

DRAFT
BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS

APRIL 28, 2011

SUMMARY

Following the public hearing and deliberation on the proposed code amendments to amend the definition of "Floor Area or Space" and "Floor Area Ratio", 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:

The purpose of this proposal is to consider changes to the Bellingham Municipal Code (BMC) Sections 20.08.020 F. 2 and BMC 20.08.020 F. 3, and will simplify and coordinate the definition of "Floor Area or Space" and "Floor Area Ratio".

2. Background Information/Procedural History:

The Planning and Community Development Department has been working on several code changes to improve the City's land use and development code. The changes are intended to provide clear and concise development standards that will improve usability for citizens, professionals, and staff.

In June 2010, staff held an informational session with the Planning Commission to discuss possible changes to the City's land use and development code, which included new provisions, minor amendments, and code corrections. Since that time, staff has evaluated a majority of the code changes presented to the Commission and grouped the amendments into a "Wave" classification system for processing. This proposal is part of Wave II being processed this year.

On April 7, 2011, the City held a focus group meeting to provide an opportunity for feedback and discussion of the proposed amendments with people who interact with the Permit Center. In general, the participants at the meeting were in favor of the proposed amendments and believed the changes improved the City's land use and development regulations.

3. Public Comment:

Notice of the Planning Commission hearing was mailed to neighborhood representatives and associations, Washington State Department of Community, Trade and Economic Development, and other parties with an interest in this topic. The notice was also published in the Bellingham Herald. A citizen focus group was held on April 7, 2011.

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

A Determination of Non-Significance was issued on March 25, 2011.

1 **5. Consistency with the Bellingham Comprehensive Plan:**

2 The proposed code amendments are consistent with and implement the City's 2006
3 Comprehensive Plan, which identifies nine guiding principles to make changes to the City's
4 regulatory system as identified in Chapter 2 of the Land Use section. Within this section, the
5 principles are outlined in Part 3-Land Use Regulatory System, titled "The New System". The
6 specific principles particularly applicable to the proposed amendments are as follows:
7

- 8 • Assure fair and predictable results and avoid unnecessary delays.
- 9 • Organize, consolidate and simplify development regulations and permitting procedures.
- 10 • Develop a system that is easier and more cost effective to administer.

11
12 Part 9-Land Use Policies; Subsection E, Residential Development Policies, further supports the
13 proposed amendments by providing guidance under the following policy:
14

15 **LU-35** Develop clear land use and environmental permitting procedures which provide a
16 balance between accommodating development and protecting the public health, safety and
17 welfare.
18

19 **II. CONCLUSIONS:**

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

- 22 1. The proposed code amendments improve the application of the development code and
23 provide a clear and concise definition of Floor Area or Space and Floor Area Ratio.
- 24 2. The proposed code amendments to the Floor Area or Space definition will allow the
25 'Floor Area Ratio' definition to work in tandem creating a cohesive set of definitions
26 without changing the meaning.
- 27 3. The proposed code amendments are consistent with and implement the goals and
28 policies of the Bellingham Comprehensive Plan.
- 29 4. Minor, editorial code changes to the text should be made for clarity.

30 **III. RECOMMENDATIONS:**

31 Based on the findings and conclusion, the Bellingham Planning Commission recommends that
32 the City Council approve the proposed amendments to the Bellingham Municipal Code
33 20.08.020 F. 2 and BMC 20.08.020 F. 3 with the modifications incorporated in Attachment B to
34 the staff report.
35

36 **ADOPTED** this _____ day of _____, 2011.
37
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39 _____
40 *Planning Commission Chairperson*

41
42 **ATTEST:** _____
43 *Recording Secretary*
44

45 **APPROVED AS TO FORM:**
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47 _____
48 *City Attorney*

DRAFT

ORDINANCE NO. _____

AN ORDINANCE RELATED TO LAND USE REGULATIONS AND AMENDING BELLINGHAM MUNICIPAL CODE 20.08.020 F. 2 AND 20.08.020 F. 3 - SPECIFIC DEFINITIONS RELATING TO CHANGES TO THE FLOOR AREA OR SPACE AND FLOOR AREA RATIO DEFINITIONS TO SIMPLIFY AND COORDINATE THE TWO DEFINITIONS.

WHEREAS, The Planning and Community Development Department has been developing a series of code amendments to improve the City's Land Use and Development code; and

WHEREAS, the amendments are needed to help alleviate confusion, improve the definition section of the development code and eliminate previous code interpretations regarding Floor Area or Space and Floor Area Ratio; and

WHEREAS, the proposed code amendments to the Floor Area or Space definition will allow the 'Floor Area Ratio' definition to work in tandem creating a cohesive set of definitions without changing the meaning; and

WHEREAS, the proposed amendments comply with and implement the goals and policies of the Bellingham Comprehensive Plan; and

WHEREAS, the responsible official reviewed the proposed amendments under the procedures of the State Environmental Policy Act, and a Determination of Nonsignificance was issued on March 25, 2011; and

WHEREAS, as required by RCW 36.70A, notice of the City's intent to adopt the proposed code amendments was sent to the Dept. of Community, Trade and Economic Development on March 25, 2011; and

WHEREAS, after mailed and published notice as required by BMC Chapter 21.10, the Planning Commission held a public hearing on April 28, 2011 on the proposed code amendments; and

WHEREAS, the Planning Commission considered the staff report and comments received and thereafter transmitted their recommendation to the City Council; and

WHEREAS, after mailed and published notice as required by BMC 21.10, the City Council held a public hearing on the proposed code amendment on (Date), 2011; and

WHEREAS, the City Council has considered the recommendation of the Planning Commission, the staff report and the public comment and hereby adopt the Findings of Fact and Conclusions of the Planning Commission.

1 NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:
2

3 Section 1. Bellingham Municipal Code, Sections 20.08.020 F. regarding the definition of "Floor
4 Area or Space" and "Floor Area Ratio" are hereby amended as follows:
5
6

7 **20.08.020 F - Specific Definitions**
8

9 F. 1. [No change]

10 2. **Floor Area or Space:** ~~The sum of the gross horizontal area of the~~
11 ~~floor or floors of the building, measured from the exterior faces of the exterior walls,~~
12 ~~including elevator shafts and stairwells on each floor and areas having a ceiling~~
13 ~~height of 7½' or more, but excluding all parking and loading spaces, cellars,~~
14 ~~unroofed areas, roofed areas open on 2 or more sides, areas having a ceiling~~
15 ~~height of less than 7½' and areas used exclusively for storage or housing of~~
16 ~~mechanical or central heating equipment.~~

17
18 a. **General:** The sum of the gross area of the floor(s) of a building measured from
19 the exterior face of the exterior walls or from the centerline of a wall separating
20 two buildings, including elevator shafts and stairwells on each floor, and areas
21 having a floor to ceiling height of 7' or more, but excluding all parking and loading
22 areas, areas used exclusively for mechanical equipment, unroofed areas, roofed
23 areas open on two or more sides, and any space where the floor to ceiling height
24 is less than 7'.

25
26 b. **Single Family Development:**

27
28 iii. **Main Residential Building:** For the purpose of determining the
29 maximum size of a main residential building in BMC 20.30 single family
30 development, "total floor area" shall include the sum of the gross
31 horizontal area of the floor(s) of the building, measured from the exterior
32 faces of the exterior walls, including elevator shafts and stairwells on
33 each floor and including attached garages, but excluding unroofed areas
34 and roofed areas open on two or more sides.

35
36 iv. **Accessory Residential Building:** For the purpose of determining the
37 maximum size of accessory residential buildings in BMC 20.30 single
38 family development, "total floor area" shall include the sum of the gross
39 horizontal area of the floor(s) of the building, measured from the exterior
40 faces of the exterior walls, including elevator shafts and stairwells on
41 each floor, garages, and areas having a floor to ceiling height of 6' or
42 more, but excluding unroofed areas, roofed areas open on two or more
43 sides, and any space where the floor to ceiling height is less than 6'.

44
45 c. **Retail Establishments:** Individual retail establishments meeting the
46 provisions of BMC 20.10.025 shall be calculated per Section 20.10.025 B.

47
48 3. **Floor Area Ratio (FAR):** The total gross floor area of the building(s) on a
49 site divided by the site area. For the purposes of calculating FAR, all floor area

1 with ceiling height not more than 3 feet above the adjacent finished ground level is
2 excluded. ~~he total gross floor area includes the total enclosed area of all floors of~~
3 ~~a building measured to the outside face of the structural members in exterior walls,~~
4 ~~including elevator shafts and stairwells on each floor and service and mechanical~~
5 ~~equipment rooms; but excluding exterior decks and balconies, all floor area with~~
6 ~~ceiling height not more than 3 feet above the adjacent finished ground level, and~~
7 ~~structured parking (including garbage facilities therein).~~

8
9 4. through 5 [No change]

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11
12 **PASSED** by the Council this _____ day of _____, 2011.

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15 _____
16 Council President

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20 **APPROVED** by me this _____ day of _____, 2011.

21
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23 _____
24 Mayor

25
26
27 **ATTEST:** _____
28 Finance Director

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32 *APPROVED AS TO FORM:*

33
34 _____
35 Office of the City Attorney

36
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38 Published:
39 _____
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