopy for "small trees" in the Bellingham List of Approved Street Trees or equivalent (canopy spread of 15') calculated at 50 sq. ft. per tree</u>	<u>0.3</u>
<u>d. Tree canopy for "small/medium trees" in the Bellingham List of Approved Street Trees or equivalent (canopy spread of 20') calculated at 100 sq. ft. per tree</u>	<u>0.3</u>
<u>e. Tree canopy for "medium trees" in the Bellingham List of Approved Street Trees or equivalent (canopy spread of 25') calculated at 150 sq. ft. per tree</u>	<u>0.4</u>
<u>f. Tree canopy for "large trees" in the Bellingham List of Approved Street Trees or equivalent (canopy spread of 30') calculated at 200 sq. ft. per tree</u>	<u>0.5</u>
<u>g. Tree canopy for preservation of "exceptional trees" or other large existing trees 6" or greater in diameter, calculated at 15 sq. ft. per inch DBH (diameter 4.5 feet above the ground)</u>	<u>0.8</u>
<u>3. Green Roofs</u>	
<u>a. Over at least 2" and less than 4" of growth medium</u>	<u>0.4</u>
<u>b. Over at least 4" of growth medium</u>	<u>0.7</u>
<u>4. Vegetated Walls</u>	<u>0.7</u>
<u>5. Approved Water Features</u>	<u>0.7</u>
<u>6. Pervious Paving</u>	

1		
2	<u>a.</u> <u>Pervious paving over at least 6” and less than 24” of soil or gravel</u>	<u>0.3</u>
3		
4	<u>b.</u> <u>Pervious paving over at least 24” of soil or gravel</u>	<u>0.5</u>
5		
6	<u>7.</u> <u>Structural Soil Systems</u>	<u>0.2</u>
7		
8	<u>8.</u> <u>Bonuses</u>	
9		
10	<u>a.</u> <u>Drought-tolerant or native plant species</u>	<u>0.1</u>
11		
12	<u>b.</u> <u>Landscaped areas where at least 50% of annual irrigation needs</u>	
13	<u>are met through the use of harvested rainwater</u>	<u>0.2</u>
14		
15	<u>c.</u> <u>Landscaping in food cultivation</u>	<u>0.3</u>
16		

Attachment C

Applicable Comprehensive Plan Goals and Policies

Framework Land Use Policies

FLU-1 It is the City's overall goal to preserve and protect the unique character and qualities of the existing neighborhoods. All policies, proposed development code and zoning changes should be reviewed with this goal in mind.

B. Framework Infill Strategies

Infill Strategy 1 - Make more efficient use of the remaining City land supply: facilitate development on existing lots of record; develop flexible code provisions that allow a range of housing types; adopt minimum density requirements; other steps necessary to make better use of the remaining land supply.

LU-26 Preserve and protect established residential areas where a definite density, housing type and character prevail.

LU-27 In developed single family areas of Bellingham, residential zoning shall be applied in a manner that is consistent with the neighborhood's existing character, building style and height, density, and development pattern. Any efforts to increase the allowed density in existing neighborhoods will be focused on remaining undeveloped areas.

Policy Section K, General Land Use

LU-99 Development regulations, including the allowed density and intensity, should provide for and encourage the efficient use of land.

LU-100 Infill developments that are sized and designed to fit their surroundings are encouraged.

LU-101 Development regulations should provide for an appropriate level of flexibility while balancing community goals, neighborhood character issues and the need for predictability in decision making. Measures that could be used to provide flexibility include:

- planned unit development provisions,
- clustering provisions,
- floating zones or overlay zones
- administrative variances for minor variations in dimensional requirements such as building setback or parking requirements (not density).

General Transportation Goals

TG-1 Enhance the function, safety, and appearance of Bellingham's streets.

TG-23 When new development takes place, support WTA high-frequency transit service by encouraging transit-oriented development along and within ¼ mile of WTA's Primary Transit Network within Bellingham and the Bellingham UGA.

General Transportation Policies

1 **TP-1** Consider revision of land use plans to allow densities and mixes of uses that reduce the
2 number and length of vehicle trips and increase the opportunity to use public transportation
3 and non-motorized modes of travel.
4

5 **TP-2** Reinforce the link between land use and public transportation by encouraging transit-
6 oriented development along and within ¼ mile of WTA Primary Transit Network corridors and
7 near urban villages, town centers, and neighborhood centers.

8 **Housing Goals**

9 **HG-9** Enact clear land use and development procedures for the development of housing
10 while ensuring that the public welfare is protected.

11 **Neighborhood Preservation**

12 **HP-2** Promote housing development that is compatible with the overall style and character of
13 the established neighborhood.

14 **HP-5** Promote the use of innovative development patterns to better utilize land, promote
15 design flexibility, and preserve open space and natural features.

16 **HP-6** Promote the development of housing that is compatible with surrounding land uses,
17 traffic patterns, public infrastructure and environmentally sensitive areas.

18 **Land Use and Design**

19 **HP-20** Encourage infill development on land which remains vacant or underutilized, in
20 otherwise built-up areas.

21 **HP-21** Ensure the availability of lot sizes that are small enough to be cost effective for
22 developers and affordable for potential homeowners.

23 **HP-27** Allow for an adequate supply and more efficient use of land through such methods as
24 substandard lots of record, flexible setbacks, flexible street frontage requirements, cluster-
25 attached wall housing, cluster subdivisions, cottage housing, and skinny streets with alleys.

26 **General Community Design Goals**

27 **CDG-1** Promote improvement in the quality of public, residential, commercial and industrial
28 development and maintain a high quality environment by ensuring that new construction and
29 site development meets high standards.

30 **CDG-3** Allow for growth and diversity through standards that are adaptable to a variety of
31 conditions.

32 **Residential Design Policies**

33 **CDP-48** Encourage more efficient use of the land through devices such as use of substandard
34 lots of record, flexible building setbacks and lot widths. Regulations should promote compatible
35 development in existing neighborhoods.

36