

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE RELATED TO LAND USE PLANNING AND ZONING FOR THE SAMISH WAY URBAN VILLAGE SUBAREA PLAN, AMENDING LAND USE AREAS 15, 16 AND A PORTION OF AREA 14 OF THE SEHOME NEIGHBORHOOD; AMENDING LAND USE AREA 8 AND A PORTION OF AREA 5 OF THE YORK NEIGHBORHOOD; AND AMENDING THE LAND USE DEVELOPMENT CODE (TITLE 20) FOR THE PURPOSE OF ADOPTING THE SAMISH WAY URBAN VILLAGE SUBAREA PLAN AND ASSOCIATED DEVELOPMENT REGULATIONS.**

**WHEREAS**, the Bellingham Comprehensive Plan directs that growth in Bellingham will be accommodated primarily in compact “urban centers” (or “villages”) as described in the Community Growth Forum report, while preserving the character of existing single-family neighborhoods (FLU-15); and

**WHEREAS**, the Comprehensive Plan directs that master plans be developed for each proposed urban village (FLU-18); and

**WHEREAS**, urban villages are to provide a pleasant living, shopping and working environment; pedestrian accessibility; adequate, well-located open spaces; attractive, well-connected street systems; and a balance of retail, office, residential and public uses (FLU-18); and

**WHEREAS**, the Comprehensive Plan identifies the Samish Way area as a Tier 4 urban village, requiring regulatory changes and significant redevelopment; and

**WHEREAS**, the Sehome Neighborhood Association requested the City initiate an urban village master planning process for this area as part of their neighborhood plan update; and

**WHEREAS**, the City Council docketed the master planning of Samish Way Urban Village on the Planning Department’s 2008 work program to implement the Bellingham Comprehensive Plan; and

**WHEREAS**, amendments to the Sehome and York Neighborhood Plans associated with the Samish Way Urban Village Subarea Plan were docketed for review by Planning Commission and City Council in 2009; and

**WHEREAS**, four community workshops were held in the summer of 2008 to discuss the vision and goals for the Samish Way Urban Village, and a final neighborhood meeting was conducted on February 26, 2009 regarding the proposed Subarea Plan, implementing regulations and neighborhood plan amendments;

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**WHEREAS**, Planning staff worked closely with neighborhood residents, business and property owners, and other stakeholders to identify issues of primary concern and obtain general consensus on these issues; and

**WHEREAS**, on May 18, 2009, the City of Bellingham as lead agency under the procedures of the State Environmental Policy Act (SEPA), issued a Determination of Non-Significance; and

**WHEREAS**, in accordance with the Growth Management Act, the State of Washington was notified on May 26, 2009 of the City's intent to adopt a Subarea Plan and development standards for Samish Way Urban Village; and

**WHEREAS**, the Bellingham Planning Commission conducted a public hearing on June 18 and July 23, 2009 on the proposed Neighborhood Plan and Land Use Development Code Amendments; and a walking tour on July 2, 2009. Appropriate public notice was provided. Additional work sessions were held on July 9 and August 6, 2009, and thereafter the Planning Commission made Findings, Conclusions and a Recommendation for adoption of the Subarea Plan and associated development regulations; and

**WHEREAS**, the Bellingham City Council held a public hearing on October 5, 2009 and agrees with and adopts the Planning Commission Findings of Fact, Conclusions and Recommendation; and

**WHEREAS**, the City Council finds that the Samish Way Urban Village Subarea Plan and associated neighborhood plan amendments to the Comprehensive Plan satisfy the requirements of BMC Chapter 20.20.060, and are consistent with the State Growth Management Act, the Bellingham Comprehensive Plan, and the York and Sehome Neighborhood Plans; and

**WHEREAS**, the City Council finds that the accompanying Land Use Development Code Amendment satisfies the requirements of BMC Chapter 20.22, and are consistent with the State Growth Management Act, the Bellingham Comprehensive Plan, and the York and Sehome Neighborhood Plans; and

**WHEREAS**, a resolution adopting a fee schedule payable to the Lake Whatcom Watershed Property Acquisition Program in exchange for floor area development bonuses in the Samish Way Urban Village Subarea accompanies this ordinance;

**NOW THEREFORE, THE CITY OF BELLINGHAM, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1:** The Samish Way Urban Village Subarea Plan, as shown in **Attachment 1**, is hereby adopted and added to the Sehome and York Neighborhood Plans as Appendix A.

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**Section 2:** A new Chapter is added to Bellingham Municipal Code Title 20, entitled 20.37 Urban Village, as shown in **Attachment 2**.

**Section 3.** The Sehome Neighborhood Plan, V. Subarea Descriptions and Land Use Designations Chapter, is amended as follows:

### **Sehome Neighborhood Plan**

**Chapters I. through IV. [Unchanged]**

### **V. Subarea Descriptions and Land Use Designations**

**Areas 1 through 13 [Unchanged]**

#### **Area 14**

~~This area is atypical of the residential areas in the Sehome Neighborhood in that there are large amounts of undeveloped, privately owned land. Development in this area predominantly consists of larger lot single family residences, although there is a duplex and part of a trailer court within the area. The existing homes are also newer than in other parts of the neighborhood and are in good range from poor to excellent condition. The undeveloped area is a very steepest part of Sehome Hill forms the western boundary of this area, and contains with shallow soils over the sedimentary bedrock. There are significant drainage problems in this area. On the other side of this secluded neighborhood is The Samish Way Urban Village is across 34<sup>th</sup> Street with its commercial development. Access to this area is off Samish Way via Otis, Abbott or Consolidation Avenue. Due to intersection safety considerations, Byron Street is one-way into the area off College Parkway. Laurel Street also connects with Otis, providing a circuitous route out of the area on narrow residential streets. The undeveloped land in the northernmost part of this area has a fairly large percentage of less steep land. It is also platted in large lots – approximately one acre in size. Access to this area would have to be via Newell or perhaps Otis or Abbott via 34th. These are all either narrow residential streets which should not be widened, or are substandard streets with poor intersections with Samish Way. Streets leading into the area through the Samish Way Urban Village should be improved according to the recommendations in the Urban Village Subarea Plan; narrow residential streets outside of the urban village planning boundary should not be widened.~~

**Area 14 Land Use Designation: Single Family Residential, Low Density**

#### **Area 15**

~~This is a small area along Otis Street and on the western side of the north end of 34th Street. It is on a gently sloping hillside facing Samish Way. There is presently one 31-unit apartment, a duplex, part of a trailer court, and nine single family houses. All are in good condition and are of varying ages. The Samish Way Urban Village Subarea Plan includes land within the Sehome and York Neighborhoods. Area 15 is the Sehome Neighborhood~~

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portion of the Subarea Plan boundary. The Subarea Plan is a policy document that will guide future development within this area. See **Appendix A – Samish Way Urban Village Subarea Plan** for details.

**Area 15 Land Use Designation: ~~Multifamily Residential, High Density~~ Urban Village**

**~~Area 16~~**

~~This area along Samish Way is used primarily as Tourist Commercial. There are still several single family houses, but a large percentage of the uses in the area are commercial.~~

**~~Area 16 Land Use Designation: Commercial~~**

**Section 4.** Areas 14, 15 and 16 on the Sehome Neighborhood Plan Land Use Map are amended as shown on **Attachment 3**.

**Section 5.** The York Neighborhood Plan, Subarea Descriptions and Land Use Designations Chapter, is amended as follows:

**York Neighborhood Plan**

**Chapters I. through IV. [Unchanged]**

**V. Subarea Descriptions and Land Use Designations**

**Areas 1-7 [Unchanged]**

**Area 8**

~~Most of the area south of Edward between the freeway and Samish will remain in auto oriented commercial use. The Samish Way Urban Village Subarea Plan includes land within the Sehome and York Neighborhoods. Area 8 is the York Neighborhood portion of the Subarea Plan boundary. The Subarea Plan is a policy document that will guide future development within the Subarea. See Appendix A – Samish Way Urban Village Subarea Plan for details.~~

**Area 8 Land Use Designation: ~~Commercial~~ Urban Village**

**Area 9**

The row of lots along the east side of Ellis Street was included in the 1979 planning study by MAKERS, which is appended **Appendix B** to the York plan. Although the specific standards suggested for Ellis Street property are not given in detail as part of the land use designators, they provide useful guidance.

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**Area 9 Land Use Designation: Multifamily Residential, High Density**

**Area 10 [Unchanged]**

**Section 6.** Areas 5 and 8 on the York Neighborhood Plan Land Use Map is amended as shown on **Attachment 4**.

**Section 7.** BMC 20.00.160 Sehome Neighborhood Table of Zoning Regulations is amended as follows:

**BMC 20.00.160 – Sehome Neighborhood Table of Zoning Regulations**

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1 through 14	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]
15	Residential Multi Urban Village	Multiple <u>Samish Way</u>	2,000 SF per unit. See BMC 20.37.100 <u>Samish Way Urban Village</u>	View <u>None</u>	None	None
16	Commercial	Auto	10,000 SF maximum retail building area.	None	None	None

**Section 8.** Areas 14, 15 and 16 on BMC 20.00.160 Sehome Neighborhood Zoning Map are amended as shown on **Attachment 5**.

**Section 9.** BMC 20.00.210 York Neighborhood Table of Zoning Regulations is amended as follows:

**BMC 20.00.210 – York Neighborhood Table of Zoning Regulations**

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1 through 7	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]
8	Commercial <u>Urban Village</u>	Auto <u>Samish Way</u>	15,000 SF maximum retail building area. See BMC 20.37.100 <u>Samish Way</u>	None	None	None

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			<u>Urban Village</u>			
9 through 10	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]	[Unchanged]

**Section 10.** Areas 5 and 8 on BMC 20.00.210 York Neighborhood Zoning Map are amended as shown in **Attachment 6**.

**Section 11:** A new General Use Type and Use Qualifier is added to Bellingham Municipal Code 20.06.030 – Topic Categories, as follows:

**20.06.030 - Topic Categories**

**A. General Use Type:**

1. The general use type is a term for groupings of common land uses under a major type of use zone. There are ~~6~~7 different common groupings or general use types;
  - a. Residential Single
  - b. Residential Multi
  - c. Commercial
  - d. Industrial
  - e. Institutional
  - f. Public
  - g. Urban Village

2. through 3. [Unchanged]

**B. Use Qualifier:**

1. through 2. [Unchanged]
3. Each general use type has its own unique use qualifiers. Presently the system contains the use qualifiers listed below. More may be added, or some may be eliminated, through future amendments to this title if greater detail is necessary.

<b>General Use Type</b>	<b>Use Qualifier</b>
Residential Single	[Unchanged]
Residential Multi	[Unchanged]
Commercial	[Unchanged]
Industrial	[Unchanged]
Institutional	[Unchanged]
Public	[Unchanged]
<u>Urban Village</u>	<u>Per location name</u>

In addition, some areas may include the term "mixed." This term indicates that the uses following are also permitted in addition to those within the main use qualifier. This allows flexibility without having to create new use qualifiers for minor differences in land use.

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Finally, the "planned" use qualifier has a separate regulatory chapter written especially for it as this qualifier must follow a special procedure.

4. All use qualifiers delineate uses allowed in a specific area. Some, however, such as those found within the Residential Single General Use Type, also denote optional development regulations which may be used if certain criteria are satisfied. For more detail, refer to the applicable chapter.

C. through E. [Unchanged]

**Section 12.** The Council adopts the Findings of Fact, Conclusions and Recommendation of the Planning Commission adopted August 6, 2009.

**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:**

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