



COPY

ORDINANCE NO. 2018-12-033

AN ORDINANCE RELATING TO THE ANNEXATION OF APPROXIMATELY 75-ACRES OF UNINCORPORATED PROPERTY LOCATED ADJACENT TO THE NORTHERN BOUNDARY OF THE BELLINGHAM CITY LIMITS AND COMMONLY KNOWN AS THE Mt. BAKER HIGHWAY / BRITTON ROAD ANNEXATION; ASSIGNING CITY LAND USE AND ZONING DESIGNATIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on October 17, 2017, the owners of property within Bellingham's Northern Urban Growth Area submitted a ten percent petition for annexation of approximately 75-acres to the City of Bellingham pursuant to RCW 35.13.125; and

WHEREAS, on December 11, 2017, the Bellingham City Council held a public meeting and approved Resolution 2017-42, 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, on February 9, 2018, the property owners within the annexation area submitted a sixty percent petition to the City of Bellingham; 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 issued a Certificate of Sufficiency on March 6, 2018; and

WHEREAS, on June 24, 2018, the City of Bellingham forwarded the Notice of Intention to the Whatcom County Boundary Review Board (BRB) for its 45-day review of the annexation proposal; and

WHEREAS, on September 14, 2018, the Whatcom County Boundary Review Board deemed the Notice of Intention to Annex as described in the BRB file #2018-03 approved; and

WHEREAS, on November 19, 2018, the Bellingham City Council held a public hearing on the proposed annexation; and

WHEREAS, on December 3, 2018, the City Council Committee of the Whole held a work session on the proposed annexation area and directed staff to prepare a final ordinance for the Mt. Baker Highway / Britton Road Annexation; and

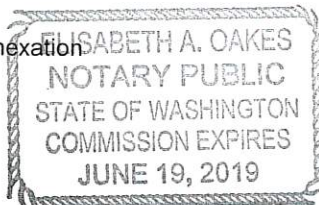
State of Washington
County of Whatcom

1/11/19
(Date)

I certify that Mt. Baker Highway / Britton Road Annexation
original document consisting of 19 pages.

Elisabeth A. Oakes
(Signature)
Elisabeth A. Oakes

Notary Public
My appointment expires: 6/19/19



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

WHEREAS, on December 3, 2018, the Bellingham City Council considered the annexation ordinance and determined the proposed annexation is consistent with the State Growth Management Act (GMA), the policy direction in Whatcom County's Comprehensive Plan, the Countywide Planning Policies, the Urban Fringe Subarea Plan as revised, and Bellingham's Comprehensive Plan; and

WHEREAS, on December 10, 2018, the Bellingham City Council approved the Mt. Baker Highway / Britton Road 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 Mt. Baker Highway / Britton 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 Barkley Neighborhood Plan is amended to include the annexation area as part of Area 28 as shown in Exhibit B.

Section 4. The Barkley Neighborhood Comprehensive Plan Land Use Map is amended to include the annexation area as part of Area 28 as shown in Exhibit C.

Section 5. The City of Bellingham Zoning Map for the Barkley Neighborhood is amended to include the annexation area as part Areas 28 as shown in Exhibit D.

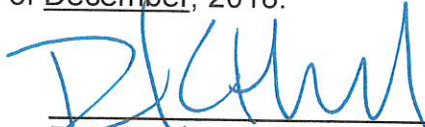
Section 6. The Barkley Neighborhood Plan circulation map is replaced with an updated circulation map as shown in Exhibit E.

Section 7. The Bellingham Municipal Code 20.00.015 - Barkley Neighborhood Table of Zoning Regulations for Area 28 is amended to include the zoning provisions for the annexation area as shown Exhibit F.

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
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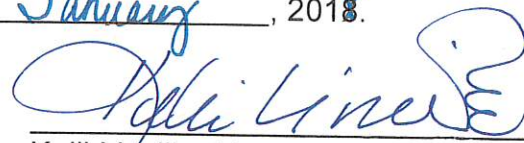
Section 8. This ordinance shall be effective on April 1, 2019.

PASSED by the Council this 10th day of December, 2018.



Daniel Hammill, Council President

APPROVED by me this 10th day of January, 201~~8~~⁹.




Kelli Linville, Mayor

ATTEST: 

Andy Asbjornsen, Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published:

December 14, 2018

EXHIBIT A

Mt. Baker Highway / Britton Road Annexation Legal Description

Mt. Baker Highway / Britton Road Annexation

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

**LEGAL DESCRIPTION
OF
MT. BAKER HWY / BRITTON RD. ANNEXATION**

A PORTION OF LAND SITUATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 9, SW 1/4 OF SECTION 10, NW 1/4 OF THE NW 1/4 OF SECTION 15 AND NE 1/4 OF THE NE 1/4 OF SECTION 16, ALL WITHIN TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON WITH SAID SECTION 9, 10, 15 AND 16 OF SAID TOWNSHIP AND RANGE; SAID CORNER BEING MARKED BY A CONCRETE MONUMENT; THENCE SOUTH 89°51'19" EAST 1326.04 FEET TO A POINT BEING THE NORTHEAST CORNER OF LOT 3 GUNDERSON SHORT PLAT AS RECORDED IN BOOK 15 OF SHORT PLATS PAGE 96; RECORDS OF WHATCOM COUNTY; THENCE SOUTH 00°57'38" WEST 30.00 FEET TO THE SOUTHWEST CORNER OF BRITTON LOOP ROAD AND THE POINT OF BEGINNING;

THENCE ALONG THE SOUTH MARGIN OF SAID BRITTON LOOP ROAD SOUTH 89°51'19" EAST 60.44 FEET TO THE SOUTHERLY PROJECTION OF THE EAST MARGIN OF SAID BRITTON LOOP ROAD; THENCE NORTH 00°08'41" EAST 30.00 FEET TO THE SOUTH LINE OF SECTION LINE OF SAID SW 1/4 OF SECTION 10; THENCE NORTH 01°27'08" EAST ALONG SAID EAST MARGIN 976.74 FEET TO A POINT ON THE SOUTH LINE OF FORMER LOT 17, GLENDALE SUBDIVISION AS RECORDED IN VOLUME 3 OF PLATS, PAGE 14; RECORDS OF WHATCOM COUNTY; THENCE ALONG SAID SOUTH LINE OF FORMER LOT 17 SOUTH 89°35'45" EAST 314.10 FEET TO A POINT ON THE EAST MARGIN OF BRITTON ROAD; THENCE NORTH 48°31'58" WEST 161.98 FEET TO A POINT OF TANGENCY WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 601.62 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE FOR AN ARC LENGTH OF 294.60 FEET TO THE CENTERLINE OF ROSS STREET; THENCE ALONG SAID ROSS STREET NORTH 89°31'11" WEST 5.53 FEET TO A POINT ON A CURVE ALSO BEING AN EXTENSION OF THE EAST MARGIN OF BRITTON ROAD PER RIGHT OF WAY CONVEYANCE DEED A.F. NO. 1353709; THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIAL BEARING OF NORTH 69°41'52" EAST AND A RADIUS OF 606.62 FEET THROUGH A CENTRAL ANGLE OF 21°44'59" A DISTANCE OF 230.28 FEET TO A POINT ON SAID EAST MARGIN BEING 30.00 FEET AND PARALLEL TO THE CENTERLINE OF SAID BRITTON ROAD; THENCE ALONG SAID EAST MARGIN NORTH 01°27'08" EAST 164.11 FEET TO THE SOUTHEASTERLY MARGIN OF STATE HIGHWAY 542 ALSO BEING THE EAST MARGIN OF BRITTON ROAD; THENCE NORTH 01°27'08" EAST 112.56 FEET TO THE NORTHWESTERLY MARGIN OF SAID STATE HIGHWAY AND THE EASTERLY MARGIN OF GLENN STREET; THENCE ALONG SAID NORTHWESTERLY MARGIN SOUTH 46°45'25" WEST 84.41 FEET TO A POINT BEING THE WEST MARGIN OF SAID GLENN STREET AND THE NORTHWESTERLY MARGIN OF SAID STATE HIGHWAY; THENCE CONTINUING SOUTH 46°45'25" WEST 641.98 FEET TO THE SOUTH MARGIN OF SAID ROSS STREET ALSO BEING NORTHEAST CORNER OF THAT CERTAIN TRACT PER DEED RECORDED UNDER A.F. NO. 2020705391; THENCE ALONG SAID SOUTH MARGIN ROSS STREET NORTH 89°30'52" WEST 809.07 FEET TO THE EAST MARGIN OF CHANCE ROAD; SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID TRACT RECORDED UNDER A.F. NO. 2020705391; CONTINUING NORTH 89°30'52" WEST 60.01 FEET TO THE WEST MARGIN OF SAID CHANCE ROAD; THENCE SOUTH 01°28'08" WEST ALONG SAID WEST MARGIN 851.55 FEET TO THE NORTHWEST MARGIN OF SAID STATE HIGHWAY; THENCE ALONG SAID NORTHWEST MARGIN SOUTH 14°16'29" WEST 158.17 FEET; THENCE SOUTH 60°08'50" WEST 67.21 FEET; THENCE SOUTH 21°15'29" WEST 100.00 FEET; THENCE SOUTH 24°32'10" EAST 74.89 FEET; THENCE SOUTH 16°59'34" WEST 136.11 FEET TO THE SOUTH MARGIN OF GATES STREET ALSO BEING THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9;

(Continued on Next Page)

(Continued)

THENCE SOUTH 89°39'31" EAST 100.33 FEET TO THE SOUTHEASTERLY MARGIN OF SAID STATE HIGHWAY AND A POINT ON A CURVE HAVING A RADIAL BEARING OF NORTH 64°43'24" WEST; POINT ALSO BEING NORTH 89°39'31" WEST 59.62 FEET FROM SAID SECTION CORNER; THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1005.00 FEET THROUGH A CENTRAL ANGLE OF 16°33'28" 290.43 FEET; THENCE SOUTH 41°50'04" WEST 123.97 FEET TO A POINT ON A CURVE HAVING A RADIAL BEARING OF SOUTH 48°09'56" EAST; THENCE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" 47.12 FEET; THENCE SOUTH 48°09'56" EAST 227.51 FEET TO A POINT ON A CURVE HAVING A RADIAL BEARING OF SOUTH 41°49'47" WEST; THENCE ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 429.83 FEET THROUGH A CENTRAL ANGLE OF 45°44'13" 343.11 FEET TO A POINT BEING THE NORTHWEST CORNER OF THAT PARCEL OF LAND DEEDED TO THE BELLINGHAM SCHOOL DISTRICT NO. 501 UNDER AUDITORS FILE NO. 2010300069; THENCE ALONG THE NORTH LINE OF SAID BELLINGHAM SCHOOL DISTRICT PARCEL SOUTH 89°36'59" EAST 682.65 FEET; THENCE NORTH 41°50'04" EAST 68.04 FEET; THENCE SOUTH 89°36'59" EAST 572.55 FEET TO THE EAST LINE OF THE NW 1/4 OF THE NW 1/4 OF SECTION 15, ALSO BEING THE EAST LINE OF SAID GUNDERSON SHORT PLAT; THENCE NORTH 00°57'38" EAST 753.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 75.222 ACRES MORE OR LESS,

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON.



Job# 2016054
September 4, 2018

PowerTek Surveying
5426 Barrett Road, #104 ♦ Ferndale, WA 98248
(360) 746-8801 Phone

POWERTEK SURVEYING

(509) 746.8801

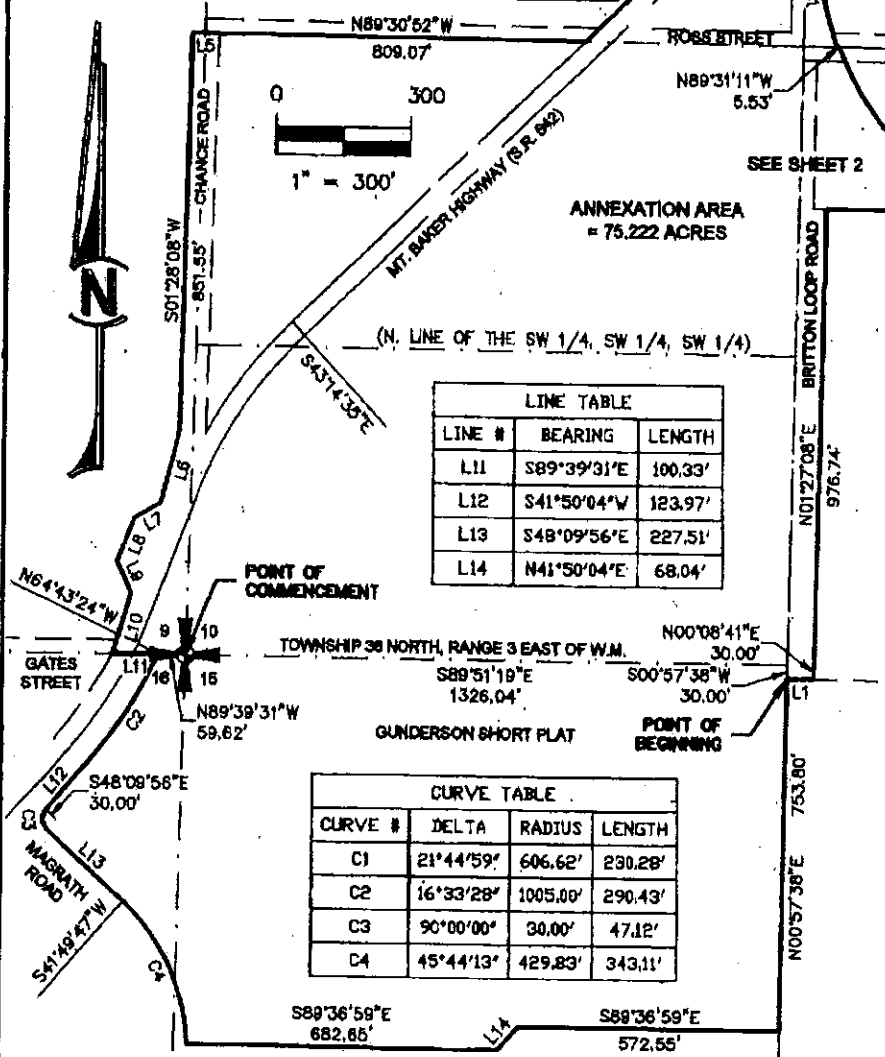
#6426 BARRETT ROAD #104
FERNDALE, WA 98248
WWW.POWERTEK.NET

EXHIBIT 'A'

SITUATE IN A PORTION OF SE 1/4, SE 1/4 SEC. 9;
SW 1/4 SEC. 10; NE 1/4, NE 1/4 SEC. 16; NW 1/4 SEC. 15,
TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M.
WHATCOM COUNTY, WASHINGTON

LINE TABLE		
LINE #	BEARING	LENGTH
L1	S89°51'19"E	60.44'
L2	N01°27'08"E	164.11'
L3	N01°27'08"E	112.56'
L4	S46°45'25"W	84.41'
L5	N89°30'52"W	60.01'

LINE TABLE		
LINE #	BEARING	LENGTH
L6	S14°16'29"W	158.17'
L7	S60°06'50"W	67.21'
L8	S21°15'29"W	100.00'
L9	S24°32'10"E	74.89'
L10	S16°59'34"W	136.11'



LINE TABLE		
LINE #	BEARING	LENGTH
L11	S89°39'31"E	100.33'
L12	S41°50'04"W	123.97'
L13	S48°09'56"E	227.51'
L14	N41°50'04"E	68.04'

CURVE TABLE			
CURVE #	DELTA	RADIUS	LENGTH
C1	21°44'59"	606.62'	230.28'
C2	16°33'28"	1005.00'	290.43'
C3	90°00'00"	30.00'	47.12'
C4	45°44'13"	429.83'	343.11'



MT. BAKER HWY. / BRITTON RD. ANNEXATION		
DRAWN BY: JVD	DATE: 9/4/2018	JOB NO.: 2016054
REVIEWED BY: JVD	SCALE: 1" = 300'	SHEET: 1 OF 2

POWERTEK SURVEYING

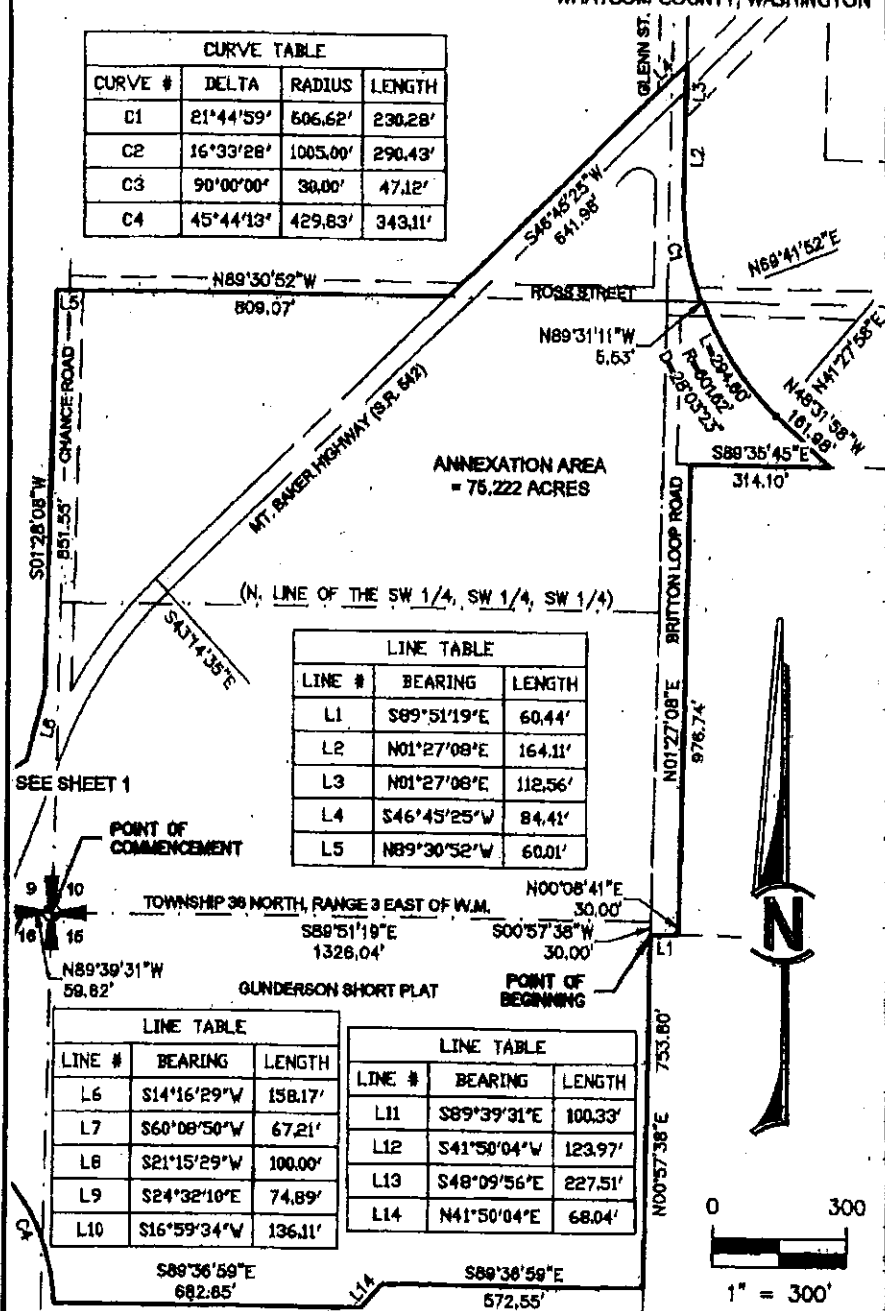
(360) 746.8601

#5426 BARRETT ROAD #104
 FERNDALE, WA 98248
 WWW.POWERTEK.NET

EXHIBIT 'A'

SITUATE IN A PORTION OF SE 1/4, SE 1/4 SEC. 9;
 SW 1/4 SEC. 10; NE 1/4, NE 1/4 SEC. 16; NW 1/4 SEC. 15,
 TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M.
 WHATCOM COUNTY, WASHINGTON

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MT. BAKER HWY. / BRITTON RD. ANNEXATION		
DRAWN BY: JVD	DATE: 8/4/2018	JOB NO.: 2016054
REVIEWED BY: JVD	SCALE: 1" = 300'	SHEET: .2 OF 2

EXHIBIT B

Barkley Neighborhood Plan - Area 28

Mt. Baker Highway / Britton Road Annexation

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

Barkley Neighborhood Plan

Area 28

This area lies within the Squalicum Creek watershed, and is within the Lower Squalicum Creek sub-basin. The topography varies throughout the area with slopes that generally range between 15% to 100% running from the southwest corner of the area to the northeast. Relatively level land areas are located in the north, northwestern, and southeastern portions of the area.

A majority of the developed properties within Area 28 are already served with City water and sewer, however some properties are on well and septic systems. Existing residential development is mainly concentrated in the Trickle Creek, Hillside Estates, and Toad Creek Vista subdivisions and some residential dwelling units are located in the area of Mt. Baker Highway and Dewey Road.

According to the City's GIS data, critical areas consisting of steep slopes, and wetlands, and creeks are may-be-located within and adjacent to the area. Further analysis may be necessary to confirm the classification and location of these environmental features.

As development occurs within this area:

- Extension of new water and sewer mains, and upgrades of sewer pump stations will likely be needed once capacity limits are reached;
- Critical Area buffers should be maintained to provide natural buffers between use districts;
- Existing stormwater facilities should be upgraded to meet Bellingham Municipal Code;
- New and existing substandard streets that serve the area should meet the minimum street standards per Bellingham Municipal Code;
- Vehicle access points on arterial streets should be limited and shared access is encouraged;
- Incorporation of natural features should be provided as part of site design to ensure connectivity with existing city open space/trail systems; and
- A public park and trails should be provided as indicated in the Bellingham Comprehensive Plan.

~~Three~~ Several pipelines are located in or adjacent to the area, Cascade Natural Gas Corporation has a high pressure pipelines that extends through the area in an east/west alignment, Olympic Pipeline Company has a transmission pipeline that runs north and south through the area, and Kinder / Morgan Pipeline Company (Transmountain) has a transmission pipeline line that runs along the western border of the area. Prior to any excavation, the developer is required to notify pipeline owner(s) of excavation activity by calling Locator Service and when planning construction or excavation near a transmission pipeline as required by RCW 19.122 or adopted City codes.

Overhead power transmission lines (500 kilovolt) are located in the northeast portion of Area 28 and continue in a north south alignment inside the Bonneville Power Administration (BPA) easement (right-of-way). Prior to planting, digging, or construction within or near a BPA's easement, BPA requires notification and submittal of a Land use Application to determine whether the proposal might interferes with the construction, operating, and maintenance of their facilities.

Due to the presence of critical areas and the above mentioned pipelines and overhead power transmission lines utilities within and adjacent to Area 28, special attention should be given to these features early in the development concept phase.

This area contains a mixed "use qualifier" and "special regulations," outlined in the BMC Table of Zoning Regulations, which allows a multi-family development option. A density bonus is also an option within this area to increase residential density under the cluster subdivision provisions in Title 48-23 of the BMC or through the use of transfer of development rights or purchase of development rights.

AREA 28 LAND USE DESIGNATION: SINGLE FAMILY RESIDENTIAL, MEDIUM DENSITY

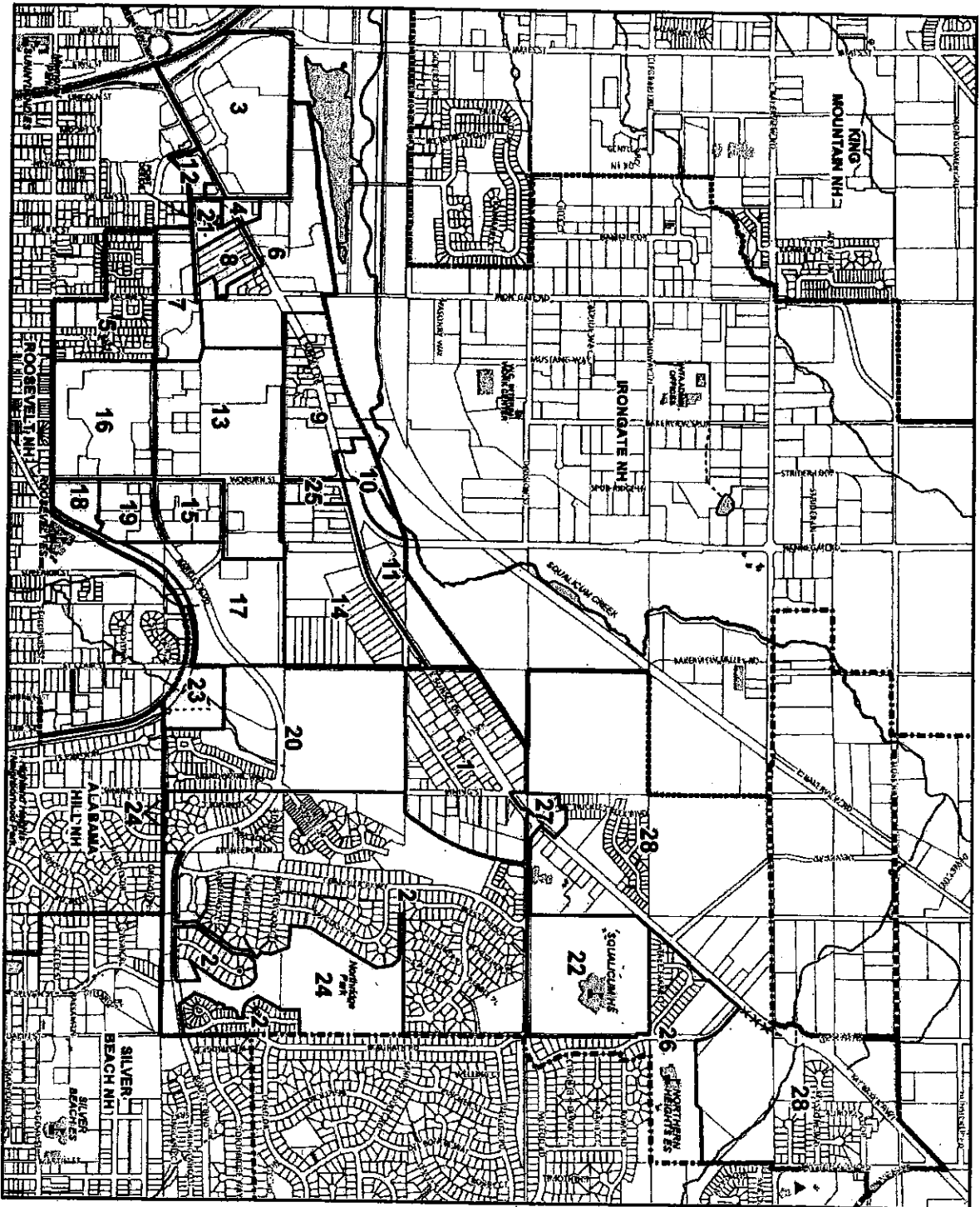
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EXHIBIT C

Barkley Neighborhood Comprehensive Plan Land Use Map - Area 28

Mt. Baker Highway / Britton Road Annexation

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



BARKLEY NEIGHBORHOOD LAND USE

COMPREHENSIVE PLAN LAND USE DESIGNATION

- | AREA | LAND USE DESIGNATION |
|------|---------------------------------|
| 1 | Single Family Res., Low Density |
| 2 | Multi-Family Res., Low Density |
| 3 | Commercial |
| 4 | Commercial |
| 5 | Multi-Family Res., Med. Density |
| 6 | Multi-Family Res., High Density |
| 7 | Multi-Family Res., High Density |
| 8 | Multi-Family Res., High Density |
| 9 | Multi-Family Res., High Density |
| 10 | Multi-Family Res., High Density |
| 11 | Multi-Family Res., High Density |
| 12 | Commercial |
| 13 | Commercial |
| 14 | Industrial |
| 15 | Commercial/Industrial |
| 16 | Comm./Indus./Multi-Family |
| 17 | Residential, Med. Density |
| 18 | Comm./Indus./Multi-Family |
| 19 | Commercial/Industrial |
| 20 | Industrial/Commercial |
| 21 | Residential, Med. Density |
| 22 | Public |
| 23 | Public |
| 24 | Public |
| 25 | Public |
| 26 | Commercial |
| 27 | Single-Family Res., Low Density |
| 28 | Commercial |



0 490 980 1470 1960 2450
 Feet
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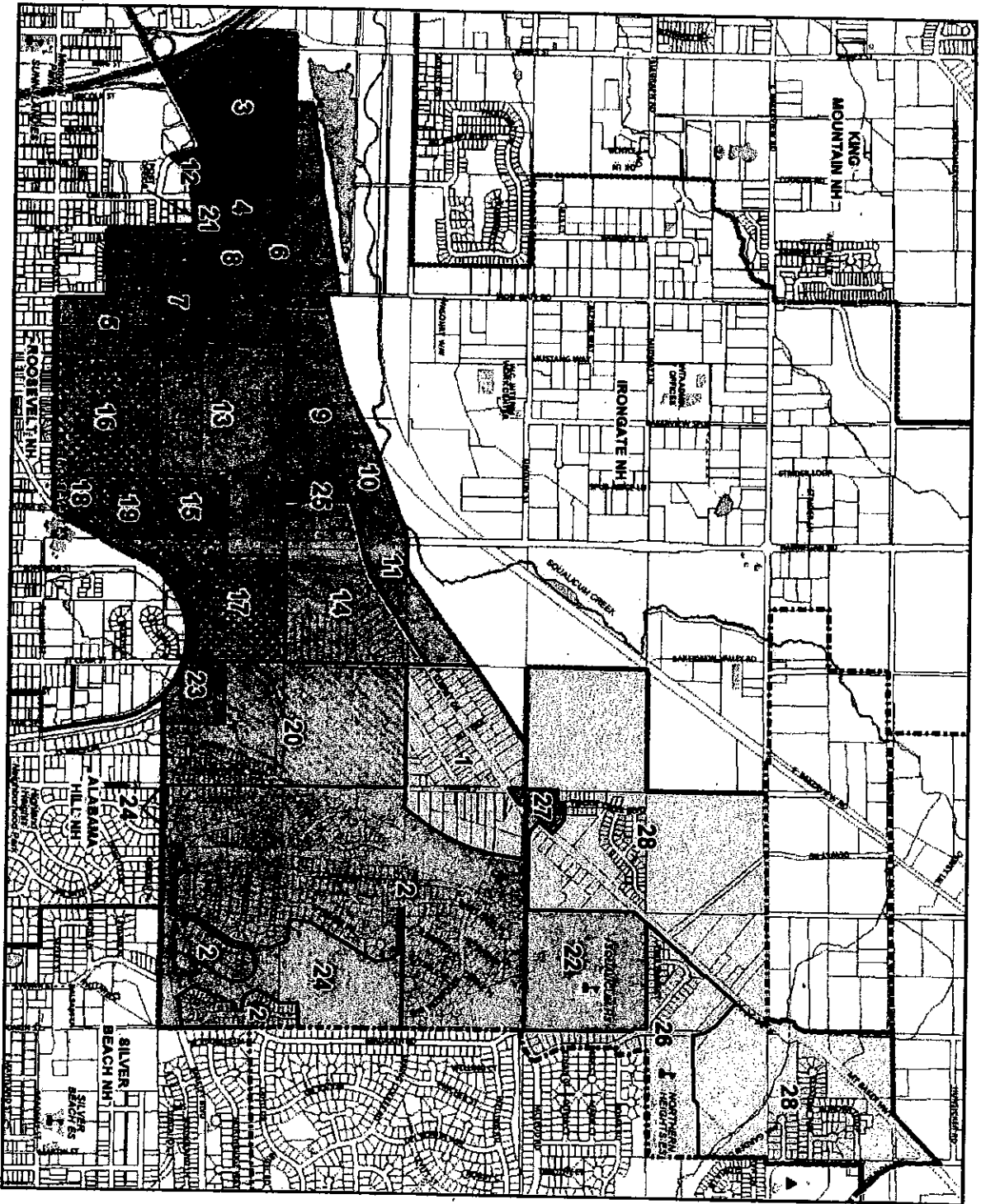
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EXHIBIT D

City of Bellingham zoning map for the Barkley Neighborhood - Area 28

Mt. Baker Highway / Britton Road Annexation

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



BARKLEY NEIGHBORHOOD ZONING

AREA ZONING DESIGNATION

- 1 Residential Single
- 2 Residential Multi, Planned
- 3 Commercial, Planned
- 4 Commercial, Neighborhood
- 5 Res. Multi, Planned
- 6 Res. Multi, Multiple
- 7 Res. Multi, Planned
- 8 Res. Multi, Mixed/Planned
- 9 Res. Multi, Multiple
- 10 Res. Multi, Planned
- 11 Res. Multi, Planned
- 12 Commercial, Planned
- 13 Industrial, Planned
- 14 Industrial, Planned
- 15 Commercial/Industrial, Planned
- 16 Comm./Indus./Res. Multi, Planned
- 17 Comm./Indus./Res. Multi, Planned
- 18 Commercial/Industrial, Planned
- 19 Commercial/Industrial, Planned
- 20 Industrial/Res. Multi, Planned
- 21 Public, Govt. Svcs.
- 22 Public, School
- 23 Public, Open Space/Trail
- 24 Commercial, Planned
- 25 Residential Single
- 26 Commercial, Planned
- 27 Residential Single
- 28 Residential Single



0 800 1,200 1,800 2,400 Feet

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EXHIBIT F

**Bellingham Municipal Code 20.00.015 - Barkley Neighborhood Table of Zoning
Regulations for Area 28**

Mt. Baker Highway / Britton Road Annexation

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

Bellingham 20.00.015 Barkley Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
28	Residential Single	<p>Detached, cluster, cluster attached, and cluster detached; mixed: limited duplex and multifamily (see Special Regulations)</p>	<p>7,200 sq. ft. per dwelling unit for detached and cluster lots up to 3,600 sq. ft. per dwelling unit using cluster bonus provisions in Chapter 23.08 BMC or adopted city TDR program or the "fee-in-lieu-of" option.</p> <p>Under the fee-in-lieu-of option, a property owner/developer can purchase additional density by paying a fee to the city's Lake Whatcom watershed property acquisition program (LWWPAP).</p> <p>The fee for density bonus is calculated on a per dwelling unit basis according to a fee schedule established by the city council. One unit of additional density will be allowed for each unit purchased through use of this option.</p> <p>An applicant's submittal for land use review shall include a letter from the Bellingham finance department documenting the amount to be contributed to the LWWPAP.</p> <p>Lots not created by cluster subdivision: 5,000 sq. ft. minimum detached lot size and a maximum density of 7,200 sq. ft. per unit.</p>	<p>Critical areas.</p> <p>Buffer separating industrial uses from residential zone.</p> <p>Neighborhood park.</p> <p>Provide public trails as indicated in the Bellingham Comprehensive Plan.</p> <p>Limit access points on arterial streets. Shared access is encouraged.</p> <p>High pressure natural gas/transmission pipelines.</p> <p><u>Overhead power transmission lines.</u></p>	<p>Extension of the water/sewer mains.</p> <p>As development occurs downstream utilities may need to be upgraded.</p> <p>Sunset Drive improved to arterial standards.</p> <p>Dedication, extension, and improvements to E. Bakerview to arterial standards.</p> <p>Dewey Road improved to arterial standards.</p>	<p>Duplex and multifamily units shall require design review approval under Chapter 20.25 BMC and meet Chapter 20.32 BMC.</p> <p>Duplex and multifamily units shall not exceed 25 percent of the total allowed dwelling units for the entire site.</p> <p>Duplex and multifamily building permits shall not be issued until at least 50 percent of the single-family or infill housing units have been constructed on site, except the director may waive this requirement provided that the duplex and multifamily housing is abutting or across the street right-of-way from a non-residential single zone for the purpose of providing a transition area between zoning districts.</p> <p>Infill housing forms are permitted per Chapter 20.28 BMC.</p> <p>The density bonus may exceed the 50 percent total maximum under Chapter 23.08 BMC but density shall not exceed 3,600 sq. ft. per dwelling.</p>