

ORDINANCE NO. 2018-11-027

AN ORDINANCE RELATING TO THE ANNEXATION OF APPROXIMATELY 174-ACRES OF UNINCORPORATED PROPERTY LOCATED ADJACENT TO THE NORTHERN BOUNDARY OF THE BELLINGHAM CITY LIMITS AND COMMONLY KNOWN AS THE BENNETT / BAKERVIEW / AIRPORT DRIVE ANNEXATION; ASSIGNING CITY LAND USE AND ZONING DESIGNATIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on May 18, 2007, the owners of property within Bellingham's Northern Urban Growth Area submitted a 10% petition for annexation of approximately 174-acres to the City of Bellingham pursuant to RCW 35.13.125; and

WHEREAS, the Bellingham City Council held public meetings on August 6, 2006 and November 19, 2007, and approved Resolution 2007-31, thereby initiating the review process for this annexation request, subject to adopting City land use designations, zoning, and assumption of existing City indebtedness; and

WHEREAS, the property owners within the annexation area submitted a 75% annexation petition to the City of Bellingham on July 16, 2009; and

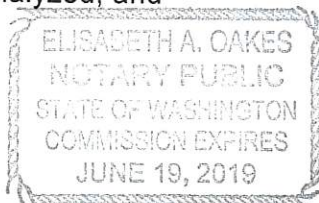
WHEREAS, the City of Bellingham forwarded the petition to the Whatcom County Assessor, whereby the Assessor found the petition to comply with state law and provided a Certificate of Sufficiency to the City on July 31, 2009; and

WHEREAS, on March 31, 2010, the City of Bellingham forwarded the Notice of Intention to Annex to the Whatcom County Boundary Review Board (BRB) for its 45-day review of the annexation proposal; and

WHEREAS, the BRB deemed the Notice of Intention to Annex as described in the BRB file #2015-02 approved on May 14, 2010; and

WHEREAS, currently Interstate 5 (I-5) /Bakerview Road interchange and the local street network serving the proposed annexation area experience traffic congestion and delays during peak p.m. travel times and it is expected that these traffic impacts will increase with new development, and

WHEREAS, final review of the proposed annexation was postponed until such time as studies could be prepared addressing future transportation improvements to the I-5/Bakerview Road interchange and the arterial street network were completed and analyzed; and



State of Washington
County of Whatcom
12/3/18
(Date)
I certify that this is a true and correct copy of the original document consisting of 18 pages.
Elisabeth A. Oakes
(Signature) Elisabeth A. Oakes
Notary Public
My appointment expires: 6/19/2019

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

WHEREAS, the Washington State Department of Transportation (WSDOT) funded the "I-5/Bakerview Interchange Value Planning Study" (VPS) in 2010, which included the City of Bellingham, Whatcom County, Port of Bellingham, Whatcom Transportation Authority, and the Whatcom Council of Governments; and

WHEREAS, in April 2011, WSDOT published the "I-5/Bakerview Interchange VPS Technical Report," which identified sequential transportation improvements including Option 1 low-cost rechannelization improvements on the overpass, Option 2 northbound on-ramp construction, and Option 3 bridge widening and/or reconstruction; and

WHEREAS, in 2011-2012 the City of Bellingham created a public-private partnership to fund the \$3,500,000 VPS Option 1 rechannelization improvements on the overpass with the following funding partners: Transportation Improvement Board of Washington, Port of Bellingham, Whatcom County Economic Development Investment Board, Whatcom County, and the Fred Meyer Corporation; and

WHEREAS, the City of Bellingham helped fund capacity and safety improvements to the W. Bakerview Corridor Interchange in 2013 to address near-term traffic impacts associated with capacity and congestion; and

WHEREAS, to ensure adequate transportation facilities are in place at the time of development and adopted level of service standards can be met for arterial streets, new development will be required to meet transportation concurrency measures adopted by the City; and

WHEREAS, in 2015-2016, Bellingham provided \$250,000 to WSDOT to conduct an in-depth multi-agency Interchange Justification Report (IJR) based on the traffic studies prepared for the I-5/Bakerview Road Interchange and surrounding area to assess existing and future growth, transportation impacts, and 17 alternatives for transportation improvements to the I-5 /Bakerview interchange; and

WHEREAS, in December 2016, the multi-agency IJR team, including staff from Federal Highway Administration (FHWA), WSDOT, City of Bellingham, Whatcom County, Port of Bellingham, Whatcom Transportation Authority, Whatcom Council of Governments, City of Ferndale, and Lummi Nation unanimously recommended a new northbound on-ramp on the east side of the interchange as the preferred alternative for the IJR; and

WHEREAS, in February 2018, WSDOT gave its final approval of the IJR project team recommendation for a new northbound on-ramp; and

WHEREAS, the FHWA approved the IJR and recommended moving forward with the preferred alternative for a new northbound on-ramp on the east side of I-5 from Bakerview Road; and

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WHEREAS, the Bellingham City Council adopted an Annexation Strategy in 2018, which identified the Bennett / Bakerview / Airport Drive annexation as a high priority area for annexation based on the area's potential to accommodate new employment and housing development needed to help with Bellingham's 20 year forecasted growth projections; and

WHEREAS, in 2018 both the Bellingham City Council and Whatcom County Council approved an amendment to the 2012 Interlocal Agreement under City Contract #2012-0329A and County Contract #201204013-1 to include the Bennett / Bakerview / Airport Drive annexation and for compensation of County road improvements completed in the area; and

WHEREAS, the Bellingham City Council held a public hearing on the proposed annexation on October 22, 2018; and

WHEREAS, the Bellingham City Council Committee of the Whole held a work session on November 5, 2018, for the proposed annexation area and directed staff to prepare an ordinance approving the Bennett / Bakerview / Airport Drive Annexation; and

WHEREAS, on November 5, 2018 the Bellingham City Council considered the annexation ordinance and determined the proposed annexation is consistent with the State Growth Management Act, the policy direction in Whatcom County's Comprehensive Plan, the Countywide Planning Policies, the Urban Fringe Subarea Plan, and Bellingham's 2016 Comprehensive Plan; and

WHEREAS, the Bellingham City Council approved the Bennett / Bakerview / Airport Drive Annexation ordinance, which assigned City land use and zoning designations to the annexation area and established an annexation effective date.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The properties within the Bennett / Bakerview / Airport Drive Annexation area as shown and legally described in Exhibit A are hereby annexed to the City of Bellingham.

Section 2. The area annexed herein shall assume its proportional share of the existing indebtedness of the City of Bellingham.

Section 3. The Birchwood Neighborhood Plan is amended to include Areas 25, 26, and 27 as shown in Exhibit B.

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City Attorney
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Section 4. The Birchwood Neighborhood Plan 2001 arterial routes map is replaced with an updated Birchwood Neighborhood circulation map, which includes the annexation area as shown in Exhibit C.

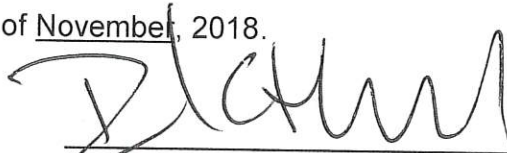
Section 5. The Birchwood Neighborhood Comprehensive Plan Land Use Map is amended to include Areas 25, 26, and 27 as shown in Exhibit D.

Section 6. The City of Bellingham zoning map for the Birchwood Neighborhood is amended to include Areas 25, 26, and 27 as shown in Exhibit E.

Section 7. The Bellingham Municipal Code 20.00.020 - Birchwood Neighborhood Table of Zoning Regulations is amended to include Areas 25, 26, and 27 as shown in Exhibit F.

Section 8. This ordinance shall be effective on April 1, 2019.

PASSED by the Council this 19th day of November, 2018.



Dan Hammill, Council President

APPROVED by me this 26th day of November, 2018.



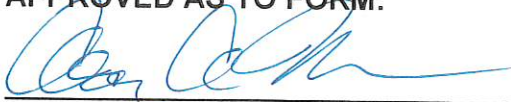
Kelli Linville, Mayor

ATTEST:



Andy Asbjornsen, Interim Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published:

November 23, 2018

EXHIBIT A

**Bennett / Bakerview / Airport Drive Annexation
Legal Description**

Bennett / Bakerview / Airport Drive Annexation

**City of Bellingham
City Attorney
210 Lottle Street
Bellingham, Washington 98225
360-778-8270**

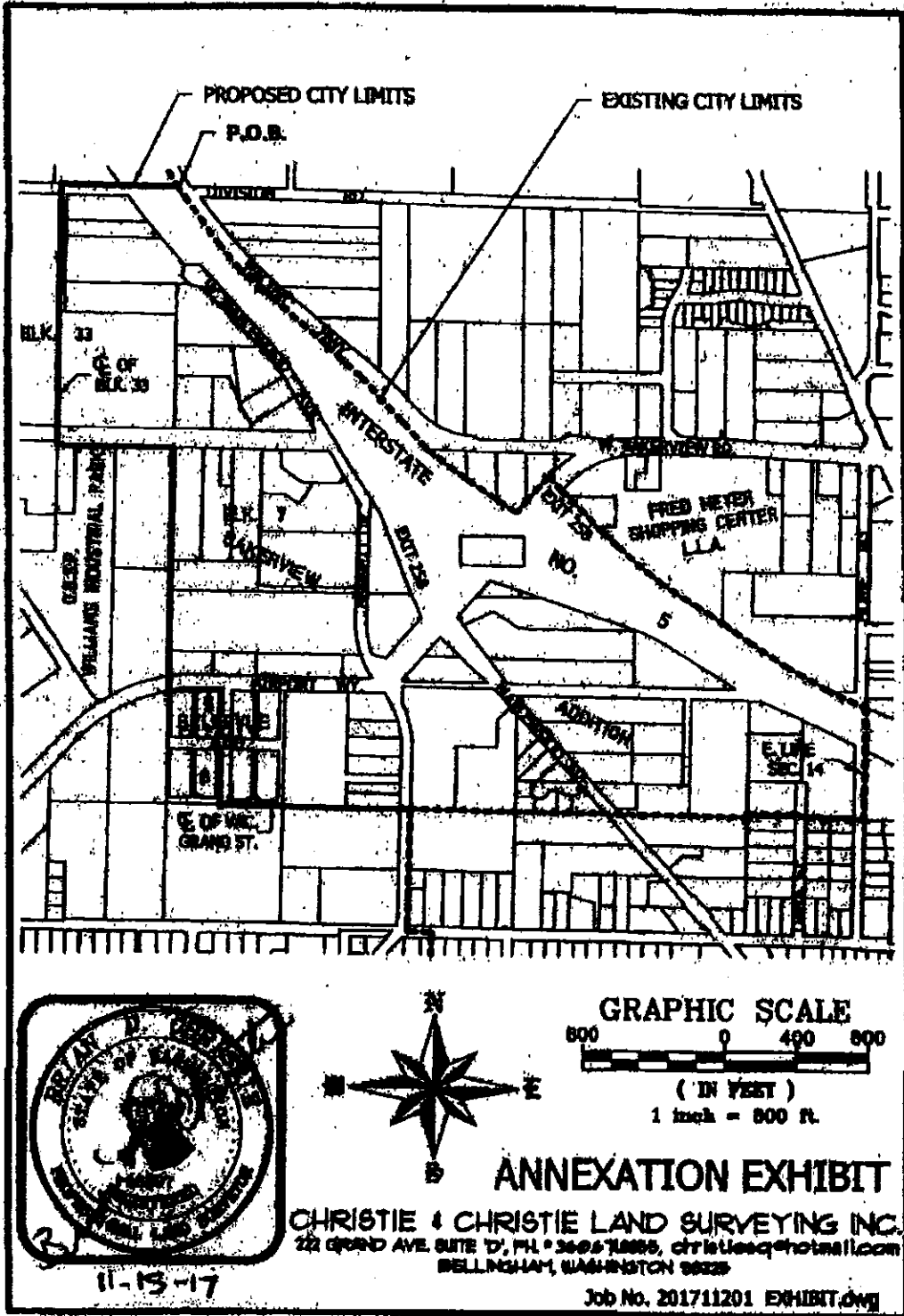
**BENNETT / BAKERVIEW / AIRPORT DRIVE ANNEXATION
LEGAL DESCRIPTION**

**LEGAL DESCRIPTION
CITY OF BELLINGHAM ANNEXATION AREA
AREA LYING EAST OF BELLINGHAM AIRPORT**

ALL THAT LAND BEING IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 11 AND THE NORTH ONE-HALF OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 2 EAST, AS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF I-5 MARGIN AS DELINEATED ON W.S.D.O.T. RIGHT-OF-WAY MAPS ON FILE IN OLYMPIA, WA AND THE NORTH LINE OF DIVISION ROAD AS SHOWN ON THE PLAT OF "BAKERVIEW ADDITION TO THE CITY OF BELLINGHAM," AS PER THE MAP THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGES 49 TO 45, RECORDS OF THE AUDITOR'S OFFICE OF WHATCOM COUNTY, WASHINGTON, SAID POINT IS FURTHER DESCRIBED AS BEING THE TURNBACK LINE PER SAID RIGHT-OF-WAY MAPS ON THE CURRENT CITY OF BELLINGHAM CITY LIMITS; THENCE WEST ALONG THE NORTH LINE THEREOF TO THE NORTH-SOUTH PROJECTED CENTERLINE OF BLOCK 23 OF SAID BAKER VIEW ADDITION; THENCE SOUTH ALONG SAID CENTERLINE OF BLOCK 23 AND THE PROJECTION THEREOF TO THE SOUTH MARGIN OF BAKER VIEW ROAD; THENCE EAST ALONG THE SOUTH MARGIN THEREOF TO THE NORTHWEST CORNER OF BLOCK 7 OF SAID BAKER VIEW ADDITION; THENCE SOUTH ALONG THE WEST LINE THEREOF TO THE SOUTH MARGIN OF AIRPORT DRIVE; THENCE EAST ALONG THE SOUTH MARGIN THEREOF TO THE EAST LINE OF BLOCK 3 AS SHOWN ON BELLEVUE ADDITION TO WHATCOM WASH. PER THE PLAT MAP, RECORDED IN VOLUME 2 OF PLATS, PAGE 65, RECORDS OF WHATCOM COUNTY AUDITOR'S OFFICE; THENCE SOUTH ALONG THE EAST LINE OF SAID BLOCK 3 AND CONTINUING SOUTH ALONG THE EAST LINE OF BLOCK 4 OF SAID BELLEVUE ADDITION TO WHATCOM WASH., PLAT MAP TO THE CENTERLINE OF PLATTED GRAND STREET ALSO KNOWN AS ALDER STREET; THENCE EAST ALONG THE CENTERLINE GRAND STREET AND THE PROJECTION THEREOF TO THE CENTERLINE OF BENNETT DRIVE ALSO BEING THE CURRENT CITY OF BELLINGHAM CITY LIMITS BOUNDARY; THENCE CONTINUING EAST ALONG THE CURRENT CITY LIMITS BOUNDARY TO INTERSECT THE EAST LINE OF SAID SECTION 14; THENCE NORTH ALONG THE EAST LINE THEREOF TO THE NORTHEASTLY RIGHT-OF-WAY OF SAID I-5 MARGIN. THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT-OF-WAY TO THE POINT OF BEGINNING.

SITUATE WHATCOM COUNTY, STATE OF WASHINGTON





PROPOSED CITY LIMITS

EXISTING CITY LIMITS

P.O.B.

DIVISION RD

BLK 33

E OF
BLK 33

WILLIAMS INDUSTRIAL PARK

BLK 7
SUNVIEW

INTERSTATE

BLK 23

ADDITION

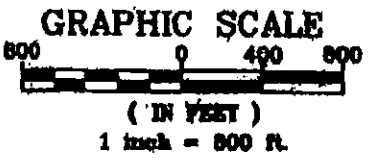
FRED MEYER
SHOPPING CENTER
L.L.A.

E OF MC
GRAND ST.

E 1/4
SEC 14



11-13-17



ANNEXATION EXHIBIT

CHRISTIE & CHRISTIE LAND SURVEYING INC.
22 GRAND AVE. SUITE D, PH. # 360-71885, christiecd@hotmail.com
BELLINGHAM, WASHINGTON 98228

Job No. 201711201 EXHIBIT.DWG

EXHIBIT B

Birchwood Neighborhood Plan adding Areas 25, 26, and 27

Bennett / Bakerview / Airport Drive Annexation

**City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270**

BIRCHWOOD NEIGHBORHOOD PLAN

Area 25

This area is approximately 16-acres in size and expands the residential portion of the Birchwood Neighborhood to the north along a portion of W. Maplewood and at the end of Dana Street adjacent to Interstate 5. A majority of the area has already been developed with a mix of multi-family dwelling units and single-family dwelling units. Also, a church is presently located at the end of Dana Street.

As new development and redevelopment occurs within this area, new and existing streets will be required to meet adopted street standards and sidewalks and bicycle lanes installed in accordance with the Bellingham Pedestrian and Bicycle Master Plans. Vehicle access points onto W. Maplewood Avenue should be limited and shared access is encouraged.

AREA 25 LAND USE DESIGNATION: MULTIFAMILY RESIDENTIAL, HIGH DENSITY

Area 26

Area 26 is approximately 124-acres in size and considered one of the gateways into the City of Bellingham given its proximity to Interstate 5, Bellingham International Airport, and existing Industrial / Commercial areas to the west and to the east. This area is primarily intended to provide sufficient land area for a broad range of uses that provide employment opportunities and commerce. However, because of the area's proximity to regional transportation facilities as mentioned above, uses within this area should not only support the surrounding area, but also airport operations, industrial development, and the traveling public. Permitted Industrial Planned uses are listed in the land use development code and further modified in the neighborhood zoning table under the Special Regulations category for this area.

The terrain in this area is relatively flat and is located within the Silver Creek, Squaticum Creek, and Bellingham Bay Watersheds. According to City records there are several wetlands located throughout this area. Therefore, early in the development concept phase and prior to any development activity, wetland reconnaissance and delineations may be needed to determine location and classification of these wetland features.

As development and redevelopment occurs within this area, new and existing streets will be required to meet adopted street standards and sidewalks and bicycle lanes installed in accordance with the Bellingham Pedestrian and Bicycle Master Plans. Vehicle access points on arterial streets may be limited, therefore shared access is encourage. Water and sewer utility services may need to be extended or upgraded to support development.

AREA 26 LAND USE DESIGNATION: INDUSTRIAL

Area 27

This area is located in the western portion of the City situated between Interstate 5 and the Bellingham International Airport. The Industrial, Planned land use designation for this area is intended to accommodate industrial uses where special consideration and sensitivity must be taken for physical site conditions and their relationship to less intense surrounding uses. This area is intended to provide sufficient land area for a broad range of industrial uses that provide industrial employment opportunities and commerce. Some of the appropriate industrial uses for this area include, but not limited to: warehousing, manufacturing, fabrication, assembly, and distribution. Therefore, in order to reserve this area for those uses, retail uses should only be allowed as an accessory use if associated with the primary industrial use. Permitted Industrial Planned uses are listed in the land use development code and further modified in the neighborhood zoning table under the Special Regulations category for this area.

The terrain in this area is relatively flat and is mainly located within the Silver Creek Watershed. According to City records there are several wetlands located within and near this area. Therefore, wetland reconnaissance / delineations may be needed to determine location and classification of these wetland features early in the development concept phase and prior to any development activity.

As development occurs within this area, new and existing streets will be required to meet adopted street standards and sidewalks and bicycle lanes installed in accordance with the Bellingham Pedestrian and Bicycle Master Plans. Vehicle access points on arterial streets should be limited and shared access is encouraged. Additionally, water and sewer utility services may need to be extended or upgraded to support development.

AREA 27 LAND USE DESIGNATION: INDUSTRIAL

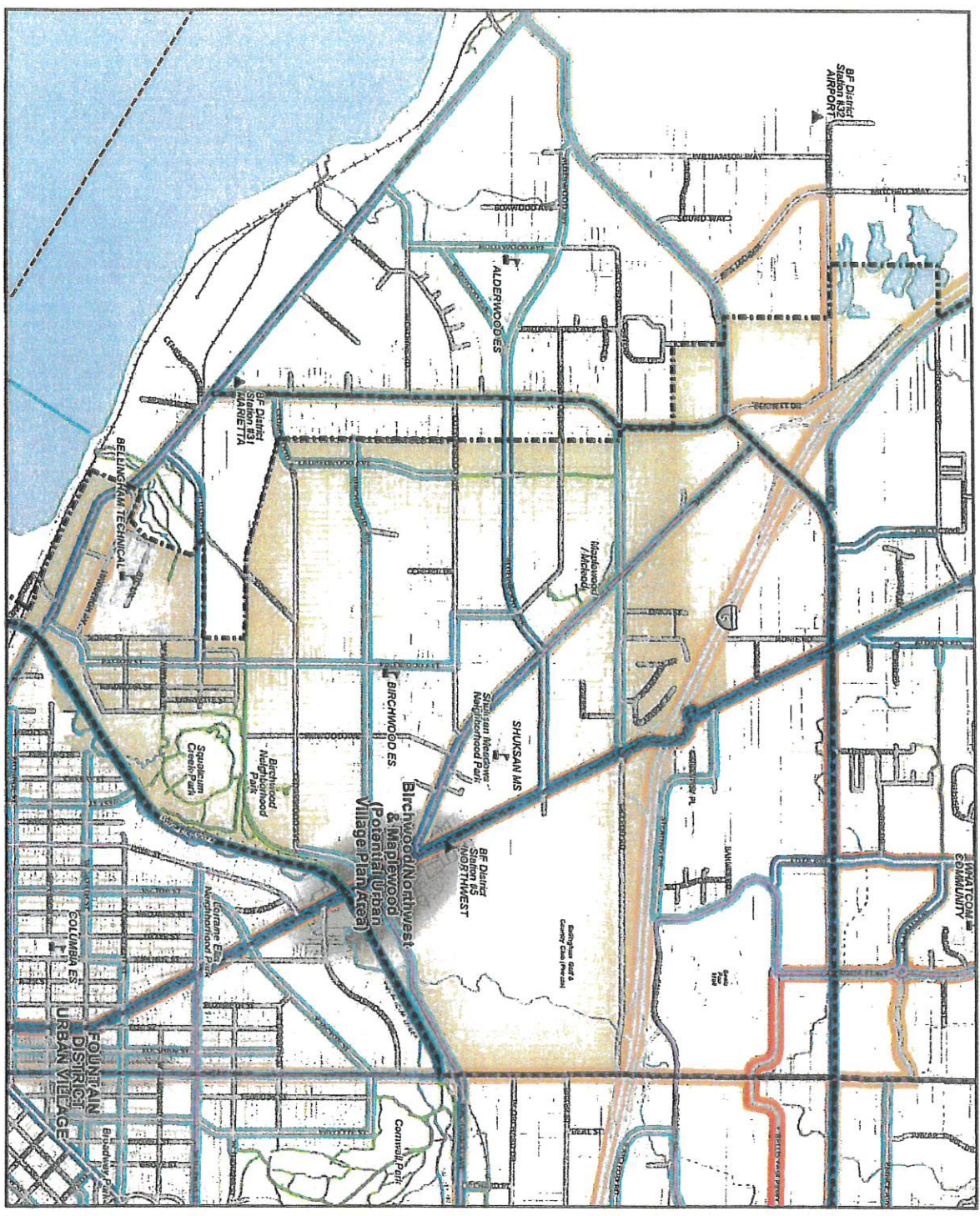
EXHIBIT C

**Birchwood Neighborhood Plan 2001 arterial routes map is replaced with an updated
Birchwood Neighborhood circulation map**

Bennett / Bakerview / Airport Drive Annexation

**City of Bellingham
City Attorney
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BIRCHWOOD NEIGHBORHOOD CIRCULATION



Legend:

- City Limits
- Urban Growth Boundary
- Neighborhood Boundary
- Existing or Potential Urban Village Plan Areas

Bike Routes

- Existing Bike Facility
- Other Bike Routes
- Bike Friendly Trails
- Other Trails

Transit Routes

- Peak Frequency Route
- Standard Routes

Aerial Street Classification

- Primary Route o-o-o (Proposed)
- Primary Truck Route
- Secondary Route o-o-o (Proposed)
- Secondary Truck Route
- Collector Route o-o-o (Proposed)
- Other Streets
- Railroads

0 1,000 2,000 3,000 Feet

The City of Beaverton has compiled this information for its own use and is not responsible for any use of this information by others. The information found herein is provided simply as a courtesy to the public and is not intended for any third party. Persons using this information do so at their own risk and by such use agree to defend, indemnify and hold harmless the City of Beaverton as to any claims, damages, liability, losses or suits arising out of such use.

8/3/2018, km

EXHIBIT D

**Birchwood Neighborhood Comprehensive Plan Land Use Map
adding Areas 25, 26, and 27**

Bennett / Bakerview / Airport Drive Annexation

**City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270**



BIRCHWOOD NEIGHBORHOOD LAND USE

COMPREHENSIVE PLAN LAND USE DESIGNATION

- 1 Single Family Res., Low Density
- 2 Single Family Res., Med. Density
- 3 Multi-Family Res., High Density
- 5 Multi-Family Res., High Density
- 6 Commercial
- 7 Multi-Family Res., High Density
- 7A Multi-Family Res., High Density
- 8 Public
- 9 Public
- 10 Commercial
- 11 Multi-Family Res.
- 12 Single Family Res., Low Density
- 13 Public
- 13A Public
- 13B Public
- 14 Multi-Family Res., Med. Density
- 15 Industrial
- 16 Single Family Res., Med. Density
- 17 Multi-Family Res., Low Density
- 18 Public
- 19 Single Family Res., Low Density
- 20 Single Family Res., Low Density
- 21 Multi-Family Res., High Density
- 22 Commercial
- 23 Public
- 24 Public
- 25 Multi-Family Res., High Density
- 26 Industrial
- 27 Industrial



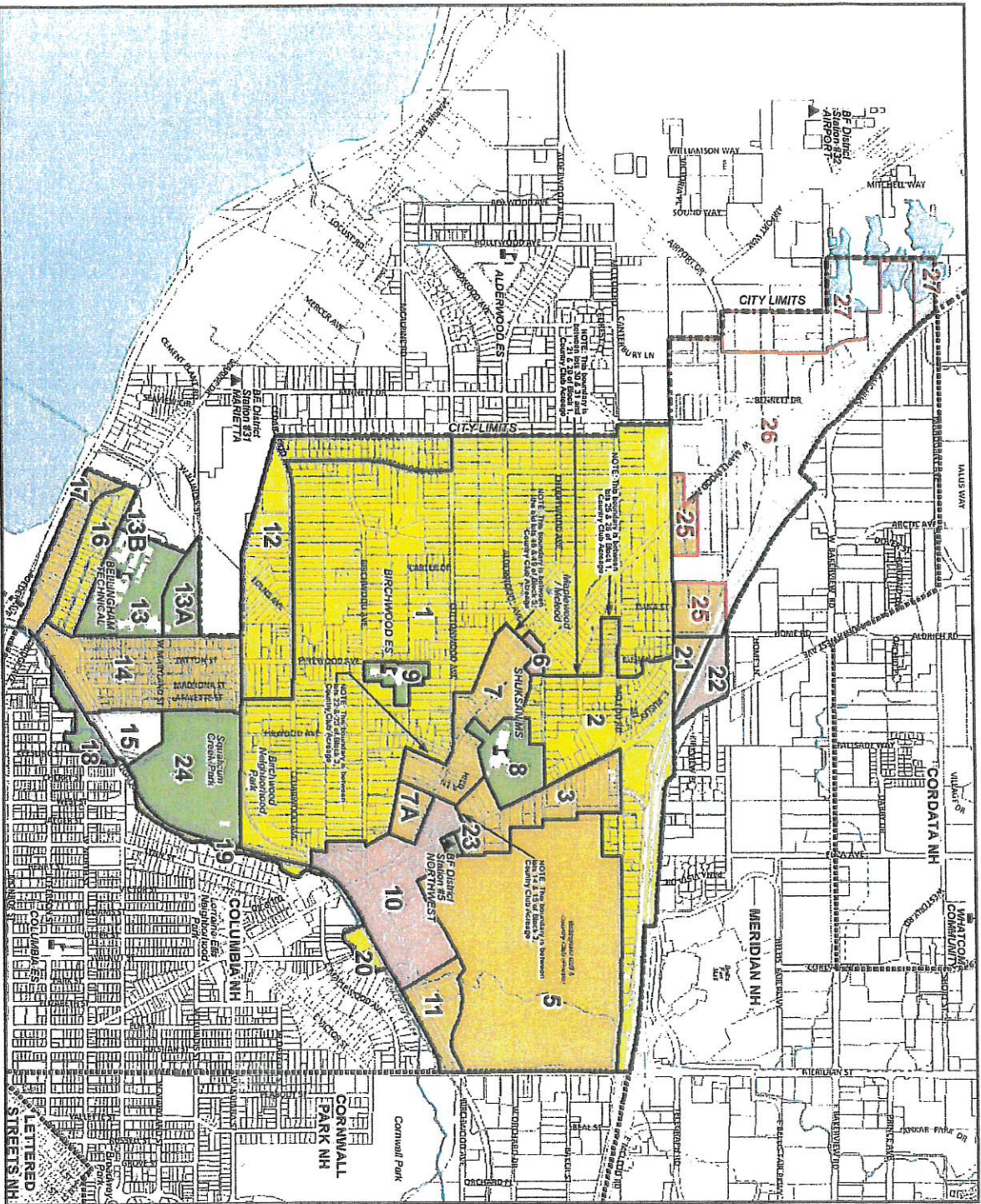
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EXHIBIT E

**City of Bellingham zoning map for the Birchwood Neighborhood
adding Areas 25, 26, and 27**

Bennett / Bakerview / Airport Drive Annexation

**City of Bellingham
City Attorney
210 Lottie Street
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360-778-8270**



BIRCHWOOD NEIGHBORHOOD ZONING

AREA ZONING DESIGNATION

- 1 Residential, Single
- 2 Residential Single
- 3 Residential Multi, Multiple
- 5 Residential Multi, Planned
- 6 Commercial, Neighborhood
- 7 Residential Multi, Planned
- 7A Residential Multi, Planned
- 8 Public, School
- 9 Public, School
- 10 Commercial, Planned
- 11 Residential Multi, Planned
- 12 Residential Single
- 13 Public, School
- 13A Public, School
- 13B Public, School
- 14 Residential Multi, Duplex
- 15 Industrial, Planned
- 16 Residential Single
- 17 Residential Multi, Duplex
- 18 Public, Park
- 19 Residential Single
- 20 Residential Single
- 21 Residential Multi, Planned
- 22 Commercial, Planned
- 23 Public, Govt. Svcs.
- 24 Public, Park
- 25 Residential Multi, Planned
- 26 Industrial, Planned
- 27 Industrial, Planned



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EXHIBIT F

**Bellingham Municipal Code 20.00.020
Birchwood Neighborhood Table of Zoning Regulations adding
Areas 25, 26, and 27**

BMC 20.00.020 Birchwood Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
25	Residential Multi	Planned	2,400 sq. ft. per dwelling unit	<p>Critical Areas</p> <p>Provide sidewalks and bicycle lanes per Bellingham's Pedestrian and Bicycle Master Plans.</p> <p>Provide public trails as indicated in the Bellingham Comprehensive Plan.</p>		
26	Industrial	Planned *	N/A	<p>Critical Areas</p> <p>Provide sidewalks and bicycle lanes per Bellingham's Pedestrian and Bicycle Master Plans.</p> <p>Provide public trails as indicated in the Bellingham Comprehensive Plan.</p>	<p>Utility services may need to be extended or upgraded to support new development.</p>	<p>*Hotel and motel establishments, and retail parking facilities are also permitted.</p> <p>Expansion of any nonconforming use shall require planned development approval.</p>
27	Industrial	Planned *	N/A	<p>Critical Areas</p> <p>Project-specific Transportation Impact Analysis may be required.</p> <p>Provide sidewalks and bicycle lanes per Bellingham's Pedestrian and Bicycle Master Plans.</p> <p>Provide public trails as indicated in the Bellingham Comprehensive Plan.</p>	<p>Utility services may need to be extended or upgraded to support new development.</p>	<p>*Retail sales are prohibited, except when associated with industrial uses on site.</p> <p>Expansion of any nonconforming use shall require planned development approval.</p>