

ORDINANCE NO. 2009-12-082

AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO LAND USE PLANNING, AMENDING PORTIONS OF THE LAND USE CHAPTER OF THE BELLINGHAM COMPREHENSIVE PLAN REGARDING URBAN VILLAGES.

WHEREAS, the City of Bellingham adopted the Bellingham Comprehensive Plan in June 2006; and

WHEREAS, the comprehensive plan Land Use chapter contains a number of goals and policies related to the establishment of urban villages as a key component of the City's infill strategy; and

WHEREAS, in January 2009, the Planning Director decided to docket a staff-initiated proposal to update the urban village policies and map for review in the annual comprehensive plan amendment process for 2009; and

WHEREAS, since 2006, the City has been working to implement the urban village goals and policies, including adoption of a master plan for the Old Town area and draft plans for the Samish Way and Fountain District urban villages; and

WHEREAS, the purpose of the proposed amendments is to update the urban village policies and map to reflect over three years of actual experience working on master plans for several urban villages; and

WHEREAS, after mailed and published notice, the Bellingham Planning Commission held a public hearing to review the proposed amendments on June 11, 2009; and

WHEREAS, the Planning Commission found the proposed amendments consistent with the comprehensive plan amendment criteria in BMC 20.20.060 C. and D., and thereafter adopted Findings of Fact, Conclusions and Recommendations in support of the proposed amendments; and

WHEREAS, a Determination of Non Significance (DNS) was issued for the proposal consistent with RCW 43.21C; and

WHEREAS, City Council held a duly noticed public hearing on August 24, 2009, considering the proposed plan amendments, the staff report and recommendations, and the record and recommendations of the Planning Commission; and

WHEREAS, the City Council finds that the proposed amendments satisfy the requirements of BMC Chapter 20.20.060 and BMC Chapter 20.19.030, and is

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consistent with the State Growth Management Act and the rest of the Bellingham Comprehensive Plan; and

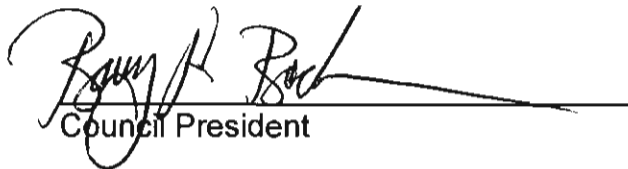
WHEREAS, the City Council agrees with and hereby adopts the Findings of Fact, Conclusions and Recommendations of the Planning Commission.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The Bellingham Comprehensive Plan Land Use chapter 2, Part 9C Framework Urban Center policies and Part 9M Comprehensive Plan and Neighborhood Plan Land Use Designation Policies are hereby amended as shown in Exhibit A.

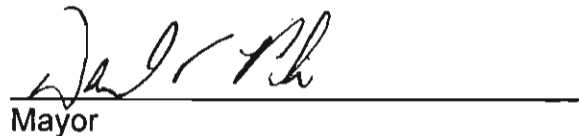
Section 2. The Bellingham Comprehensive Plan Land Use chapter urban village map is replaced with the map shown in Exhibit B.

PASSED by the Council this 14th day of December, 2009.



Council President

APPROVED by me this 14th day of December, 2009.

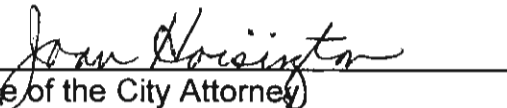


Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published: December 18, 2009

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Exhibit A

**Bellingham Comprehensive Plan
Land Use Chapter
2009 Urban Village Text Amendments**

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BELLINGHAM COMPREHENSIVE PLAN

Chapter 2 – Land Use

PART 9 - LAND USE POLICIES

C. Framework Urban Center Policies

FLU-16 Urban centers will be developed as envisioned in the 2004 Community Growth Forum. The centers are defined and prioritized as follows. (See Figure 7 for potential urban center locations.)

- **Core Urban Center** – The City Center and surrounding areas that serve as the community's primary financial, commercial, cultural and governmental center. High density housing will complement intensive commercial development. The City Center core area, along with the adjacent Old Town and Central Waterfront areas may eventually include a total of 2,000 to 5,000 or more dwelling units.
- **District Urban Centers** – designed to serve the entire community while remaining accessible to those living or working nearby. The district centers are clearly subordinate to the City Center. Examples include Bellis Fair, Fairhaven, and Barkley Village. High density housing at a range of between 250 and 800 units or more in each village may eventually be developed.
- **Neighborhood Urban Centers** – will primarily serve the needs of those residing within one mile of the center, providing retail, service and office type uses as well as a mix of higher density housing. The size and composition of neighborhood centers will vary depending on location, access, neighborhood character and market opportunities. The size of individual commercial businesses should be limited to 5,000 to 10,000 square feet. Examples of potential neighborhood urban centers include the Old Fairhaven Parkway and Ohio Street. Dwelling unit projections for these areas is 100 to 600 units at each village.
- **Pocket Urban Centers** – the smallest of the centers will be designed to serve its immediate vicinity. It may include a range of neighborhood oriented shops and services. Individual commercial uses should be limited to 5,000 square feet or less. Each of the pocket villages may eventually contain between 50 and 150 dwelling units.

Background information, comments and explanations are shown on this side of the page.

See Figure 7, Proposed Urban Centers Map

The Urban Center policies are a reflection of the work that came out of the Community Growth Forum. The action strategies from the Forum Report are included in Chapter 1, Framework Goals and Policies.

Potential unit counts listed here were reviewed and revised based on staff work that included testing the original unit counts in the Growth Forum final report against "on the ground" conditions at each of the proposed village sites. Even so, the potential unit counts are only estimates. Actual build-out may vary from village to village

Comments

2009 text addition.

Determining timing, actual size, location, scale and character for each urban village will vary and be addressed during the master-planning process.

The urban villages developed in the Growth Forum process have been ranked by the following criteria:

- 1) priority as established by the Growth Forum process;
- 2) Planning Commission or City Council directive;
- 3) perceived difficulty in achieving the village concept as envisioned given current zoning and other regulations,
- 4) existing development patterns and property ownership in the area;
- 5) staff resources and other work program priorities.

2009 text addition.

Urban Center Rankings: These rankings are for illustrative purposes only. Circumstances such as property ownership, redevelopment opportunities, access to funding and neighborhood support will establish when planning for these villages moves forward.

Tier 1 Urban Village: Regulatory framework and other circumstances in place to allow village concept to develop now. Designated Tier 1 Urban Villages:

- City Center Core Village
- Barkely District Village
- Fairhaven District Village

Tier 2 Urban Village: Some regulatory changes needed (zoning, design standards) and minor redevelopment of existing uses required to achieve the village concept. Village development likely to occur in the 20-year planning period. Designated Tier 2 Urban Villages:

- Central Waterfront Village (New Whatcom area)
- Old Town District Village
- Sunset Square/James Street District Village
- Lakeway Neighborhood Village
- Northwest/Bakerview Neighborhood Village

Tier 3 Urban Village: Regulatory changes and a moderate amount of redevelopment required. Development of these villages during the planning period is possible, if regulatory and redevelopment challenges can be overcome. Designated Tier 3 Urban Villages:

Comments

- Bellis Fair District Village
- Cordata District Village
- Fountain District Village
- Birchwood Neighborhood Village
- Old Fairhaven Parkway Neighborhood Village
- West Maplewood Pocket Village

Tier 4 Urban Village: Regulatory changes and significant redevelopment required. Some initial activity (property consolidation, rezoning) may occur but actual village development as envisioned not likely to occur during the planning period. Tier 4 Urban Villages:

- Ohio Street Neighborhood Village
- Samish Way Neighborhood Village
- Texas Street Neighborhood Village
- Happy Valley Pocket Village
- Samish Center Pocket Village

Tier 5 Urban Village: Proposed location not feasible or desirable. Alternatives locations need to be identified. Tier 5 Urban Villages:

- Broadway Pocket Village
- Northshore Drive Pocket Village
- State/Boulevard/14th Pocket Village
- Northwest and Elm Pocket Village

The City will concentrate its efforts in the Tier 1 and 2 village areas by reviewing the existing regulatory framework and possibly developing design guidelines for each of the villages. The City will also work towards achieving the regulatory changes that would be needed to establish the Tier 3 and 4 urban villages as staff resources and departmental work program allows.

2009 text revision

Circumstances such as property ownership, redevelopment opportunities, access to funding sources and neighborhood support, may change such that the ranking of any one of the villages may change.

FLU-17 The eventual number of housing units built at the various urban centers will depend on a number of factors, including availability of infrastructure (roads, water, sewer, schools, parks, police and fire protection), transit service and neighborhood character.

FLU-18 A master plan must be developed for each of the proposed urban centers. (The City Center and Fairhaven areas are exempt from this requirement.) The planning process to site urban centers should include neighborhood groups,

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residents, property owners, business owners and others. Although the process to develop the master plans and the contents may vary depending on the location and size of the center proposed, some common elements can be identified:

- Master plans should specify land uses and densities; street and utilities layout; lot arrangement; housing types; village square or plaza location(s); streetscape amenities; relationship of the buildings to the street; parking structures or lots; protection of critical areas; pedestrian and bicycle facilities; trail connections; and other items deemed necessary to ensure compatibility with surrounding areas and a more sustainable land use pattern.
- Explore the use of the Leadership in Energy Efficiency and Design for Neighborhood Development (LEED ND), or similar system, as a tool to measure the long term sustainability of proposed master plans.
- Neighborhood plans and zoning designations shall be updated as district and neighborhood urban center master plans are developed.
- Establish urban center zoning district(s) to enable development of urban centers.
- Establish requirements for district and neighborhood urban centers that provide a pleasant living, shopping, and working environment; pedestrian accessibility; adequate, well-located open spaces; an attractive, well-connected street system; and a balance of retail, office, residential, and public uses.
- Urban centers should be required to have an appropriate mix of commercial, service and residential uses as determined during the master planning process.
- Establish urban center design and development standards to ensure that new urban centers are of a type, scale, orientation and design that maintains the character and livability of the adjacent neighborhoods.
- Where appropriate, require the use of streetscape treatments, building styles, architectural details, materials, roof forms, setbacks, windows and doors similar to those of other structures in adjacent areas.
- Where possible, locate urban centers on or near arterial streets and transit routes to give them visibility, a central location, and allow them to serve as the neighborhood focal point. Transit routes and stops should be designed to provide increased service in and around the urban centers. Pedestrian and bicycle facilities should be designed so as

Comments

to attract and encourage non-motorized trips.

- Urban center designs should include, where possible, a central park, plaza, village green or other public space that is usable for a range of age groups.
- When possible, parking lots in urban centers shall be located behind or beside the buildings.
- Minimize the amount of land area in urban centers devoted to parking.
- Encourage the development of parking structures in the city center and the district urban centers.
- Establish parking requirements for land uses in urban centers that reflect their pedestrian and transit orientation (e.g. consider reducing parking requirements 10% to 15% in such areas).
- Consider counting on-street parking toward meeting commercial use parking requirements where appropriate.
- Provide incentives such as density bonuses for establishing shared parking lots, affordable housing, watershed and/or agricultural land preservation, green building and other public amenities such as plazas.
- Design and size parking lots to avoid interrupting the pedestrian orientation of urban centers. Locate parking lots to the side or rear of commercial and multifamily buildings.
- Screen parking areas from the street and residential areas through landscaping, berms, walls or other methods. The landscaping design should also consider the safety of parking lot users, i.e. employ CPTED principles.
- Require signage to be of a size and location so as to not detract from the character of the area.
- Where possible, establish walkways, bikeways and appropriate transitions between urban centers and adjacent neighborhoods.
- Establish Floor Area Ratios (FAR), height limits and design standards to create appropriate scaled development for desired intensity while allowing for economically feasible development.
- A minimum FAR and density may be appropriate in some areas to promote a more efficient use of land.

Comments

- A maximum floor area size may be placed on commercial buildings constructed in district, neighborhood or pocket urban centers.
- Special overlay zoning should be examined to allow a mix of uses in the urban centers. Incentives to encourage neighborhood scale commercial buildings with upper floor offices or residences should be provided in the neighborhood and pocket centers. Other uses such as day care centers should also be encouraged.
- To encourage development of the urban centers, activities such as assembling land, approving tax exemptions, reducing in parking requirements, approving density bonuses, providing assistance with predevelopment tasks such as site planning and environmental review and others should be examined.

Section M, Comprehensive Plan and Neighborhood Plan Land Use Designation Policies

LU - 126 There are eight general land use categories (designations) on the comprehensive plan map and in the neighborhood plans – Single Family Residential; Multifamily Residential, Commercial, Industrial, Mixed Use; Urban Village; Institutional; and Public. The comprehensive plan recognizes that allowing or encouraging a mix of different types of land uses is an important strategy to achieving infill goals while maintaining and developing distinctive and efficient urban neighborhoods.

- **Single-Family Residential** – This designation should be applied to areas of the community predominately developed with, or best suited for, development of individually owned dwelling units. A range of zoning densities should be allowed. In undeveloped areas, new housing may take a number of forms, including single family detached, single family attached, townhouses, “cottage” housing, attached accessory dwelling units, clustered housing, etc.
- **Single Family Residential, Low Density** – The low density residential designation should be used for land that is not suited for more intense urban development because of environmentally sensitive areas or public facility limitations, such as sewer or water capacity limitations.

Allowed Uses – The low density residential designation should allow for detached single family residences, their accessory uses and public and semi-public uses. Residential densities in this category should not exceed 5 units per acre.

- **Single Family Residential, Medium Density** – The medium density residential designation should be used for land that is suitable for moderate density single family homes.

Allowed Uses – The medium density residential designation should allow for attached and detached single family residences, their accessory uses and public and semi-public uses. Residential densities in this category should range from 6 to 12 units per acre.

- **Single Family Residential, High Density** – The high density residential designation should be used for land that is suitable for high density single family homes. This designation is appropriate where high levels of transit service are present or likely and/or areas adjacent or near

Comments

employment and commercial areas.

Allowed Uses – The high density residential designation should allow for attached and detached single family residences, their accessory uses and public and semi-public uses. Residential densities in this category should exceed 12 units per acre.

The single family low, medium and high residential density designations listed above are summarized as follows:

Low Density = 7,201 + sq.ft. per dwelling unit
(5 or less units per acre)

Medium Density = 3,600 to 7,200 sq.ft. per dwelling unit
(6 to 12 units per acre)

High Density = 0 to 3,599 sq.ft. per dwelling unit
(more than 12 units per acre)

- **Multi-Family Residential** – This designation should be applied to areas with higher concentrations of people within the City while encouraging a desirable living environment for the people living within and adjacent to this district. It is also intended to provide for a compatible mixture of residential housing types, typical accessory uses, public and semi-public uses, office uses, and some limited neighborhood commercial uses in appropriate areas. The low, medium and high density ranges in the single family designation are used in this category as well.

The multi-family designation should be applied in or near urban centers and corridors where high levels of transit service are present or likely, and/or in areas near employment and commercial centers. The capacity of public facilities and services should also be considered when applying multi-family designations.

The multifamily low, medium and high residential density designations listed above are summarized as follows:

Low Density = 7,201 + sq.ft. per dwelling unit
(5 or less units per acre)

Medium Density = 3,600 to 7,200 sq.ft. per dwelling unit
(6 to 12 units per acre)

High Density = 0 to 3,599 sq.ft. per dwelling unit
(more than 12 units per acre)

Comments

- **Commercial** – This designation should provide a range of commercial development intensities, from small neighborhood commercial areas to large planned commercial areas. In general, commercial areas should provide a broad range of services, commercial uses, mixed commercial and residential uses, and personal service establishments. Flexible development standards should be used to insure design compatibility with the site and with the surrounding area. Linear expansion of existing “strip commercial” areas should be prohibited. Mixed use developments are strongly encouraged in commercial areas and as part of mixed-use developments in the designated urban centers.

- **Industrial** – This category provides for a range of potential uses from “light” industrial uses like research and development to water related industrial uses to “heavy” industrial uses such as intensive warehousing, manufacturing, fabrication, assembly and distribution of goods.

Industrial designations and zoning are appropriate for areas with large parcels or a number of small parcels of sufficient size to accommodate buffer requirements. Potential impacts on environmentally sensitive areas and proximity to major transportation corridors should also be considered in locating industrial zones. Live/work uses should be allowed in light industrial zones where they could provide an appropriate transition to non-industrial zones, provided that such uses would be compatible with surrounding industrial uses.

- **Mixed Use** – This designation is intended to encourage the creation of intensely developed mixed-use areas where infrastructure, transit, and other public facilities and services are available or can be provided. It is intended that mixed-use areas provide significant job opportunities and a substantial amount of new housing, allowing people to choose to work, shop and recreate near where they live. Allowed uses in these areas may include offices; retail; water-oriented commercial and light industrial uses; compatible high technology manufacturing; institutional and educational facilities; parks and other public gathering places; entertainment and cultural uses; and residential uses (located in either mixed-use or single-use structures).

The zoning category that implements the mixed-use designation is Waterfront Mixed-use. The ultimate mix of land uses, appropriate densities, infrastructure requirements and other typical zoning, design and development standards should be established in a master

Comments

2009 policy addition.

plan that would be developed by the city and/or by property owners working with the city.

- **Urban Village** – This designation is intended to encourage the creation of intensely developed mixed-use areas where infrastructure, transit, and other public facilities and services are available or can be provided. It is intended that mixed-use areas provide significant job opportunities and a substantial amount of new housing, allowing people to choose to work, shop and recreate near where they live.

The ultimate mix of land uses, appropriate densities, infrastructure requirements and other typical zoning, design and development standards should be established in a master plan.

- **Institutional** – This designation is appropriate for areas containing public or quasi-public institutional uses requiring large land area. Western Washington University, Whatcom Community College and the St. Joseph's Hospital campus are located in institutional zones.
- **Public** – This designation is applied to major parcels of land that are owned or leased by public agencies such as city, county and state governments and the Bellingham School District. Certain public uses may be located in other zoning districts as proscribed in the Land Use and Development Code.

The Bellingham Municipal Code (BMC) does not permit accessory buildings on a lot separate from the residence. To permit the retention of this building, you would need to post a financial surety to ensure that the accessory building will be removed or relocated onto Lot 2 in compliance with applicable development regulations. It must be demonstrated that the covenant to bind properties recorded against the property can be released without violation of any zoning or building codes.

Completion and acceptance by the City of the following are necessary to bring the proposal into compliance with the Subdivision Ordinance and receive final approval:

1. Extend public sewer in manner that provides full abutment for each lot in accordance with a plan approved by the Public Works Department. This extension may require approval of a critical areas permit if the construction of the main requires work within a critical area.
2. Access for Lot 2 shall either be from 36th Street or restricted to a joint access with Lot 1 from Samish Way. If shared access off Samish Way is proposed, necessary easement provisions shall be shown on the mylar.
3. Demonstrate that the existing residences on Lots A and 2 conform to single-family development standards (i.e. Setbacks, parking, maneuvering, etc), per BMC 20.30 and the International Building Code (IBC) for the newly created property lines. Displaced parking shall be provided in compliance with BMC 20.30.
4. Submit a request to release the Covenant to Bind properties recorded under Whatcom County Auditor's Office file number 2011205054.
5. Demonstrate that each lot provides a minimum site area of at least 10,800 square feet for Lots 1 and 2 and 12,000 square feet for Lot A on the mylar. If Lot 1 or Lot 2 fall below the 12,000 square foot minimum lot size, the following note shall be placed on the mylar: " NOTE: Lot 1 was created substandard to density under BMC 18.36.020 A(6). The square footage (____ sf) that is being transferred to Lot 2 that would be necessary to make Lot 1 meet the minimum 12,000 square foot lot size may not be consolidated toward meeting a minimum density requirement with any other lot."
6. Removal or relocation of the garage in a location compliant with development standards. City permits are required to perform either action. A financial surety may be posted for this work for a maximum time period of 6 months in lieu of removal/relocation to allow the establishment of a residence.
7. Provide necessary mitigation for stormwater management based on an engineered stormwater site plan that addresses mitigation requirements within BMC 15.42 and the 2005 Department of Ecology Stormwater Management Manual for Western Washington. Mitigation is not necessary at this time if demonstrated that the total of new or replaced impervious surfaces will not exceed 5,000 square feet. Notation on the face of the plat that limits the square footage of impervious surface for future

FIGURE 7

City of Bellingham 2004 Community Growth Forum: URBAN VILLAGES

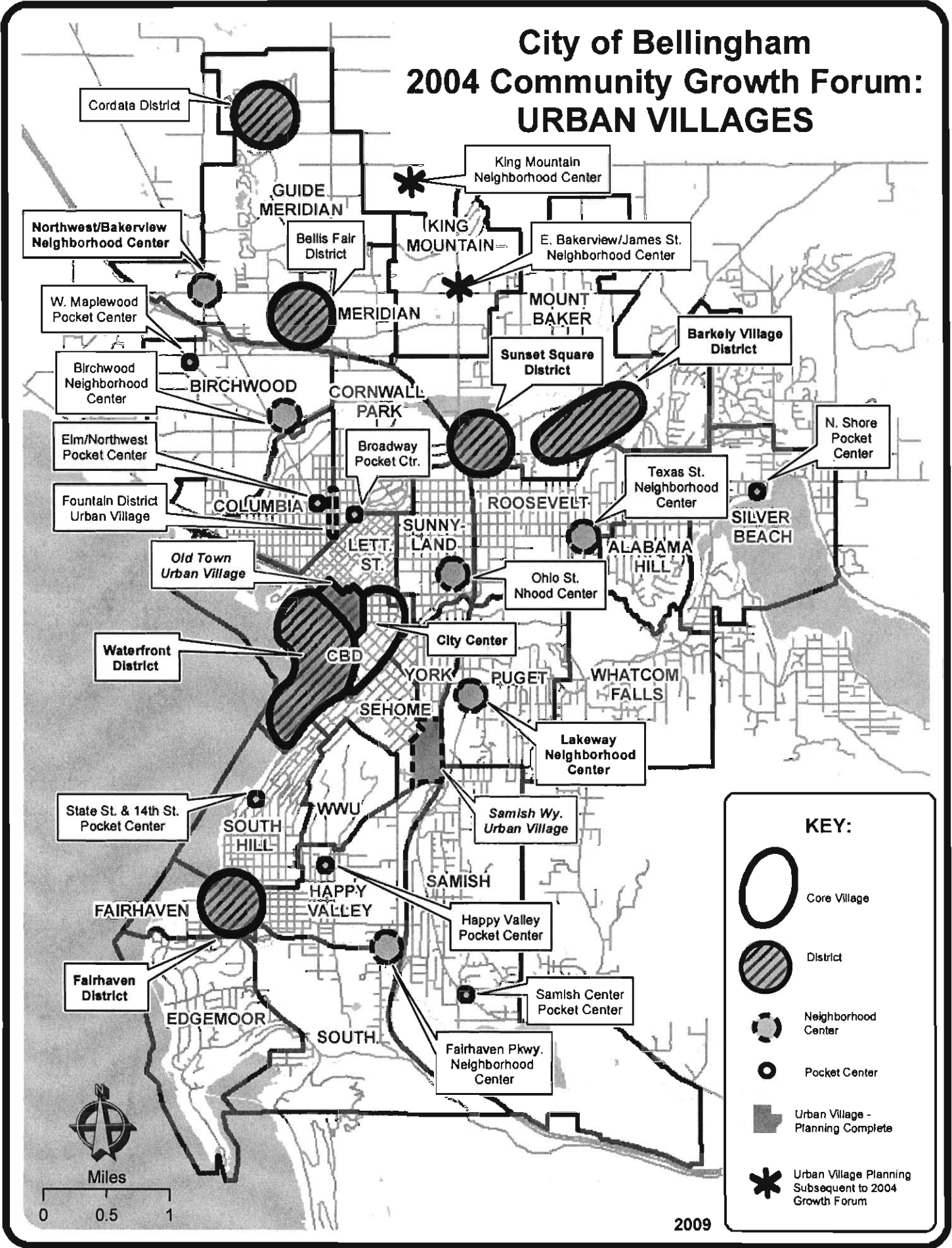


Exhibit B

**Bellingham Comprehensive Plan
Land Use Chapter**

2009 Urban Village Map

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FIGURE 7

City of Bellingham 2004 Community Growth Forum: URBAN VILLAGES

