



MEMORANDUM

TO: CITY COUNCIL MEMBERS
FROM: STEVEN SUNDIN, SENIOR PLANNER, PCDD
CC: MAYOR LUND
SUBJECT: SILVER BEACH REZONE AND AMENDMENTS TO BMC 16.80
DATE: MAY 12, 2024

The public hearing before the City Council on May 20, 2024 is required for the consideration of two legislative changes. One is a Comprehensive Plan / Neighborhood Plan amendment and rezone of three multi-family subareas in the Silver Beach Neighborhood subareas 8, 9 and 13. (The medium density in area 18 is no longer part of this proposal) The other is a set of amendments to BMC 16.80 (aka the "Silver Beach Ordinance") that specifies stormwater management requirements for development and/or redevelopment of multi-family properties in the Silver Beach Neighborhood. The City has established a project page for these proposed actions where additional information can be found including the materials that were provided for the public hearing and subsequent work session before the Planning Commission:

[Silver Beach Neighborhood Rezone - City of Bellingham \(cob.org\)](https://www.cob.org/silver-beach-neighborhood-rezone)

Comprehensive & Neighborhood Plan Amendment and Rezone: After determining that there may be an inherent conflict between the high-density zoned areas in the Silver Beach Neighborhood and the Comprehensive Plan goals and policies calling for the protection of Lake Whatcom's water quality, the City Council adopted a moratorium on development applications in order to allow staff time to research the potential conflicts. On November 23, 2023, the City Council directed City staff to analyze the potential outcomes if these multi-family areas were downzoned to "medium" and/or "low" density ranges.

Areas 8, 9 and 13 of the Silver Beach Neighborhood are currently zoned "high-density" which does not have a specified limit to the number of residential units that can be developed. Usually, other code requirements such as height, setbacks, open space, and/or parking can limit the number of units that are established on a multi-family property.

City staff from the Planning and Public Works Departments performed this analysis. At the Planning Commission public hearing on March 21, 2024, City staff recommended the medium density range for all three subareas.

Amendments to BMC 16.80 for multi-family development and/or redevelopment: The intent of these amendments is to ensure that the stormwater management requirements for multi-family properties are as protective of water quality in Lake Whatcom as those already in place for single-family development and/or redevelopment. Currently,

stormwater requirements for multiple-family development are addressed using the State Environmental Policy Act (SEPA) which is not as precise as specific code requirements.

City staff recommended the proposed set of amendments to the Planning Commission at the same public hearing on March 21, 2024.

The public hearing can be viewed here by scrolling down to Planning Commission meeting date of 3/21/2024: [City of Bellingham - Meetings - OnBase Agenda Online \(cob.org\)](https://www.cob.org/Meetings/OnBaseAgendaOnline)

At the public hearing, the Planning Commission took testimony from City staff and the general public. The Planning Commission closed the oral testimony comment period but kept the written record open. At the conclusion of the public hearing, the Planning Commission directed staff to bring additional analysis on the following topics back to a work session that was scheduled for April 11, 2024:

1. Demonstrate why a mandate cannot be instituted on Lake Whatcom watershed properties to provide phosphorus reduction measures – absent any type of development application.
2. Identify other options that might be explored or implemented by the City to address phosphorus reductions – absent any type of development application.
3. Explain why a workforce and/or affordable housing requirement cannot be included into the proposed rezone and rule amendment.

City Staff provided the requested information and further analysis to the Planning Commission at the work session, which can be found here: [Planning Commission - Work Session - Silver Beach Rezone \(cob.org\)](https://www.cob.org/Meetings/OnBaseAgendaOnline)

At the conclusion of the work session the Planning Commission:

1. Made a motion that was seconded to recommend approval of the proposed amendments to the stormwater management requirements in BMC 16.80 which can be found in the draft ordinance at Attachment 4. This recommendation passed with a vote of 6-0, one member absent.
2. Made a motion that was seconded to recommend approval of the proposed rezone from high density down to medium density for multi-family areas 8, 9 and 13. That motion failed by a vote of 3-3, one member absent.
3. An alternative motion was made and seconded for reducing the density in multi-family zones 8, 9 and 13 from high density down to low density. That motion failed by a vote of 3-3, one member absent.

The Planning Commission work session can be viewed here by scrolling down to Planning Commission meeting date of 4/11/2024: [City of Bellingham - Meetings - OnBase Agenda Online \(cob.org\)](https://www.cob.org/Meetings/OnBaseAgendaOnline)

The Planning Commission's Findings of Fact, Conclusions and Recommendations are provided on Attachment 2.

1. Amendments to BMC 16.80: City Staff and the Planning Commission recommend that the City Council adopt the proposed amendments to BMC 16.80 as provided in the draft ordinance at Attachment 4.

These amendments will ensure that development and/or redevelopment in multi-family areas 8, 9 and 13 will be as protective of water quality in Lake Whatcom as those standards that are currently in place for single-family properties. Please note that these amendments include a "retroactive" element whereby any action in these multi-family areas that results in 300 square feet, or more, of new and/or replaced impervious surface would require that the subject property be brought into compliance with the same standards that currently apply to single family properties resulting in additional phosphorus reduction. This would entail establishing a pacific northwest lowland forest on approximately 30% of the subject property and installing engineered methods to reduce the amount of phosphorus leaving the subject site. Recall from the initial agenda packet presented at the Planning Commission public hearing that none of the multi-family properties in subareas 8, 9 and 13 have any stormwater management or treatment facilities on them. The Planning Commission found that:

- ✓ Redevelopment of existing or development of new units in any of the multi-family zones would allow the City to apply the proposed revisions in BMC 16.80 which could significantly reduce existing and ongoing point source phosphorous loading to Lake Whatcom from multi-family areas; and
- ✓ Reductions in phosphorous loading that is addressed via private development or redevelopment could allow the City to continue to direct its resources and efforts to other protection and treatment mechanisms that would continue to get closer to achieving the phosphorus reduction targets set in the TMDL for Lake Whatcom.

2. Comprehensive Plan / Neighborhood Plan Amendment & Rezone: City Staff recommend that the City Council adopt the medium density as provided in the draft ordinance at Attachment 5. (The Planning Commission was unable to forward a recommendation on the medium density due to a failed vote of 3-3, one member absent.)

Recall that on November 20, 2023, the City Council extended the moratorium to July 10, 2024 AND directed City Staff to analyze the medium and low-density ranges for the multi-family subareas. City Staff performed that analysis which is provided in the staff report for the March 21, 2024 Planning Commission public hearing. (Specifically beginning on page 9, line 5, and ending on page 16, line 3.)

In addition, please note that high density requires a minimum number of units to be developed. For high density that minimum is 1 per 3,599 square feet up to an unlimited maximum. Typically, other development regulations such as parking and height temper the total unit count but the minimum number is still required to be developed.

City Staff recommend downzoning subareas 8, 9 and 13 from high density down to medium density. In so doing, the impacts to Lake Whatcom and surrounding areas would be reduced because the 'unlimited' density option would no longer be available. However, medium density will retain future opportunities for additional housing. (The potential unit difference between medium and low density is approximately 215 units) And finally, the medium density – coupled with the proposed revisions to BMC 16.80 – is expected to reduce ongoing phosphorus loading into Lake Whatcom, provided that development applications are submitted for more than 300 square feet of new or replaced impervious surface. This future reduction would continue to move the City closer to its identified target in the Lake Whatcom TMDL.

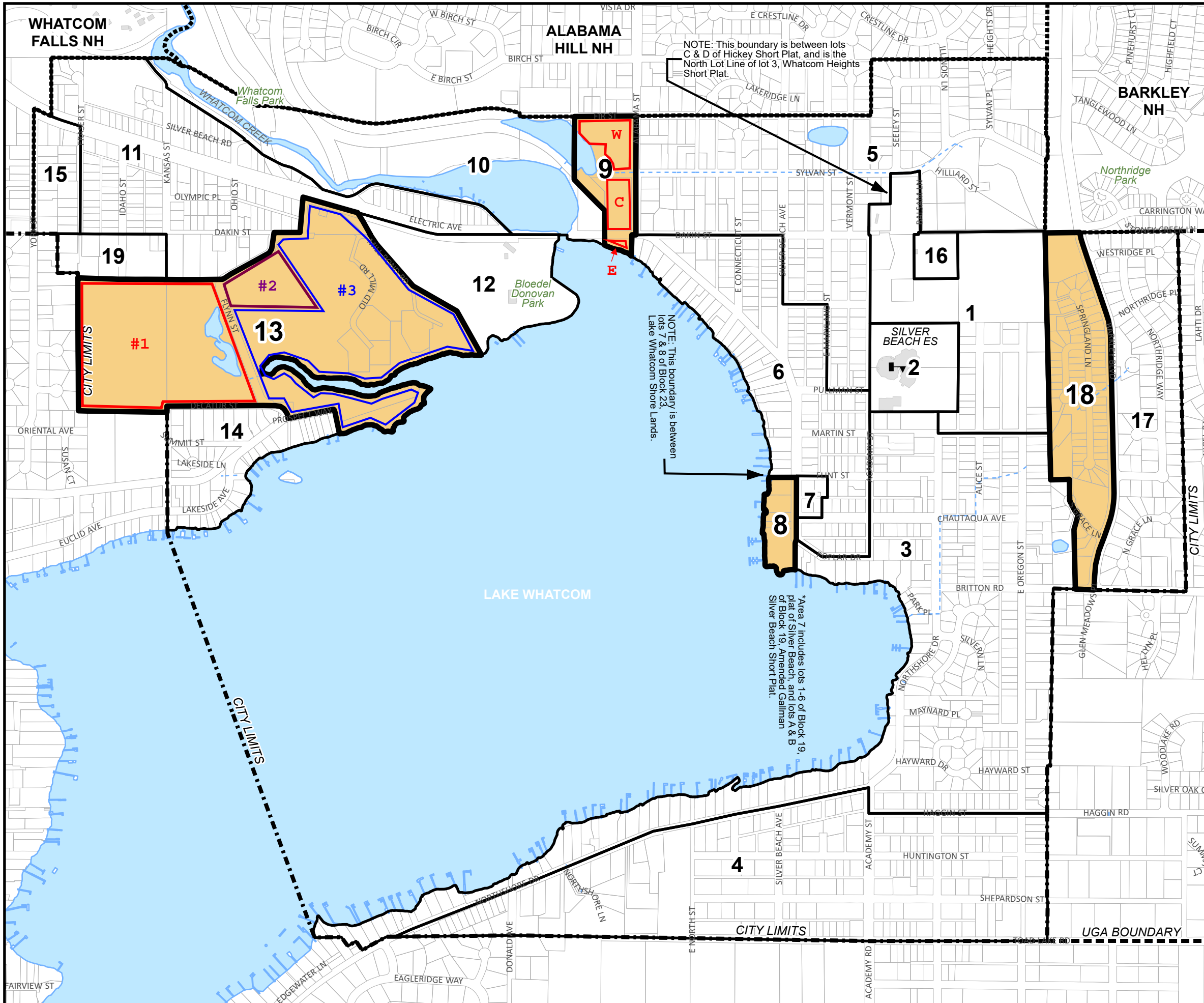
City Staff recommend that multi-family high density sub-areas 8, 9 and 13 in the Silver Beach Neighborhood should be downzoned to medium density because:

- ✓ The demand for additional housing units in the City has increased significantly in the last several years and the City Council has declared a “housing crisis” in Bellingham;
- ✓ The proposed amendments retain opportunity for additional housing units that can be adequately served by existing infrastructure;
- ✓ The proposed amendments are consistent with the intended direction of the 2025 comprehensive plan which intends to achieve integration of providing additional housing units and protecting the environment;
- ✓ The proposed amendments are consistent with the Growth Management Act which requires local governments to achieve, or, “strike a balance” among GMA’s 14 goals including providing additional housing inventory and environmental protection; and
- ✓ The proposed amendments are consistent with the criteria for neighborhood and comprehensive plan amendments in BMC 20.20.040 and criteria for rezones in BMC 20.19.030, as specified in the March 21, 2024 staff report to the Planning Commission.

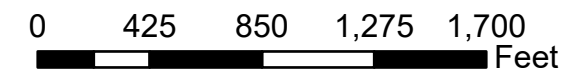
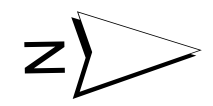
NOTE: The City Council will need to make a decision on the proposed code changes and zoning designation no later than June 3rd otherwise the Council will need to extend the moratorium to ensure it does not expire, which will allow high density development to occur.

SILVER BEACH NEIGHBORHOOD ZONING

AREA	ZONING DESIGNATION
1	Res. Single
2	Public, Open Space/School
3	Res. Single
4	Res. Single
5	Res. Single
6	Res. Single
7	Commercial, Neighborhood
8	Res. Multi, Multiple
9	Res. Multi, Multiple
10	Public, Open Space/Utilities
11	Res. Single
12	Public, Park/Recreation
13	Res. Multi, Planned
14	Res. Single
15	Res. Single
16	Public, Open Space/Utilities
17	Res. Single
18	Res. Multi, Planned
19	Res. Single



Attachment



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