

ORDINANCE NO. 10920

**AN ORDINANCE RELATING TO LAND USE PLANNING, PROVIDING CONTROLS ON MINIMUM SITE AREA IN THE LAKE WHATCOM WATERSHED AND AMENDING AND ELIMINATING THE MINIMUM SITE AREA EXCEPTION OF BMC 20.030.040B(1)(d)i-iv FOR LAKE WHATCOM WATERSHED PROPERTIES AND DECLARING AN EMERGENCY.**

**WHEREAS**, amendments to the City's Subdivision Code will prohibit short subdivisions within the Lake Whatcom Watershed where the minimum density specified in the Neighborhood Plan is not met; and

**WHEREAS**, an unintended effect of this amendment would be an increased use of the exception to minimum site area regulations in the City's land Use development Ordinance, BMC 20.030.040.b(1)(d); and

**WHEREAS**, the council finds that such increased applicability and use of this exception would be counter-productive to the intended changes in the subdivision ordinance and would not be in the best interests of the City due to the potential for degradation of the City's water supply through the development of substandard lots; and

**WHEREAS**, the proposal to eliminate the Minimum Site Area Exception for parcels located within the Lake Whatcom Watershed has been considered by the Technical Review Committee and the Planning and Development Commission during a public hearing on August 21, 1997 and has been forwarded to the City Council with a recommendation for approval; and

**WHEREAS**, to preserve the health, safety and welfare of the community it is necessary that this ordinance be effective immediately to prevent the vesting of development applications which would defeat the intent of this regulation;

City of Bellingham  
CITY ATTORNEY  
210 Lottie Street  
Bellingham, Washington 98225  
Telephone (360) 676-6903

**NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1: BMC 20.30.040B(1)(d) is hereby amended as follows:**

Exceptions from the minimum site area requirements shall be summarily approved by the Planning Director provided all of the criteria listed below are satisfied.

- i. All adjacent property held by the subject owner is not capable of meeting the density provisions required for short subdivision.
- ii. The property proposed for development is a legally recorded lot(s) or parcel(s).
- iii. The proposed use is for a single family residence.
- iv. Fifty percent or more (50% +) of the total number of parcels within or partially within 300 feet of the exterior boundary of the subject property shall have a site area which is less than or equal to that of the subject property. To be included in consideration, a surrounding parcel shall be a buildable lot and within the same land use area as the subject property.
- v. The parcel is not located in the Lake Whatcom Watershed as defined in the City's Subdivision Code, BMC Title 18, except for those parcels which have received a written exception from the Planning Director which has not been rescinded, on or before June 1st, 1997.


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**Section 2:** An emergency exists for the reasons stated above, requiring that this ordinance be in effect immediately upon passage.

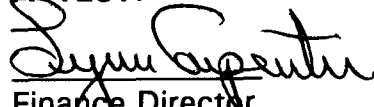
**PASSED** by the Council this 8 day of December, 1997

  
Council President

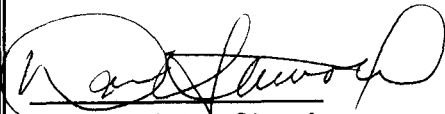
**APPROVED** by me this 12 day of December, 1997

  
Mayor

**ATTEST:**

  
Finance Director

**APPROVED AS TO FORM:**

  
Office of the City Attorney

Published 12-19-97

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CITY OF BELLINGHAM, WASHINGTON

ORDINANCE NUMBER: 10920

COUNCIL BILL NUMBER: n/a

AGENDA BILL NUMBER: 13353

AGENDA BILL INTRODUCED: 12-8-97

FIRST & SECOND READINGS: 12-8-97

THIRD & FINAL READINGS: 12-8-97

PUBLISHED: \_\_\_\_\_

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1 reading  
only  
12-8-97  
(12-19-97)  
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cc: Paula / Council  
Kerry / legal  
Chris Spens / PCD  
Mail to MRSC