



Tina M Louveau
04/19/99 01:44 PM



To: Dawn Sturwold/legal/cob
cc:

Subject: Ordinance 1998-09-073

**Clerks Note: This ordinance was granted final approval by Council on 9.8.98 by being declared an emergency. On 9.21.98, City Attorney Sturwold clarified that was done in error. Therefore, Ordinance 1998-09-073 is placed in abatement pending further action by Council. The minutes from the 9.8.98 City Council meeting are amended to reflect this action.*

ORDINANCE NO. 1998-09-073 *VOID*

AN ORDINANCE RELATING TO THE LAND USE PLANNING AND ZONING AND AMENDING ORDINANCE 10802 ADOPTING THE PUGET NEIGHBORHOOD PLAN AND THE 'PUGET LAND USE' MAP OF SAID ORDINANCE BY CHANGING THE LAND USE DESIGNATION OF A PORTION OF AREAS FIVE AND TEN OF THE PUGET NEIGHBORHOOD FROM PUBLIC TO RESIDENTIAL SINGLE, CREATING A NEW LAND USE DESIGNATION AREA 21, AND DECLARING AN EMERGENCY.

0100.ORD (3)

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

WHEREAS, the City of Bellingham adopted the Puget Neighborhood Plan on December 9, 1996, in accordance with the State Growth Management Act, and

WHEREAS, the property in the Puget Neighborhood described as **Lot 19, Block 23, York Addition to Whatcom and Lots 9 and 10, Lock 5, Cedar Addition to New Whatcom** are currently zoned Public even though they are in private ownership, and this circumstance was not noted at the time the Puget Neighborhood Plan was last updated, and

WHEREAS, on March 19, 1998 the City of Bellingham's Planning Commission held a Public Meeting and recommended that the property be designated Residential - Single, 20,000 square feet per unit based on their Findings of Fact and Conclusions, as attached, and

WHEREAS, a Determination of Nonsignificance was issued by the Responsible Official under the procedures of the State Environmental Policy Act, and

WHEREAS, the City Council of the City of Bellingham held Public Hearings on May 26 and August 17, 1998 and decided to adopt a new designation for this property of Residential Single, 20,000 square feet per lot area, and

WHEREAS, the City Council adopts the Findings of Fact and Conclusions of Law prepared by the Planning Commission and adopted as Exhibit B, with the following additional findings:

1. The origin of the mapping error in 1980 is unclear, so it is the responsibility of the City Council to determine the most appropriate zoning for the property.
2. It would not be appropriate to change the designation of property containing a single-family house to multi-family or commercial zoning on a parcel the size of this property next to an elementary school.
3. Multi-family or commercial zoning would adversely contribute to the complex traffic problem that already exists in this area.

WHEREAS, an emergency exists justifying the change in designation from Public to Residential Single outside of the normal Plan Update process because the property in question lacks a clear land use designation,

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The Puget Neighborhood land use map shall be revised as shown in Exhibit A attached hereto, by deleting that portion of property legally described as: **Lot 19, Block 23, York Add to Whatcom and Lots 9 and 10, Block 5, Cedar add to New Whatcom**, from Areas 5 and 10 and creating a new subarea: Area 21.

Section 2. The land use description of Area 21 shall read as follows:

Area 21

These three lots are a remnant of an older single-family neighborhood which stretched from Interstate-5 east to Puget Street. High density residential or commercial uses are not appropriate because of access constraints and potential impacts on Carl Cozier Elementary School and Downer Field.

General Use Type:	Residential
Use Qualifier:	Single
Density:	20,000 square feet per unit.
Special Conditions:	None.
Prerequisite Considerations:	None.

Section 3. If the property described in this ordinance is acquired by the Bellingham School District or the City of Bellingham it shall, without further action on the part of the City Council, automatically revert to a Public land use designation as follows:

Area 21

This site is adjacent to Carl Cozier School and Downer Field.

General Use Type: Public

Use Qualifier: Recreation or School

Density: N/A

Special Conditions: None

Prerequisite Conditions: None

PASSED by the Council this 8th day of September, 1998.

Council President Bob Ryan

APPROVED by me this _____ day of _____, 19____.

Mayor Mark Asmundson

ATTEST: _____
Finance Director Lynn Carpenter

APPROVED AS TO FORM:

Office of the City Attorney

Published: _____

0100.ORD (6)

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